



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 13 August 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

LAPSED BILLS

Restoration to Notice Paper

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.03 am]: I move -

That the following Bills be restored to the Legislative Council Notice Paper and thereafter dealt with at the stage they had reached in the previous session -

1. Government Railways (Access) Bill.
2. Labour Relations Legislation Amendment Bill (No 2).
3. Constitution of Western Australia Bill.
4. Electoral Amendment (Constitutional Provisions) Bill.
5. Acts Amendment (Sexuality Discrimination) Bill.

Amendment to Motion

HON NORM KELLY (East Metropolitan) [11.05 am]: I move -

That the motion be amended by inserting the Voluntary Euthanasia Bill and Liquor Licensing Amendment Bill (No 2) after the Acts Amendment (Sexuality Discrimination) Bill.

In doing that I accept that those two Bills have not progressed through the Council to the same extent as other Bills. However, in light of the fact that the Standing Committee on Constitutional Affairs and Statutes Revision looked seriously at the issue of voluntary euthanasia, if not the Bill, it is important that those Bills be reinstated at the earliest possible date.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [11.06 am]: The Government does not support the amendment moved by Hon Norm Kelly. As I indicated to the member, it was my intention to seek the reinstatement of legislation which had made reasonable progress in the House, and had not simply been introduced and had the second reading speech delivered. The Bills contained in this motion have progressed to a stage well beyond the second reading speech. In view of the work that has been done on those Bills, they should be reinstated. Other legislation that has not reached that stage should be reintroduced, if the member feels so inclined. In the event that the member's amendment is not agreed to by the House, I will assist him in having the Bills reintroduced into the House through the normal processes. It is also important that the integrity of prorogation be taken into account, and we do not reinstate everything to the stage it had reached otherwise there would be no point in having prorogation.

Amendment put and a division taken with the following result -

Ayes (14)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon John Halden

Hon Tom Helm
Hon Helen Hodgson
Hon Norm Kelly
Hon Mark Nevill

Hon Ljiljanna Ravlich
Hon J.A. Scott
Hon Christine Sharp

Hon Ken Travers
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (19)

Hon M.J. Criddle
Hon Dexter Davies
Hon E.R.J. Dermer
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss

Hon N.D. Griffiths
Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery
Hon N.F. Moore

Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott
Hon Greg Smith
Hon Tom Stephens

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson
(*Teller*)

Amendment put and negatived.

Question put and passed.

LAPSED BILLS*Restoration to Notice Paper*

On motion by Hon N.F. Moore (Leader of the House), resolved -

That a message be sent to the Legislative Assembly requesting that consideration of the following Bills be resumed at the stage they had reached in the previous session -

1. Births, Deaths and Marriages Registration Bill.
2. Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Bill.
3. Criminal Law Amendment Bill (No 1).

SELECT COMMITTEE ON NATIVE TITLE RIGHTS IN WESTERN AUSTRALIA*Reappointment - Motion*

On motion, as amended by leave, by Hon N.F. Moore (Leader of the House), resolved -

That -

- (a) a Select Committee on Native Title Rights in Western Australia be appointed with the same terms of reference, chairman and membership as that of a select committee appointed in the previous session;
- (b) the select committee have access to all documents, evidence and other material possessed, obtained or controlled by the previous select committee; and
- (c) the committee report not later than 30 September 1998.

SELECT COMMITTEE ON IMMUNISATION AND VACCINATION RATES IN CHILDREN*Reappointment - Motion*

On motion, as amended by leave, by Hon N.F. Moore (Leader of the House), resolved -

That -

- (a) a Select Committee on Immunisation and Vaccination Rates in Children be appointed with the same terms of reference, chairman and membership as that of a select committee appointed in the previous session;
- (b) the select committee have access to all documents, evidence and other material possessed, obtained or controlled by the previous select committee; and
- (c) the committee report not later than 29 October 1998.

TRUTH IN SENTENCING - FAILURE TO INTRODUCE LEGISLATION*Motion*

Resumed from 12 August on the following motion -

That this House condemns the Attorney General for his failure to bring before the Parliament "truth-in-sentencing" legislation and in particular his failure to give due priority to the recommendations of the "Report of the Review of Remission and Parole" dated March 1998.

HON N.D. GRIFFITHS (East Metropolitan) [11.14 am]: Notwithstanding the fact that the Notice Paper refers to introductory remarks by myself in moving the motion, I will not speak at great length this morning, having made my introductory remarks yesterday. Before continuing with the argument that I was putting before the House yesterday, I will briefly recap so that the context of my remarks can be appropriately understood, particularly by those members who are interested in what is going on.

The motion of course seeks to have the House condemn the Attorney General for his failure to introduce truth-in-sentencing legislation and in particular his failure to give due priority to the recommendations of the "Report of the Review of Remission and Parole" of March 1998. I am very pleased this morning that the Attorney General tabled the report in the House and therefore it is now more available than it was previously to members for their consideration. The reason that this motion is before the House is to reinforce in the mind of the Attorney General

that he will have bipartisan support when he brings this much needed legislation before the House. As I pointed out, his reported comment earlier was that the Government was concerned only about some matters of detail. Those matters of detail can be examined when the legislation comes before the House. The purpose of this motion is to remind the Attorney General that we consider this to be a very important issue and that it is about time he got on with it.

I note that one of his colleagues, the member for Joondalup, had something to say about the matter very recently. I part company with the member for Joondalup in many ways in respect of this issue because unlike the member for Joondalup, I think the substance of what I term the Hammond report, giving due deference to his Honour when I use that expression, seems to have got matters pretty right. It is certainly worth a go. I note that the member for Joondalup goes considerably beyond what the Hammond report suggests and considerably beyond what any Government of whatever colour in Western Australia will deal with given the state of civilisation in the community. However, for the purpose of the matter before the House, I note that the member for Joondalup says that he is circulating a petition. In a press release of the member for Joondalup dated 11 August 1998 he called for immediate legislation for truth in sentencing. To be fair, the views of the member for Joondalup on this matter go beyond what I consider to be appropriate and beyond what I think the Attorney General considers to be appropriate. No doubt he will deal with that shortly. They certainly go beyond the views of the Hammond report. The solution is the Hammond report and the Attorney General acting with a greater sense of urgency than he has shown to date.

The purpose of this motion is in two parts: It is an expression of disappointment but also an expression of goodwill. We want to get on with making this State better. We do not want law and order and those matters to be issues at all. We want the problem resolved. One matter which the Attorney General in his interjections yesterday seemed to be pushing was: What has this to do with public safety? He does not seem to grasp the point that it has a lot to do with public safety. I will remind him what it has to do with public safety by way of the development of the themes I entered into yesterday.

First and foremost, when we are considering public safety and the wellbeing of the public, the public must have an understanding and appreciation of our system so that they can have confidence in it. At the moment that is lacking more than it should be. Second, people who commit crimes should have respect for the law. They should have in their mind's eye the notion that if they are to be sentenced to a term of imprisonment, the sentence handed down by the judge or magistrate is not a joke but has a realistic relationship to the time to be served. The reality is that when people who have committed crimes receive a sentence of six years and serve somewhat less than two years they see it as a joke. A notion of deterrence under this sentencing regime in the minds of would-be criminals does not exist to the extent it should. That is pertinent to the question of public safety. The member for Joondalup raised the heat of the debate unnecessarily. I want this matter dealt with in a civilised way and therefore, I hope, carefully and moderately. I am suggesting to the Attorney General that he get on with it as was reported on Monday he would. However, it appears the Government failed to take heed of that if the Governor's speech on Tuesday is any indication.

From the outset the phrase has been "community consultation". Community consultation has taken place to a degree. The opportunity for community consultation has been available from the moment the Hammond committee was announced. A considerable time has elapsed as well as considerable toing and froing about what must be done. Much thought has gone into the matter. It is now realistic to expect that more than five months after the report was handed down, legislation should be before us. Again, if it is only matters of detail that are holding it up I urge the Attorney to introduce the Bill; we can fix the detail as we go. In making those comments I am cognisant of some areas of complexity in the report. I note the relevance of recommendations Nos 12 and 4 that relate to it.

I referred to my questioning of the Attorney General on 9 May 1997. I think I was reasonable in letting time pass before waiting to see what transpired. I make this comment because I am very disappointed that the Attorney failed to take the Parliament into his confidence and failed to foster the spirit of bipartisanship, which I have consistently extended to him on these matters. In any event, I thought it my duty to raise the matter with him again. I did so on 20 August last year when I asked him whether the review committee had reported and when it was expected to report in question Nos 652 and 653 at page 5087 of *Hansard*. His response was -

The committee has reported twice and both reports were of an interim nature. The reports were circulated to people involved in that area for comment.

That is an indication of the consultation and the review. The Attorney says further -

I am now getting comments back on the second report.

Again in August 1997 he refers to consultation and review. He went on to say -

It will go back to them. I am not sure when a final report, to be made public, will be available.

A fairly considerable process has occurred, evident from what I said yesterday and from that answer provided by the Attorney on 20 August 1997. For the sake of completeness in question No 653 at page 5088 I asked when the committee last reported and the answer was -

It last reported at about the time the House rose for the winter recess. I cannot remember the precise date.

Time passed and no word came from the Attorney. Again I make this point to emphasise the fact that the Labor Party is supportive of appropriate reform in this area and, on behalf of the community, keen to see it occur. It is on that basis I raised the issue again on 10 March 1998, recorded in *Hansard* at page 126. Question No 1182 reads -

- (1) Has the Remission and Parole Review Committee finally reported?
- (2) If so, when?
- (3) If not, why the continued delay?
- (4) If so, will the Attorney General table the report?
- (5) If not why not?

I received a great response on the same day which I was delighted to hear. The Attorney was pleased to give the response because he said -

I am pleased to be able to say that it has finally reported. I received the report on Friday, I think. I will have it printed and distributed to the public. At that stage, I will ensure that the member receives a copy.

The review involved time, consultation and distribution to the public. In a media statement of 20 March 1998 the Attorney said that the review had been completed and reported. The media statement gives a thumbnail sketch of what is in the report. It is accurate, but I note the words on page 2 about the committee -

They have done a tremendous amount of work looking at the practical effects of changes in the law.

However, it then refers to seeking more public comment and so on. At that stage there had been plenty of time and opportunity for public comment. The members of the committee were people with expertise who did a great deal of work before finally presenting the product. However, the Attorney wanted further public consultation. Although public consultation is a good thing, there must be an end to it. We have waited for more than five months.

Again, I remind the House that the Attorney is reported in *The West Australian* to have said that the Government plans to adopt most of the recommendations and the ones it is likely to change will merely be a matter of detail. They are not matters of significance, but merely a matter of detail. It is true that the matters dealt with in the report, in some instances, are complex; they are certainly matters of great significance and in substance they have the support of the Australian Labor Party. As with the Government, matters of detail, the dotting of i's and the crossing of t's, must be considered by the Labor Party but it is about time the legislation was brought forward. It is necessary for the matter to be dealt with very quickly, notwithstanding the failure of the Attorney General to date and notwithstanding the significance the Government gives to the matter by failing to have it mentioned in the Governor's speech. It is important that the matter be brought before the Parliament very promptly and that it be given higher priority than it has been given so far, if for no other reason than the continued publication of unnecessarily high levels of criminal activity in Western Australia. They are high levels of criminal activity, particularly bearing in mind the nature of our society and how we, as a State, are functioning in this area compared with other parts of Australia.

I do not propose to go through those statistics because they should be known in general terms to members but, if anyone is particularly interested, I can provide the necessary documents. They should be well known and they were reported by the Australian Bureau of Statistics in mid-July this year.

Unfortunately, there is a crisis in the level of criminal behaviour in our society, and truth-in-sentencing legislation and the appropriate items in that legislation are presented in the report. This matter should be moved along very quickly and the House should condemn the Attorney General for his failures in this area, but do so more as a matter of disappointment and a degree of encouragement for him to get on with his job. If the House does not so condemn the Attorney General, it will seem that members do not go along with the idea that truth in sentencing is important and should be dealt with promptly, or the proposition that the matters contained in the Hammond report are matters of great significance that should be acted upon without undue delay.

Hon Tom Stephens: I second the motion.

HON PETER FOSS (East Metropolitan - Attorney General) [11.34 am]: It is useful that this motion has been brought on because it affords the House an opportunity to discuss and understand this item before it comes before the Parliament. It is possible that people have misunderstood this catchcry - truth in sentencing. As has been pointed

out, for some people truth in sentencing merely means that when someone is sentenced to 10 years' imprisonment, that person will spend 10 years in prison. That is not quite the recommendation of this report. I also made a point, through interjections, of securing from Hon Nick Griffiths some endorsement of my regard for the person who has led this report from the beginning to the current stage; that is, Chief Judge Hammond of the District Court. He is one of the most pragmatic and sensible judges this State has had, and he has a remarkable grasp of the proper administration of the courts.

Hon N.D. Griffiths: I do not disagree with that position, although you and I differ from time to time as to the degree with which you involve the judiciary in the process.

Hon PETER FOSS: I agree with that and I understand. The other point about Judge Hammond is that he is not described as a bleeding heart, but he is fair and firm. People sentenced by him do not get away with any nonsense. He reflects right-minded people in society in his sentencing and the right-minded reaction to it, and he is neither a hanging judge nor a bleeding heart. He is an upright member of society and reflects those appropriate views.

Hon N.D. Griffiths: I do not disagree and I have a high regard for His Honour but I do not think we should talk about the judiciary, either in praise or otherwise, to the extent that the Attorney is.

Hon PETER FOSS: I accept that and, generally speaking, I would not do so. I wanted to make that clear because I have a high regard for Judge Hammond as a practical and pragmatic man. As he is heading the court which has the principal administration of criminal law in this State, he appeared to be a sensible person for this task. This is not the first time remission and parole have been looked at. In fact, it is a difficult area, in which it is argued to some extent that the current problems come from the last review into remission and parole. It seems to go through cycles. Truth in sentencing is the description that has come out at the end but the actual review is of remission and parole.

The previous amendment to remission and parole provisions changed the method of appointing the time for eligibility for parole. It was of major concern prior to that last amendment that, all too often, judges sentenced people to significant head sentences of, say, 10 years, but they were eligible for parole after one year. On the face of it, it seems a sound thing to do because it indicates to the person that 10 years is the measure of his sentence, but he can come out of prison after one year and must behave himself for the next nine years. However, at times criminals are not good at looking into the future. They received a number of these sentences and then committed crimes which brought them all rolling back in again. They suddenly found they had close to a life sentence arising from one further offence. That clearly was not a sensible way of dealing with the matter, and the last amendment sought to achieve a closer relationship between the sentence given and the sentence served. It could be called a truth-in-sentencing measure, but it was an attempt to get the psychology and psyche of judges attuned to the effect of their sentences.

Part of the problem with that method - which is not a minimum of one-third all the way - is that once a certain stage is reached, the sentence becomes two-thirds minus two years. The result is very much the same. It starts to make a difference in the number of years served when people are sentenced to long periods.

Hon N.D. Griffiths: Six years is the limit.

Hon PETER FOSS: Yes. Everybody treats it as a one-third remission and it is a key point. It does not matter whether it is or not, as far as the community and the Press are concerned it is one-third.

Hon N.D. Griffiths: The easy example is six years.

Hon PETER FOSS: I know, but I will pick another point. One of the committee's recommendations is actually to keep that type of formula with regard to longer sentences. It does not make a huge difference to the result, but it makes a huge difference to the public understanding how long a person actually will spend in gaol. It is one of the confusions which surround the law relating to remission and parole and which make it almost impossible for the public to know exactly how much time that person will spend actually incarcerated.

Remission and parole have been examined in the United Kingdom, Victoria and New South Wales and amendments have been made in each of those places. They faced exactly the same problem: What do we do? Each of them tackled it in a different way and each ended up with quite peculiar results. New South Wales and Victoria apparently adopted the same measure, but in New South Wales I think the result was a 40 per cent increase in the prison population within a very short time, and in Victoria it resulted in a very steady state. That is now starting to change a little - that is possibly due to other things - but there were totally different relationships between the two States. The final, important recommendation from the Hammond committee is -

Hon N.D. Griffiths: Recommendation 4.

Hon PETER FOSS: No, recommendation 12. It states -

... the sentencing court be required by statute to adjust sentences so that the actual time served is no greater than that which would have been served if the existing provisions relating to remission and parole still applied.

Then there is the note -

This approach appears to have been applied largely successfully in Victoria to prevent unintended prison population growth consequent upon sentencing changes. This recommendation has caused the committee great concern in that it will be most difficult to implement, but its inclusion is necessary under terms of reference (b). Notwithstanding such perceived difficulty, the committee believes that it is an attainable goal.

If we treat that as an attempt to get a more rational system of remission and parole and if we see it as an attempt to get truth in sentencing rather than merely harsher sentencing, that is an important part of it. Harsher sentencing is something Parliament can legitimately consider, but that should be done separately. The problem is that if we did not have this provision, we would have an increase in sentences across the board - no subtlety in it at all, no picking out of sentences that we would like to do something with, such as those which we believe need targeting to express the community's disgust and to get some measure of deterrence. It would be across the whole gamut. Of course, I do not think that anybody in society would like to see that. The community is calling for tougher sentences, but it will tell us the sorts of crimes for which it wants tougher sentences.

Hon N.D. Griffiths: I think that the community would welcome the substance of this report being enacted properly.

Hon PETER FOSS: I will carry on. The disadvantage is that if we merely increased the prison population - that would be a major cost to taxpayers - the public would like to have it targeted. Rather than randomly applying it to everybody who offends, I think that the public would prefer to see particular offences targeted. If we are to spend taxpayers' money on having more people in gaol for longer periods -

Hon N.D. Griffiths: But that is a separate issue.

Hon PETER FOSS: That is exactly the point I was making. Hon Nick Griffiths has picked up what I was saying. Tougher sentencing is a separate issue and it should be a separate issue. If we are to look at tougher sentencing, we should look at another method which is more selective and which will target those offences that we believe deserve to have a tougher penalty. It will be a waste of taxpayers' money to have an across-the-board increase in sentences, irrespective of the nature of the offence.

Hon N.D. Griffiths: It is about restoring integrity.

Hon PETER FOSS: Exactly. It has ended up as restoring understanding and integrity to a system which I think people found difficult to understand and became sceptical about. That scepticism is despite the fact that this Parliament has already made a number of significant changes, and despite the fact that it is not one-third, one-third, one-third, as many people have said. Certainly, the one-third remission is there. As for the other part, the one-third in gaol and one-third on parole, that is incorrect insofar as a six-year-plus sentence is concerned. Once we get over that it starts to be calculated differently. It is incorrect also because this Parliament, in a number of matters, made some significant changes to the right to go to parole. People used to be given parole. In fact, many still get parole automatically once they reach the eligible date for parole. However, this Parliament has passed two pieces of legislation: first, one saying that for certain serious offences where the sentence is five years or more one does not get automatic parole, one has to satisfy the Parole Board that one should have it; and, secondly, a further amendment which reduced that to three years. So in respect of sentences longer than three years, where one has committed certain offences, one has to satisfy the Parole Board that one should be released to parole and that one does not constitute a problem for the public. In terms of eligibility for parole, people's understanding is not necessarily correct. Also, the right to parole is also not necessarily correct.

It is almost impossible to go out to the public and try to explain that. It certainly is impossible to explain it to each person individually so that everyone can understand it. It is much easier to say, "One-third, one-third, one-third," and that is it. The fact that it is not the law, that this Parliament has actually tackled those problems, is not the solution. We need to have something we can explain to people a lot more carefully. That is the next thing we should do to ensure that people have a much better idea of what it really means.

I probably should have included in the report the transmittal letter which was sent to me by the judge.

Hon N.D. Griffiths: Has the Attorney tabled that?

Hon PETER FOSS: No, I have not. It is still caught up in my unbound copy. I will read it, though.

Hon N.D. Griffiths: What is its date?

Hon PETER FOSS: It is dated 5 March, which is about when I said that I had received it. It states -

Dear Attorney, I have pleasure in enclosing for your consideration the report of the committee established by you to review the system of remission and parole in this State.

The next paragraph is interesting. It states -

It was impossible to keep within the original time frame because the committee found the length and breadth of the subject to be very wide, but at this point we have been able to include the comments of the key stakeholders. The committee therefore awaits your further directions as to form and manner of the further dissemination of the report.

Hon Nick Griffiths has suggested that it is very simple and that it is just a matter of going ahead and putting the report in place, but the ideas in the report are the very ones that have been considered from the beginning. What has been difficult to work out is what will be the consequence of what we do. How do we actually make it work? We could immediately adopt the idea put forward by the member for Joondalup. That is probably the simplest one of them all. We would know exactly what the result would be - we could probably even plan for it.

Hon N.D. Griffiths: We would have to establish a penal policy. However, leaving that aside, what are the other matters of detail in respect of which the Attorney has difficulty? Are they mere matters of detail or are they matters of substance? When will we have the legislation?

The PRESIDENT: Order! The Attorney.

Hon PETER FOSS: I would like to finish my speech. It is an important point that I would like to develop. I would like the House to take the opportunity to understand the report, because I see that there are many people who have probably not read it.

Hon N.D. Griffiths: You tabled it only this morning.

Hon PETER FOSS: For them, yes. Even if I had tabled it earlier, most of them would probably not have read it, and I think that they are interested -

Hon N.D. Griffiths: The Attorney is wrong. Members on this side are concerned about the issue.

Hon PETER FOSS: I am sure that they are concerned about the issue; so are we.

Hon N.D. Griffiths: Unlike the Attorney's back bench.

The PRESIDENT: Order!

Hon PETER FOSS: I do not mind getting useful interjections, but that one does not take us very far. It is a complex matter. The committee said that it was a complex matter. It took so long to get this far because there are very fundamental differences among the stakeholders. Some people, such as the member for Joondalup, say that we should abolish remission and not adjust; that we should just give these people an extra third in gaol. Many members of the public who are vocal on this matter say that they want exactly the same thing. This committee's report does not suggest that, but many people want it. We have already discussed that there are serious repercussions with that. It would lead to a massive increase in the gaol population, without any form of selectivity. People would be in gaol for longer, whether they had committed an offence relating to their car and were sent to gaol - for example, driving without a licence or careless driving - or grievous bodily harm or burglary or robbery and assault. Sentences for all would be equally increased irrespective of whether the public saw those cases as requiring tougher sentencing or otherwise. It would also mean an extraordinary amount of additional money being spent to keep people locked up. If we are to do that, we should target it.

Hon Ken Travers: The member for Joondalup is wrong.

Hon PETER FOSS: No. Nobody is wrong. It is not as if right from the very beginning there was a clear answer to do something, to check that it had been done and to sign the matter off. The fact is that this has been looked at in the United Kingdom and right across the United States. Parole has been abolished and reinstated. The report covers some of the things that have happened in the United States. In the United Kingdom changes were made to the way the determination was given. A portion of the sentence could be served in gaol and the rest on parole, such that separate sentences were given; or a total sentence was given and it was subdivided into an amount of time that should be spent on parole and an amount that must be spent in prison. We can do what was done in Victoria or New South Wales which, on the face of it, appears to be the same thing. It is not as though all the options were not known from the beginning.

The problem is how to achieve what people want. After looking at what happened across the whole world, we found

that everyone started out trying to get the same result. Because the whole system involves human beings, how it works in practice can vary enormously. The authorities were trying to find something which was understandable by the public and the judges and which worked the way they thought it would. All people who are involved in social engineering - I suppose this is a form of social engineering - will know that, in theory, a wonderful idea when put into practice should bring about the desired result. However, because human beings are involved, when the idea is implemented, something totally different happens. Totally different approaches have been taken in the United Kingdom, New South Wales, Victoria and right across the United States. The big problem is not in the options, but in deciding which option will achieve what is wanted.

One of the interesting things with how it operates is that some judges complained that they did not have the discretion to increase the non-parole period. In his report Judge Hammond does not suggest there be a discretion for judges. He says that it is either parole or not. He says that judges should have greater discretion. He states that the sentencing court should be given greater discretion to determine that an offender is ineligible for parole and that statutory provision be made to that effect.

The discretion is constrained in that it is necessary to determine whether it is for the benefit of offenders to be on parole. The ineligibility for parole is the exception rather than the rule. We used to have minimum and maximum terms. The problem was that the judges had to put themselves through the same questions twice, involving aggravating and mitigating factors. The judges said that they would have to ask the same question twice and come up with two answers, and they believed that was too difficult. They were seeing it from the point of view of judges - understandably. They wondered how on earth this method could be applied. If judges do not know how to apply it, there is a fairly high chance they will apply it in a very unpredictable, and possibly inconsistent, way.

Interestingly some judges have disagreed with the interpretation of the current Act, but I will not go into personalities. Judges have expressed from the bench a view that the current interpretation of the parole and remission provisions is quite wrong, but they are bound by precedent. Quite senior judges have expressed the view that it is wrong. They then complain about the fact that they have no discretion. It is not that Parliament took the discretion away from them; rather, that is the way high appellate courts read it.

We must also take this into account: We can write whatever we like in here, but we must consider the fact that courts will look at it and will interpret it in different ways; for instance, if the last appellate court in this State were the Supreme Court, we may very well not need this amendment. We may have lost some of the requests from the judiciary for it to be altered. However, it is not the last appellate court; there is another. The judges find themselves bound by that. Although they might not have interpreted it in a certain way, that is the way it is interpreted. We must draft something which not only says what we think it says, but which will prevent that appellate court from saying that it means something totally different again.

The next question is about how it is phrased. Let us take the current suggestion that people be given their sentences, of which half will be parole and half will be prison. In sentencing, a person could be given two years' parole plus two years' gaol, or four years' gaol and, by formula, it ends up being two years' gaol plus two years' parole. The public would understand that sentence of two years' gaol plus two years' parole. It would have to be recorded that the offender got two years' gaol plus two years' parole. The problem is that parole is not meant to be seen as punishment; it is meant to be another opportunity. Maybe we need another word, but parole takes away from the sentence. In our system, people are sentenced for, say, four years' gaol, and for two of those years they are allowed parole. It comes from the concept that people give their word that they will behave themselves and thus will be allowed out of their imprisonment. It is different with probation, which starts at the other end. That is where people give their word and if they do the right thing, they do not go to gaol. Under parole, people have been sentenced to gaol and if they do the right thing, while they keep to their word, they will be allowed to stay out of gaol.

Hon N.D. Griffiths: If you are on parole, you are not at liberty.

Hon PETER FOSS: I think Hon Nick Griffiths has picked up the point correctly. People on parole are not at liberty. They cannot do anything they want; they cannot just leave the State. At any stage they risk being called back from their parole and put back in gaol, and for a number of reasons. They need not necessarily commit another offence. It could be that they just do not observe all the conditions of the parole in the way the authorities think they should be observed; or the authorities may change their mind and come to the conclusion that some behaviour indicates higher risk to the community than was originally thought to be the case.

The big problem in all of this is how to get something that works. There are a number of stakeholders and to this day the major stakeholders do not agree. What has been put in the report is not a compromise but a decision made by the committee which it believes is an appropriate way of dealing with all the competing interests. It is not an agreed position among the various stakeholders. To this day, some of them totally disagree with what is being proposed. That often happens in the community, and we will have a situation in which we will not be able to agree. That is why

I do not make any criticism of the member for Joondalup. He is perfectly entitled to his point of view, and that view is shared by many people in the community. Other people say that we should not remove the one-third remission.

Hon Ken Travers interjected.

Hon PETER FOSS: This is one of those situations in which it helps to sit down and analyse the circumstances. I am sometimes accused of being too analytical.

Hon Kim Chance: Never!

Hon PETER FOSS: Thank you.

Hon Bob Thomas: The crime rate has spiralled since you became the Attorney General.

Hon PETER FOSS: Oh, really. The curve of the increase has markedly dropped since we became the Government. It was going up steeply before then.

Motion lapsed, pursuant to standing orders.

The PRESIDENT: Before I put the question and call on Hon Dexter Davies I remind members that it is the custom for members to hear a maiden speech in silence. I therefore ask members to observe the custom and extend the usual courtesies to the member.

ADDRESS-IN-REPLY

Motion

Resumed from 12 August.

HON DEXTER DAVIES (Agricultural) [12.01 pm]: I support the motion moved by my colleague Hon Simon O'Brien for an Address-in-Reply to the speech by His Excellency the Governor at the opening of the Parliament on Tuesday.

Mr President, I thank you for your welcome to this Chamber after my swearing-in on that day, and the warm welcome extended to me by other members. I also thank the Clerk and his staff for their welcome and willing assistance in my swearing-in. It has been greatly appreciated.

I am honoured to have been elected as a member for the Agricultural Region and look forward to working with my National Party colleagues, including Hon Murray Criddle, the new Minister for Transport and leader of the National Party in this Chamber, and other members of this House to advance the representation and interests of Western Australian regional communities. I congratulate the Minister on his appointment to the Cabinet.

I am also proud to represent a region which, for the past 14 years, has had as one of its members Hon Eric Charlton. Hon Eric Charlton made an outstanding contribution to this Parliament, the State, the people of regional Western Australia and the National Party. I place on record my personal recognition of the great courage, conviction and integrity which were the hallmarks of his time in this Parliament.

Government members: Hear, hear!

Hon DEXTER DAVIES: Hon Eric Charlton was fearless in his representation of his constituents, their livelihoods and interests. He is acknowledged throughout Australia as an outstanding Minister for Transport.

In supporting the Address-in-Reply I would like to speak about fairness and equity for regional communities. It was this principle for which Hon Eric Charlton was a robust and forthright advocate. It is a significant issue which has been debated in this Parliament in the past and in my view we must pay new attention to it.

Events of the past few months and the rise of disaffection with established Australian politics have sent a clear message from regional and rural Australia to all people who aspire to government: Listen to us; we are hurting; we need a sympathetic ear; we need sympathetic action to help us over the next fence. Above all, people are saying that they want to be involved in making the decisions to take this country forward.

The rise of isolationist politics is not a potential solution to the country's problems. It is instead an understandable symptom of worry and fear about change, and is not limited to politics. In all aspects of community life our institutions are fragmenting: Traditional church attendance has fallen dramatically; the sense of neighbourhood is under threat; charities are finding it more difficult to raise volunteer funds; and community groups are finding it hard to attract members, to list but a few examples. In short, change is happening all around us and those of us who are elected to govern and to represent the people must ensure that we work hard to make change positive and beneficial.

Like other members I ask myself why these things are happening and why change is so often perceived as a negative and bound up in bureaucracy. It is not easy to arrive at an answer, but part of it is that we need a fresh commitment to clear and forthright, but sympathetic, representation in all aspects of Australian life. We need a renewed vision for the future development of the country and the role of regional communities in making that vision real. We need a new commitment for the representation that puts in place the social and industry framework that will enable people to achieve their aspirations for themselves and for their children. How long is it since each of us has devised a new plan about what we can do to help regional communities to thrive and prosper? How long is it since we worked hard to ensure that government resources and regulations are used to help people, not hinder them; that our children can get the best education in the local town; that there will be a choice of local jobs; and that there will be a doctor and local hospital; in other words, to create opportunity, not limit it, in this world of change?

There is a great scene in the movie *Primary Colours* in which the US presidential candidate tells a group of worried rural Americans that he cannot save them from the international economic forces changing their traditional livelihoods. However, he says that he has a plan. He will make sure that they have the educational opportunities to come out winners. The candidate believes in his ability to lead. He does not tell the farmers that he can turn the clock back, but he makes a commitment to be on their side. He offers them all the support at his disposal to ensure the survival of their farms and communities. Is that not what people are asking of us, their elected representatives, and is that not what we should be striving to deliver? The great qualities of innovation, adventure and pioneering spirit are in the blood and bones of the people of regional communities. However, people have stalled on politics and with that politics appears to have stalled too.

We need to foster these qualities anew. It is often all too easy to blame "the system" for economic, social and political problems, but maybe we should have a long, hard look at the government system we use in this country. While we must ensure the protection of democracy and the maintenance of the safeguards which keep this country, we should look to ways in which we can develop a more responsive political system. As the Premier has often indicated, perhaps it is time for a truly regional Government in Australia which involves and includes the people whom Governments are supposed to represent.

As an example of the effects of centralised government members should look at the tax system, especially the arrangement surrounding the distribution of revenue from the Commonwealth to the States. In 1997 the Commonwealth raised almost \$131b in tax revenue, which represented about 77 per cent of total revenue raised throughout the country. By comparison the States raised about 19 per cent and local government 4 per cent. The simple facts are that the Commonwealth raises far more revenue than it needs. This leaves the States and local government very dependent on Canberra. It is time this changed.

The first steps to regional and inclusive government can and must be made by the Federal Government in its new tax reform package. The National Party has proposed that, under new tax sharing arrangements which we have put to the Deputy Prime Minister, Western Australia and other States would continue to receive general revenue grants from the Commonwealth. However, the size of these grants would be determined as a pre-specified share of commonwealth revenue. It is simply no longer acceptable to a State of Western Australia's size and complexity to pay \$11.9b a year to Canberra more than it receives in return in the form of commonwealth grants.

Under new tax-sharing arrangements we have proposed that a certain share of revenue to the States should be guaranteed in the Constitution. It would be based on public service and infrastructure costs. It would completely cover annual recurrent expenditure indexed annually against the consumer price index and total population increases so that funding would be maintained pro rata. It would be set for predetermined periods to minimise political opportunism. It would be reviewed at regular intervals to ensure equity and efficiency and would be linked to the amount of commonwealth revenue raised so that any increase in overall revenue would result in an increase in each State's share and be jointly administered by the commonwealth finance ministry and the state treasuries.

Significantly, for local communities, we have also proposed that each State's share would include a component for local government recurrent expenditure. The tax-sharing arrangements applying at a commonwealth-state level would also extend to arrangements between the State and local government, so that local communities would have guaranteed access to sufficient, pre-specified funding.

In response to the community's current disaffection with politics, change such as this is a strong and clear way of putting the people back in charge of government. I do not believe that opposing change is an option, not when it is happening throughout the world, faster than ever before, and when we are so dependent on the trade economy. We have to adapt, and I argue that the arrangements I have outlined are a robust first step. As a Parliament, our willingness to adapt will require us to work hard to understand why change is happening, to hear the community's response to change, to really understand what people are saying, and to help the community to recognise the reasons for change not just by words but with action. Only then will politics be in a position to grapple with the problems and to help the community to exploit the benefits which change throws up.

The lack of inclusion of the community in the day-to-day operation of the Government and the lack of information provided by the Government only contribute to a sense of division and frustration now being experienced by many people in communities large and small. The Parliament and the Government must acknowledge that people are hurting. The Parliament and the Government must acknowledge that there is a real problem that requires positive and inclusive solutions. The Parliament and the Government must reflect the trust of the people who elect politicians, and must carry the confidence of the people at all times, not just at election time. Determining the answer is difficult, but what should be clear to all Governments is that a large part of the solution may come from this approach.

People are making a genuine effort to let Governments know that they, like us, wish to be included in the policy process, not to be told what is good for them. Parliaments and Governments must become the key components in a responsive system which -

- listens to regional communities;
- works with them to create local opportunities;
- works with them so they achieve their aspirations;
- works with them to solve local problems;
- works with them to make sure their interests are represented in a robust and forthright way; and
- works with them to ensure that the decisions made here benefit or affect all people fairly and equally, irrespective of where they live.

As it stands, regional communities face a number of significant social and economic challenges. These include -

- unacceptably high unemployment levels;
- a perceived decline in the provision of government social services;
- disenchantment with future economic prospects among the silent majority; and
- the alienation of young people and regional people from the political process.

These have directly encouraged the rise of social disharmony in Australia. This, in turn, has lent credence to the rise of radical populist movements. This relatively new event in the Australian political landscape has many implications. One is the public perception surrounding the validity of democratic representation in Australia and the need to examine the pressures on the existing electoral system. At both commonwealth and state levels, it is rare for a single party to receive a majority of the popular vote. Nonetheless, under the plural system operating at present, Governments can attain large majorities in the lower House on percentages of the popular vote in the low forties. The same point can be made of individual seats. Some commentators raise these issues to question the links between a parliamentary majority and the mandate of the people to undertake new government initiatives.

Another issue is geographical unfairness. The nation's current preferential one-vote-one-value system is geographically and demographically unfair because it tends largely to favour urban voters. In my view, the fairest electoral systems allow for weighted voting in order to protect specific interest groups, such as regional electors, and to provide the Parliament with a better form of representation, both in terms of communities of interest, and issues. There is widespread acceptance of the need for fairness and equity in any democratic electoral system, in the true sense of the term; that is, the representation of communities of interest, not just representation based on the number of people in those communities.

There is also a legal precedent, determined by the High Court, following its rejection of the implied rights principle in relation to the state electoral system. There is almost universal acceptance that the basic rule by which democratic electoral systems are judged is and should continue to be fairness and equity. When some people consider what this term means, the natural response is to assume that fairness and uniformity are the same thing, but this is not always the case. I think it depends on to whom or what one is trying to be fair.

In any assessment of electoral systems, fairness can mean many things, and equity does not always match "equality". To use a basic example, we should ask whether an electoral system needs to be fair to individuals, to parties, to minorities, to natural communities, or to regions. Should it be fair to all of these? Naturally, any system's complexity will increase proportionally to an increase in the number of special interest groups to which the system has to be fair. When looked at this way, the definition of fairness could be expanded to include many other considerations. Some of the more obvious and accepted of these include -

- the accurate reflection of all public opinion, including minority opinions;
- the representation of major groups, backgrounds or opinions in society;

fairness between regions, where the interests and issues facing particular regions are vastly different from those faced by other regions. These interests and issues are given weight and credit by the Parliament of the day because of the certain representation such regions possess through the current weighted voting system in Western Australia;

the extent to which the electoral system enables and encourages all citizens to play a full and active role in politics as voters or candidates, regardless of their geographical or demographic location; and

allowing for effective government, particularly in a State like Western Australia, which contains a wide variety of populations, issues and requirements for public representation.

All of these ideas can and are often included in the concept of electoral fairness.

The High Court in 1996 clearly found the Australian Constitution did not contain any requirement for state electorates of equal voter numbers. This decision suggests that there is no constitutional requirement or guarantee for the introduction of a one-vote-one-value electoral system in Western Australia. The arguments in favour of weighted voting in the Australian electoral system depend on two issues -

First, the Australian Constitution does not require equal electoral size in voter numbers and makes no constitutional guarantee of one vote, one value; and

second, given that fact, it is a requirement of the electoral system to provide equity and fairness to all electors, including regional electorates and interest groups, to ensure across the board representation of all the issues and opinions affecting Western Australian and the rest of the nation.

By expanding this definition, this State's current system achieves the ultimate goal of democracy: Rule by the majority, while maintaining a guaranteed right for minorities to be adequately heard and represented.

One of my ambitions in this Parliament will be to ensure that Western Australia's regional communities are heard and are more than adequately represented by ensuring that the system of weighted voting remains the right of regional people.

I support the motion.

[Applause.]

HON LJILJANNA RAVLICH (East Metropolitan) [12.19 pm]: Thank you very much, Mr President, for the opportunity to participate in the Address-in-Reply. When I looked at His Excellency's speech some time after it was delivered, I found all of the speech particularly interesting but I found an area which interested me more than some of the other areas. That was the area of law and order and what we should do about our increasing crime rate and, relating to that, the extent to which our current facilities are capable of coping with an increasing crime rate.

I have listened to earlier debate in this place on the issue of truth in sentencing. I cannot help but think that some of the Attorney General's comments in the debate evade some of the fundamental issues. Yesterday a number of issues were raised on truth in sentencing and by interjection I said that it would have serious implications for the increase in prisoner population. In response, the Attorney said it was a separate issue, but I can assure him it is not a separate issue; it is a related issue.

The crime rate in this State has increased. If the Government were anywhere near as successful with its crime prevention strategies, about which it continually crows, the crime rate would not continue to escalate. The Australian Bureau of Statistics figures released on Wednesday, 15 July this year entitled "Recorded Crime" confirm that over the past 12 months Western Australian crime rates have increased in a number of areas. For example, an 11 per cent increase in assaults, a 43 per cent increase in unarmed robberies and an 8.4 per cent increase in motor vehicle theft has occurred.

Some members might have read that about a week ago I had the misfortune of having my car stolen from outside my electorate office. At the time two young teenagers entered my office and asked if they could use the convenience. I said that it might be better if they used the conveniences somewhere else to which they replied, "But there is none around here Miss." Being the fairly soft-hearted person I am I directed one of them to the convenience and kept an eye on the other fellow to make sure he did not take the lollies. The incident would not have taken more than two minutes.

The PRESIDENT: Order! There is too much audible conversation; I am battling to hear the member, who is generally well heard.

Hon LJILJANNA RAVLICH: As they came back through my office I waved them goodbye and said, "Have a good

day and behave yourselves." I then proceeded into my office only to see that someone was driving off with my vehicle.

Hon N.D. Griffiths: They took you at your word.

Hon LJILJANNA RAVLICH: At the time I was glad I was not their mother because if they were game enough to come into my office and have me wave them goodbye while they were planning to take my car, they would be fairly difficult characters to control. I then phoned the police, who were helpful. In hindsight, one of the things that struck me about them was their bravado. It almost seemed as though the young teenagers did not think they were committing a major offence; it was no big deal. They helped themselves to my keys in my office, walked outside and stole my car. They were so matter of fact that I wonder whether we as a society are not becoming too complacent about these matters.

That leads me to another area. One of the problems in this State is that we have not had the commitment to the extent we might have had to truth in sentencing. One of the reasons this Government has been held back on this matter is that our prison systems are in such disarray if we are to believe the findings of a recent report by Australasian Correctional Services tabled in this place by the Attorney General on the last day of sitting of the last session. It is a damning report which highlights that we do not have a few problems in our prison system here and there; we have an absolute crisis. The report was prepared by Australasian Correctional Services, which I understand is a subsidiary of a company operating a number of private prisons throughout the world. Australasian Correctional Services has won contracts to operate private prisons in both Queensland and Victoria. The report indicates that very little has been done during the term of this Government to deal with the problems of our prison system. That is of enormous concern to me. However, before I refer to the findings of that report I bring to the attention of the House a number of issues about the report itself.

On Tuesday during questions without notice I asked the Minister for Justice whether he had read the report and whether he was aware that the state of many of our prisons is in breach of the United Nations conventions and other internationally recognised codes of prison practice because of the way unsentenced detainees are housed with prisoners; and, if so, in the light of that, why is the Government continuing to house unsentenced detainees with prisoners? I also asked why it took the Minister 20 months to table the report in this place. He gave some very interesting responses to that. The first thing he said was that the report was written by a company that hoped to tender for the provision of a private prison and must be read with that in mind. He said that it contained useful information, some of which he regarded as hyperbole for selling the concept of private prisons. He said he read through the report although he did not study it in detail. He admitted that the Government had taken on board a number of recommendations. I thought the Minister's response was very poor given -

Hon Peter Foss: Would you like a longer one in future?

Hon LJILJANNA RAVLICH: I am saying that the Minister has sat on the report for 20 months -

Hon Peter Foss: I haven't; the only reason I have put it out is because it is no longer relevant.

Hon LJILJANNA RAVLICH: What is the point of putting it out now? Why did the Minister not put it out so we could make public comment?

Hon Peter Foss: For the same reason we release many documents.

The PRESIDENT: Order! It is not a Committee stage of debate. There is not to be cross-Chamber chatter. Hon Ljiljanna Ravlich should address the Chair.

Hon LJILJANNA RAVLICH: If the Minister for Justice is telling me he has implemented recommendations having read only the executive summary of the report, which is exactly what he said -

Hon Peter Foss: I did not say that.

Hon LJILJANNA RAVLICH: He said he had read only the executive summary and that he tabled the report even though it is obsolete because part of it had been implemented.

Hon Peter Foss: I did not say that either. Stop misrepresenting me.

Hon LJILJANNA RAVLICH: That is not good enough.

The PRESIDENT: Order! The Minister will cease interjecting.

Hon LJILJANNA RAVLICH: The report was written by the person who hoped to tender for the provision of the private system. This leaves a number of questions to be answered. If the Minister for Justice knew they might have a conflict of interest, why did he appoint this group of consultants in the first place?

Hon Peter Foss: No. You keep misrepresenting me.

Hon LJILJANNA RAVLICH: I am not misrepresenting the Minister. I am asking some basic questions in response to an answer he gave.

Hon Peter Foss: Ask me at question time and I will give an answer.

Hon LJILJANNA RAVLICH: In response to a question on Tuesday of this week, the Minister made a number of statements. I am following up on those statements. If the Minister really thought that the person who had written the report had a conflict of interest -

Hon Peter Foss: I did not think that; I did not say it.

Hon LJILJANNA RAVLICH: This is exactly what the Minister said. For some reason he is becoming upset about what he said in this place. I quote from an uncorrected *Hansard* proof -

The member must keep in mind that the report was written by a person who hoped to tender for the provision of a private prison, and it must be read with that in mind.

That indicates that the Minister knew that Australasian Correctional Services may have had a vested interest -

Hon Peter Foss: Anyone who knew anything about it had an interest. It is obvious; you just need to realise that.

Hon LJILJANNA RAVLICH: It is not that obvious as the Minister is becoming flustered under the collar.

The PRESIDENT: Order! If Hon Ljiljanna Ravlich addresses the Chair, I will not interject and we will be able to be friends.

Hon LJILJANNA RAVLICH: A number of things need to be clarified in this matter. Why was Australasian Correctional Services appointed in the first place, and what was the contract price paid for this consultancy? I have taken the trouble to obtain a copy of the Government's report on consultants engaged by the Government over the past two or so years. However, it contains no accurate information to reflect who those consultants were and how much was paid to them. The closest I could determine was that a consultant group of six members was paid \$74 000. That is probably not the Australasian Correctional Services contract, because the executive summary indicates that eight consultants worked on that report. Will the Minister indicate how much was paid to Australasian Correctional Services?

Hon Peter Foss: Put it on the notice paper.

Hon LJILJANNA RAVLICH: In the light of comments made in this place, why does the Minister have objections to some parts of that report? Obviously, the Minister does not like its findings. I am not surprised. I now move onto some of those findings. I am a little concerned that the report was tabled on the last sitting day of last session, and I can only suspect that perhaps the Minister did not want anybody to pick up this report.

Hon Peter Foss: No.

Hon LJILJANNA RAVLICH: These are some of the criticisms made by Australasian Correctional Services. I quote directly from page 2 of the report regarding some of the expected outcomes -

The MOJ Adult Corrections organisation has exhibited signs of dysfunction for a considerable period. The symptoms include:

Frequent changes of senior personnel.

We have seen plenty of that; continuing -

High staff turnover despite high unemployment in the general community.

Staff apathy.

Militant union domination of the lower ranks.

Internal factional conflicts.

Run down and inappropriate capital infrastructure.

In fact, it is so rundown that WorkSafe has even entered the fray.

Hon Peter Foss: They have told us something fascinating.

Hon LJILJANNA RAVLICH: The report continues -

Facilities that fail to meet UN recommended minimum standards and in some cases fail to meet legal minimum standard under Australian law.

Hon Peter Foss: Where is the factual basis of that?

Hon LJILJANNA RAVLICH: The report continues -

Mismanaged capital programmes with massive overruns -

Hon Peter Foss: That was under your Government!

Hon LJILJANNA RAVLICH: The Minister has had since 1993 to fix it up; he has not done a thing about it, and that is his problem.

Hon Peter Foss: That is Casuarina.

Hon LJILJANNA RAVLICH: The Minister should have done something. He is caught out. The Minister is under stress. He should just sit there and take this painlessly. The report referred to mismanaged capital programs with massive cost overruns -

Hon Peter Foss: That was you.

Hon LJILJANNA RAVLICH: This report was tabled in this place -

Hon Peter Foss: Yes, but the capital work program was introduced under your Government. I cannot change that at Casuarina.

Hon Tom Stephens: Chuck him out. Can't you shush?

Hon LJILJANNA RAVLICH: The report continues -

Mismanaged capital programmes and massive costs overruns in time and costs when projects were approved.

Overcrowded accommodation.

Inadequate programs for prisoners leading to boredom, frustration and anger.

Every time we ask a question, we are told that everything is hunky dory, that massive programs are in place and that everything is positive. The report further states -

Inadequate funding.

Failure to make significant progress in the adoption of (Muirhead) Royal Commission Deaths in Custody recommendations.

Boilover inter racial tensions and frustrations.

The report even states -

These are all recognised precursors to potential destructive riot conditions.

Hon Peter Foss: That is an example of hyperbole.

Hon LJILJANNA RAVLICH: Conditions are so bad in some prisons - I could reel off a list of deficiencies, but I do not want to go into that level of detail - that this morning's newspaper included a report on a prison safety crackdown. Guess who is carrying this out? None other than WorkSafe WA. Finally, WorkSafe is doing something. Perhaps its priority should be with prisons. I have argued on many occasion that staff numbers at WorkSafe should increase so it can operate properly. However, WorkSafe, for reasons unbeknown to me, has started to target the WA prisons system. WorkSafe's actions and findings support the findings of Australasian Connectional Services. Also, it serves to support what many people have believed for a very long time; namely, that our prison system is in a state of crisis. I quote from this morning's *The West Australian* -

WA's prison officers are ill-prepared to look after themselves or control a riot because of inadequate training, poor information and contrary directives, according to WorkSafe WA.

The agency has slapped several improvement notices on the beleaguered Ministry of Justice, which faces prosecution under Occupational Health and Safety laws if it does not comply with the notices. And the ministry has applied for more time to carry out improvements.

The West Australian has copy of six of the notices which portray disorganised and lax practices inside WA jails . . .

WorkSafe inspectors also found that "officers are not trained in evasive self-defence and the application of effective holds".

Here, the ministry has been given until July to teach staff these skills.

The general use of physical force and the application of restraints is a grey area due to inadequate information and instruction, WorkSafe found.

It found rules on the authorisation requirements for using restraints contradict each other.

Procedures had to be reviewed and retraining provided "to reduce employee discretion and uncertainty in the use of force and restraint", the notices said.

Directives on the use of chemical agents such as pepper sprays were also confusing because training and operational procedures were contrary to the guidelines laid down in the rules by the Director General of the Ministry of Justice.

Not only has the Minister and the Government paid for a report which is very damning of the whole justice system, but it is another government agency which has also been found to have major deficiencies. I am at a loss to understand why the Minister has not acted in relation to this matter prior to this time. I do not even now have an undertaking that the Government will act, even given that this information has come to light. It is very concerning that one of the reasons that this issue of truth in sentencing will probably not be progressed with any speed in this place is because the prison system is in crisis. I do not care how one looks at it, the bottom line is that if those convicted serve longer terms in prison, a flow-on effect will be created in terms of prison numbers.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: The Hammond report might say that.

Hon Peter Foss: But you have supported that.

Hon LJILJANNA RAVLICH: The bottom line is that in some States in some situations, increases might occur -

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: It might be a little bit more complicated than that, but an absolute disaster would occur in the prisons area. The Minister has done nothing but sit on his laurels since he became the Minister. He has done nothing about it.

Hon Bob Thomas: He has gone overseas!

Hon Simon O'Brien: He has had some successes, but I do not know about laurels -

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: Let me say to Hon Simon O'Brien that at least I get up and have a go at making a contribution. For somebody who has made such little impact in this place as he has, I would just sit and be quiet if I were him.

Hon Tom Stephens: Hear, hear!

The PRESIDENT: Order!

Hon Simon O'Brien: Why do not you make a positive contribution instead of the personal -

The PRESIDENT: Order! Will members cease interjecting because I cannot hear the member who is on her feet.

Hon LJILJANNA RAVLICH: I have tried to put in a more positive light the problems we have in our State. I am having difficulty in getting this message through to the Minister, so I shall spend a little time going through some of the problems I have listed, and that might bring home to him the serious problems which reinforce the comments by WorkSafe and the consultancy firm, Australasian Correctional Services, which was commissioned by the Minister.

The first issue is that the facilities are not meeting the recommendations of the Royal Commission into Deaths in Custody. A number of prisons breach this requirement. The F block and the detention observation cells at Bandyup Women's Prison fail to meet the recommendations of the Royal Commission into Deaths in Custody at the time of this study. The detention cell in I cell, block F, at Bunbury Regional Prison needs to be replaced or redeveloped given that it does not meet with the intent of the Royal Commission into Deaths in Custody. The punishment

detention unit at Canning Vale Prison fails to meet the recommendations of the Royal Commission into Deaths in Custody. Roebourne Regional Prison fails to comply with all of the requirements of the Royal Commission into Deaths in Custody. The detention security at Wooroloo Prisoner Farm did not comply with the royal commission recommendations.

Many facilities in our prison system do not meet current health regulations. Surely, if WorkSafe wants to do a good job, it should be addressing all these issues. The kitchen facilities at Bandyup do not meet current health regulations. Repairs are needed to upgrade the medical facility at Bandyup to ensure that the facility maintains good hygiene and meets current health standards, which it currently does not. The main kitchen facilities at Bunbury Regional Prison fail to meet current regulations and conventions since receiving this report. The kitchen facilities in block A at Karnet Prison Farm fail to meet current health standards. Asthma equipment including nebulisers and oxygen equipment are urgently needed at Pardelup Prison Farm. The kitchen facilities at Roebourne Regional Prison fail to meet public health inspection at the time of this report. The medical centre at Roebourne Regional Prison would probably not, according to the consultants, meet health standards. The kitchen facilities at Wooroloo Prison Farm fail to meet the current health regulations as at November 1996. This is just a list of things that are not quite up to scratch. Some of these things are not very high cost issues to address -

Hon Peter Foss: They have been addressed.

Hon LJILJANNA RAVLICH: So, would the Minister be able to give me a checklist on most of these?

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: There are facilities not meeting health standards of this State. I have just reeled off about eight of them to the President and I would think as the responsible Minister, now that he knows - given that he has not read the report -

Hon Peter Foss: You keep doing that! You are misleading the House by doing that wilfully.

Hon LJILJANNA RAVLICH: Now that the Minister knows that these problems exist, he will ensure that his officers -

Hon Peter Foss: They have been addressed.

Hon LJILJANNA RAVLICH: So, all of these things have been addressed. I can phone up the Bunbury Regional Hospital and ensure that their main kitchen facilities are -

Hon Peter Foss: They have been addressed.

The PRESIDENT: Order! Attorney General, please do not interject any more because you are interrupting the flow of the debate.

Hon LJILJANNA RAVLICH: He is definitely interfering with my flow of thought. There are many facilities which also do not meet current building regulations. I do not want to go into them in detail as I have with those facilities not meeting current health regulations. Maintenance is clearly needed in many prisons. It is not in my view adequate for the Minister to simply say we shall be building another new prison and it will be state of the art. That is fine and that may well be a positive initiative, but shortcomings clearly exist in our prison system. It is those shortcomings to which the Minister must give greater attention. He assures us that if we make some inquiries, we would more than likely find that some of these things have been attended to, but I would like some assurances that all of those shortcomings which were found by Australasian Correctional Services will be attended to.

Hon Peter Foss interjected.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: Quite clearly very little has been done since 1993, given how damning this report was. If maintenance has been of an ongoing nature, then the findings of this report would have been nowhere near as damning. Maintenance is urgently needed across the whole system; there are sewerage system problems at Albany Regional Prison, facilities need to be upgraded in the mothers and babies unit at Bandyup Women's Prison, and the security -

Hon Peter Foss: They have been.

Hon LJILJANNA RAVLICH: - system at Bunbury Regional Prison needs upgrading.

Hon Peter Foss: They have.

Hon LJILJANNA RAVLICH: Major maintenance works needs to be carried out on the emergency fire water service at Bunbury Regional Prison; and so the list goes on. The hot water system at Eastern Goldfields Regional Prison needs to be replaced. Does the Minister know whether that has been done?

Hon Peter Foss: No. I can find out.

The PRESIDENT: Order, Minister! The member is entitled to have her comments heard in silence. It is an open debate. If the Minister wants to reply, he can reply in due course.

Hon LJILJANNA RAVLICH: The medical facilities at Karnet Prison Farm need to be upgraded. The report found also that there were major deficiencies in the education facilities, and that the recreation facilities were substandard or non-existent in some prisons. It found that education facilities were substandard in Broome Regional Prison, and recreational facilities were required for prisoners there because at present it has only one basketball court.

One of my concerns is that given the rundown state of the prison system, the prison system may be privatised. The Minister has indicated that one of the reasons that he may not have given this report by Australasian Correctional Services the attention that it deserves -

Point of Order

Hon PETER FOSS: Mr President, I am aware that I must sit through this speech so that I can stand at the end to claim misrepresentation. However, remarks are being addressed to me, and the member is continuing to misrepresent things that I have said already and to be quite provocative. The member should address her remarks to the Chair and not continue to misrepresent me.

The PRESIDENT: That is the Minister's point of view. It certainly is not a point of order. It seems to me that one of the reasons that the Minister is arguing that the member is being provocative is that he is continuing to interject on the member. If members were to hear each other in silence, these situations would not develop. Hon Ljiljanna Ravlich is supposed to address the Chair. It is an open debate and she is entitled to express her views. If a member claims to have been misrepresented, there is an appropriate time, in accordance with the Standing Orders, to take up that matter.

Debate Resumed

Hon LJILJANNA RAVLICH: It concerns me that in raising a matter that is so important to this place and to the Western Australian community, there is a perception that one cannot be critical of what is glaringly obvious to me, and of what would also be glaringly obvious to many people in the community, to the consultants of Australasian Correctional Services, and to WorkSafe Western Australia. The Minister for Justice may not like what I have said, and I admit that the situation may have improved somewhat, given that 20 months has elapsed between the time that this report was presented and the time that it was tabled in this place, but I would be very surprised if all these things had been attended to. It is of grave concern to me that this situation is as shocking as it is. Some of these issues may not be highly expensive to address. It concerns me that efficient processes do not appear to be in place to deal with many of the issues in the Justice portfolio.

The other night I read the Ministry of Justice publication entitled "Justice Issues and Initiatives in Western Australia". The section on deaths in custody claims under the heading "Recent Initiatives" that with 11 deaths in custody to June this year - I understand there has been at least one death since then - the ministry has moved quickly to introduce initiatives which are both feasible and cost effective. The first initiative in that list is the comprehensive use of at-risk assessment forms for all prisoners who enter the system. I find that absolutely shocking. There is no excuse for not having done that a long time ago. Surely the use of comprehensive at-risk assessment forms is a low-cost initiative which may prevent the death of offenders while in custody. The report states also that the Ministry of Justice is developing an at-risk file that will summarise the status of any prisoners who are of concern and that will be used by officers in each living unit. It concerns me that it has taken the ministry so long to get to this point, and that it is promoting this as some sort of great innovative idea when it is a commonsense approach that should be used as a matter of course.

I want to make some comments about the privatisation of our state prisons. The Government has not said publicly that our prisons will be privatised. However, some parts of the prison system are already moving towards a privatisation model. I understand that the privatisation of the custody management and court security services is due to be completed in November 1999. I have a major concern about the privatisation of prisoner transport, because the greatest opportunity for prisoners to escape is while they are being transported between prisons, from courts to prisons, and from prisons to medical practitioners and so on.

The publication contains some statistics which had been prepared as part of an internal report by the ministry on the operations of the prisoner transport section. It found that during a 14-day period, in excess of 1 173 prisoner

movements necessitated prisoners being outside the confines of a prison. That equates to over 30 498 occasions during a full year that prisoners are outside the confines of a prison. This creates an enormous opportunity for prisoners to escape and cause havoc in the community, yet the Government has moved to privatise this important service. I am extremely concerned about that, and I know many other people are also concerned, not only from the point of view of the safety of the community, but also because so little information has been made available about this privatisation. Tenders have been called for this contract and were due to close on Friday, 29 August 1997, so the process must be some way along the track. I understand that there were four contenders, who have been short-listed.

Sitting suspended from 1.00 to 2.00 pm

Hon LJILJANNA RAVLICH: Prior to the lunchbreak, I started to bring to the attention of the House my concern about what I see as the beginning of a privatisation process in our state prisons. Currently the area of prisoner transport is being privatised. Many people in our community are concerned about this high-risk area with its enormous potential for escapes. I wonder whether the private sector has the capacity to perform this function adequately. It is a major concern of mine and of many people with whom I have spoken. According to the ministry's own internal assessment of prisoner transport, there are in excess of 30 000 movements of prisoners in any one year. That creates enormous potential for things to go wrong. It is the State's responsibility to ensure that the potential for escapes is minimised, but I am not confident that that will be the case once prisoner transport has been privatised. I am very concerned for people living in high-density areas such as Southern River with Canning Vale Prison down the road. People in that electorate are already aware of the potential problems which could result from a privatised prisoner transport system.

I understand the Ministry of Justice was not allowed to tender for this contract. No commitment was made by the Government to improve the internal performance of the prisoner transport section. If there were problems with in-house productivity, an attempt should have been made to improve the situation prior to the Government moving down the road of calling for tenders to enable it to privatise this section of the ministry's operations. The privatisation of prisoner transport - as with the privatisation of any government instrumentality - will result in job losses; 50 to 60 jobs will go. Unfortunately, we have not seen any evidence to suggest that privatising this part of the ministry's operations will benefit the community. As opposition spokeswoman for the Public Sector Management Office, I am concerned that time and time again we hear in this place, and through the media, that another section of the State Public Service will be privatised. There is very little accountability or consultation. Nothing is ever brought before this place before the decision to privatise is made. It appears that most of these decisions are made behind closed doors. It is too late to do anything after the decision has been made. No doubt we will not see any evidence of any cost-benefit analysis having been done to support the Government's decision. All the information pertaining to this decision will be denied to us in this place.

I am concerned that the Government operates in this manner. The Australian Labor Party holds to the belief that there should be no sale or contracting out of anything unless it can be assured that the decision is in the public interest. The decision to privatise prisoner transport is not in the public interest. It has negative ramifications for community safety at large. We also believe that there should be no privatisation, sale or contracting out unless that represents the best option after looking at the competing costs and benefits. What follows from that is that the public and this place should be presented with all the necessary information to justify the Government's decision to contract out a service such as prisoner transport. We do not believe that this initiative will be in the interest of the Western Australian taxpayer.

Hon Simon O'Brien: How can you make that decision before the Government's decision is made? That is what you are accusing the Government of doing.

Hon LJILJANNA RAVLICH: This decision has already been made. Tenders have been called and four companies have been short-listed. In order to make the decision that the privatisation of prisoner transport is more cost effective, is in the public interest, is of benefit to the community, one would assume that the Government has undertaken a thorough cost-benefit analysis. I would like the detail of that analysis tabled in this place. I would like that information tabled on all government decisions to privatise and/or contract out. That does not happen with this Government. By and large, information relating to privatisation and contracting out is not presented in this Parliament. That causes me grave concern. One can only conclude that this Government's agenda is driven purely by ideology because, to the best of my knowledge, the Government has made no effort to ensure improved productivity. If improved productivity is the problem with prisoner transport as it currently stands, to the best of my knowledge the Ministry of Justice has made no attempt to improve the in-house performance of that sector of its operations.

Hon Simon O'Brien: Do you know about the core function projects?

Hon LJILJANNA RAVLICH: Yes, I do. I am glad Hon Simon O'Brien asked the question. I have a freedom of information request on that. I intend to learn a lot more about the core function projects. The fact that I have to go to these extreme measures to get simple answers to simple questions on behalf of the constituency I represent I find to be a fairly poor reflection on the way that this Government operates. I should not have to go to those extremes to obtain information. As I understand it, four respondents have been short-listed for prison transport. Australasian Correctional Services is one. It completed that very damning report on the State's prison system. Chubb Protective Services Division is another which is short-listed. The Corrections Corporation of Australia and Group 4 Correctional Services are others. Having done some work in this area, I have found that the reputations of some of those companies are not particularly good. I refer to an article of Friday, 12 June in *The West Australian* which states -

A prisoner has been taken to hospital after allegedly trying to assault staff at the privately run Port Phillip prison in Victoria. A spokesman for prison operator Group 4 said the 37-year-old suffered a broken nose and cheekbone after he tried to assault a staff member while taking a urine analysis. There has been mounting concern about rioting, suicides and self-mutilation at the prison.

Australasian Correctional Services has won a contract to build and operate a 600 bed prison at Sale, Victoria, 200 kilometres east of Melbourne. Allegations have been made of major reductions in education programs and major cutbacks in quality of services provided to prisoners. The parent company is the Wackenhut Correction Corporation, which is a Florida-based company. It is alleged that the parent company falsified tender documents, misused public funds and used former police officers, who had left the force in disgrace, as security officers. The Corrections Corporation of Australia is the third one to be listed. Those companies do not have good reputations in other places where they operate private prisons. It is of enormous concern to me that three out of the four companies which have been short-listed to operate prisoner transport in this State have those reputations. One does not have to be too smart to realise that the private sector is motivated by profit. Those companies' primary goal is to maximise profit. The way in which they will do that is by taking short cuts. That has very devastating consequences, not only for the prisoners and the duty of care provided to prisoners, but also for our community as a whole.

Because I am so concerned about the whole issue of the privatising of prisoner transport, I have put in a freedom of information request for all documents relating to the decision to contract out the custody management services and court security services. I hope that when I receive that information it will be of value to me by communicating exactly what is going on.

The state prison system is in a state of crisis. Quite clearly, much work needs to be done in this area. It reflects the fact that the Minister has been very laid back with the situation that confronts him. He has been far too slow to react to the many problems which have been identified by Australasian Correctional Services in its very damning report. We need to ask a number of questions relating to why the Minister has not acted. This Government has been in office since 1993. In view of that, it is not too short a span of time to have taken corrective action. Clearly, the indications from the report of Australasian Correctional Services is that very little has been done to address those problems. We need to ask why the Government, and the Minister in particular, have been so slow to respond. The Minister should be called to account for his lack of action.

We also need to know why the Minister commissioned a report from Australasian Correctional Services in the light of the fact that when responding to a question yesterday, the Minister made the comment that the member must keep in mind that the report was written by a person who hoped to tender for the provision of a private prison, and it must be read with that in mind. Quite clearly, the Minister recognises that there may have been a conflict of interest with Australasian Correctional Services carrying out that work. My question would be that if he knew there was a likelihood of a conflict of interest, why did he appoint those consultants in the first place? It begs the question of why have those consultants, having done that work, now been short-listed as one of the contenders for the prison transport contract?

I and many of my colleagues would also like to know how much was paid for the report. The Minister has already admitted that he has read only the executive summary of it. The cost does not appear to show up in any of the tabled papers on consultants engaged by the Government over the past couple of years. I suspect that a substantial sum of money has been paid for the report. That is something I want the Minister to address.

Finally, we know that the Government intends to privatise prisoner transport. I want to know whether this is the start of the total privatisation of the State prison system. If it is, I caution Western Australians to watch out for the consequences and warn the Government against going down that line.

Debate adjourned to a later stage, on motion by Hon Christine Sharp.

[Continued on page 196.]

LAPSED BILLS - RESTORATION TO NOTICE PAPER

Assembly's Message - Consideration

Message from the Assembly now considered requesting that consideration of the following Bills be resumed at the stage they had reached in the previous session -

1. Commercial Tenancy (Retail Shops) Agreements Amendment Bill 1997.
2. Energy Coordination Amendment Bill 1997.
3. School Education Bill 1997.
4. Workers' Compensation and Rehabilitation Amendment Bill 1997.

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the request from the Legislative Assembly be agreed to.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Discharge and Referral to Standing Committee on Legislation

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.19 pm]: I move without notice, consequent upon the decision of the House in respect of message No 1 -

That the Order of the Day for consideration in Committee of the Whole House of the amendments made by the Legislative Assembly, contained in message No 139, to the Workers' Compensation and Rehabilitation Amendment Bill be discharged, and the amendments referred to the Legislation Committee.

As members will appreciate, this will send that Bill back before the Standing Committee on Legislation in double-quick time to enable the committee to do its work and produce a much anticipated report to the House. I hope that the Government will be persuaded by the intent of the first motion now circulating.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.21 pm]: I indicate to the Leader of the Opposition how much I appreciate notice of this intent! Unfortunately *Hansard* may not pick up the heavy irony in my comments. I go to significant trouble to ensure members of the various parties in this House know the Government's intention for the legislative program and the way in which the business of the House will be conducted. It would be helpful if a similar courtesy were extended to me.

We now have a motion without notice and I emphasise that point. I put on notice yesterday, rather than without notice as I originally intended, all matters concerning reinstatement and reappointments to give members a chance to consider them. However, the Leader of the Opposition is moving without notice that the House refer to committees two Bills, which were reinstated onto the Notice Paper only a second ago.

The Leader of the Opposition knows full well that the two Bills affected by the motions - the Workers' Compensation and Rehabilitation Amendment Bill and the School Education Bill - are matters of significant political consequence. Members of this House have strong views about what should happen to them. Surely members should be given enough time to give serious thought to whether they want these Bills to go to the committees again.

I will argue vigorously against the School Education Bill going back to the Standing Committee on Public Administration, as I did when the House made the decision in the previous session. Surely common courtesy suggests that I be given the opportunity to prepare for that ahead of a motion without notice being moved now.

Hon Tom Stephens: Did you not think this is what I would do?

Hon N.F. MOORE: With all due respect I do not anticipate devious behaviour on the part of Hon Tom Stephens.

Hon Tom Stephens: It was not intended to be devious.

Hon N.F. MOORE: I think his action is devious because he did something without indicating his intention. If I am supposed to work out what he will do every day I will spend my daily life doing nothing but trying to work out what devious plan he might create.

Hon Tom Stephens: I do not get the right of reply. I had no intention of being devious on this. I assumed you would understand that the only opportunity I have for producing this result is the way I have proceeded. It is difficult to work through the processes of this. To the extent it is a surprise, I did not mean it to be done in that way.

Hon N.F. MOORE: We should change the standing orders so the Leader of the Opposition can have a couple of goes at this. The more we talk about it, the more irritated I am becoming. I am doing my best not to get irritated because

Hon Ljiljanna Ravlich gave me a little lecture earlier about how I get too crabby. I indicated to the House management committee, or whatever it is now called, that these matters would be reinstated on the Council Notice Paper and that when we came to the order of the day that relates to these Bills it would be appropriate for any member to move that they be sent to a committee, or to move to do whatever we wanted.

Hon N.D. Griffiths: What is your problem?

Hon N.F. MOORE: That is a debate about which members would have time to contemplate and decide on prior to the order of the day coming onto the Notice Paper. The management committee is about members collectively knowing in advance what will happen in this House. I said to the management committee, as I recall - I do not keep detailed minutes in my head - that we would argue about some of these things because we argued about them before. I think I said that I suspected the numbers were such that they would go back to the committees, but that I wanted the opportunity to argue why they should not. The action of the Leader of the Opposition in moving this motion without notice is perhaps devious, or a bit underhand.

The PRESIDENT: Order! I do not want any more discussion from the Leader of the Opposition, who has put his case. I say to the Leader of the House that the motion is within the standing orders. We should be clear about that. It is not improper for this to be done, although I say no more about that.

Hon N.F. MOORE: Forgive me, Mr President, if you think that I am trying to suggest that this is improper. As we all understand, the standing orders will be abided by in this House and you will rule in that way. However, in the spirit of the management committee I had foisted on me against my will, I have done my best to make it work and to tell everybody in this House what I am trying to do - that means talking to several people about everything that happens - only to find that I am the last to get a copy of this motion and the Leader of the Opposition wants the House to make a decision on motions without notice. They are serious motions which deal with two important pieces of legislation that the Government wants to pass. The Government does not believe they should go back to committees.

Hon N.D. Griffiths: You said that last time; so what?

Hon N.F. MOORE: Since the last time we argued this issue members opposite might have woken up to the fact that sending off the School Education Bill is a waste of time. The committee had a go at it between the last time it was moved to send it off and now. To give me two minutes to think about this and expect a decision on a motion without notice is not fair or acceptable to me. If the Leader of the Opposition expects me to give notice of motions I expect the same from him.

The Government does not accept the Opposition's move and will vote against it. It should be treated as it would normally be treated: Once it is reinstated to the Notice Paper it becomes an order of the day and when it is called it is possible for any member to move a motion to send it to a committee or to take some other action. To do it without notice is unfair and against the whole spirit I thought the Leader of the Opposition was trying to engender by giving me a committee to ensure we do not get these surprises.

Hon Tom Stephens: I thought you were anticipating this motion.

Hon N.F. MOORE: I cannot anticipate what the Leader of the Opposition might do from one day to the next. If others can, I would be delighted for them to tell me how to do it, and I will enter the realms of people with superior judgment. It is a regrettable fact of life that I could never predict what Hon Tom Stephens might do from one day to the next.

The Government will not support this motion because the referral of the Bills should be dealt with properly; that is, when these orders of the day are called. That is when the House can make a judgment.

Question put and a division taken with the following result -

Ayes (16)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon E.R.J. Dermer

Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm
Hon Helen Hodgson

Hon Norm Kelly
Hon Mark Nevill
Hon Ljiljanna Ravlich
Hon J.A. Scott

Hon Christine Sharp
Hon Tom Stephens
Hon Giz Watson
Hon Bob Thomas (*Teller*)

Noes (15)

Hon M.J. Criddle
Hon Dexter Davies
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Ray Halligan
Hon Barry House
Hon Murray Montgomery

Hon N.F. Moore
Hon M.D. Nixon
Hon Simon O'Brien
Hon B.M. Scott

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson
(*Teller*)

Pairs

Hon Ken Travers

Hon Greg Smith

Question thus passed.

SCHOOL EDUCATION BILL

Discharge and Referral to Standing Committee on Public Administration

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.33 pm]: I move -

That the Order of the Day for the second reading of the School Education Bill be discharged and the Bill be referred to the Public Administration Committee.

In support of that motion, I will deal with the issues that have arisen. I am stunned by the comments of the Leader of the House. He has made considerable, and very successful, efforts to establish a cooperative approach in this House. There has been a genuine misunderstanding about what was going on. The Leader of the House told me he would adjourn the Address-in-Reply debate in order to accommodate a motion for the acceptance of Legislative Assembly message No 1. When he did so, I thought he understood that it would be a debatable motion, and that the Opposition would vigorously pursue its objective of referring the School Education Bill and the Workers' Compensation and Rehabilitation Amendment Bill to committees.

Hon N.F. Moore: I thought you understood how the process works.

Hon TOM STEPHENS: It was not an attempt on my part to be devious. The Leader of the House explained in the business management classification process that the Government was vigorously opposed to some Bills being sent to committees. I anticipated that when he gave notice of this motion, he would recognise that the Opposition would seek an opportunity to send them to committees against the will of the Government. It was my intention to do it not by surprise, but as a consequence of the Leader of the House moving the motion. I sought advice on how to respond to the handling of message No 1 and I did not in any way intend to be devious, nor did I expect the Leader of the House to see my action as devious. I thought he understood that as soon as he moved for the reinstatement of those Bills, I would use the processes of the House to pursue the political objective of the opposition parties.

I am still learning this job, and the Leader of the House is handling the new arrangements well. I appreciate that. I am not trying to be sarcastic. I appreciate that he has the difficult task of managing government business in the House and, by and large, the course of actions he has embarked upon, particularly if he maintains that style, will be to the benefit of the Government's legislative program and the smooth and efficient operation of the House. I regret that the Leader of the House thinks my response has been devious; it was not intended to be. I anticipated that the Government would oppose this motion, and I assumed that the reason for reorganising the Notice Paper was to get it over and done with.

Hon N.F. Moore: I said to you that because Hon Christine Sharp indicated she would move an amendment to the Address-in-Reply, it could mean that at five o'clock we would still be debating the Address-in-Reply and this Order of the Day could not be dealt with. That is why I am dealing with it now.

Hon TOM STEPHENS: I thought the Leader of the House meant that because the motion would be contested and debated, it would take some time and it would not be dealt with by five o'clock if we vigorously debated the referral of the Bills to committees.

Hon N.F. Moore: All message No 1 does is put the Bills on the Notice Paper.

Hon TOM STEPHENS: And the only opportunity I have to expeditiously send those Bills to a committee is to respond at this stage.

Hon N.F. Moore: No, you could wait until that Order of the Day is dealt with.

The PRESIDENT: Order! I cannot allow cross-Chamber chatter because by allowing two members to do it, I exclude everyone else. That would be unfair. The Leader of the Opposition will address his comments to the Chair.

Hon TOM STEPHENS: I apologise to the Leader of the House for the misunderstanding which has occurred. However, this is in pursuit of an objective, which the Labor Opposition vigorously articulated previously, to refer the Bill to committee. We are keen for that process to continue. I understood from everything the Leader of the House said that the Government vigorously opposed this motion, and we knew that it would meet with opposition. Despite that, it is in the best interests of the expeditious handling of the School Education Bill that the motion be carried forthwith and I commend it to the House.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.38 pm]: So that the House understands the nuances in this place, I indicate that this morning when we began the Address-in-Reply debate, I was aware that Hon

Christine Sharp would speak after Hon Ljiljanna Ravlich. I was under the impression that Hon Christine Sharp would be the last speaker in the debate today, and that the debate would be adjourned and we would move to consideration of message No 1 from the Assembly. I understood that would be dealt with, the House would adjourn and members would then go in their respective directions. During the lunch break I became aware that Hon Christine Sharp was contemplating an amendment to the Address-in-Reply. If that had happened, members could have been in this Chamber at five o'clock debating an amendment, the House would have adjourned at five o'clock and I would not have had an opportunity to move the motion about the reinstatement of Bills. I asked the member to adjourn the debate until a later stage of the sitting, so that these items could be restored to the Notice Paper, and then the House could return to Hon Christine Sharp's speech. I advised the Leader of the Opposition of that.

I had no idea that he would then jump to his feet and move motions without notice because I, in my naivety, assumed that having returned these items to the Notice Paper, and having agreed to message No 1 that the items become Orders of the Day, when the Order of the Day is reached - and it would be quick because the Government is anxious to get these Bills through - we would then have a debate after having had notice about whether the Bill should be read a second time or go to a committee or whatever the motion happened to be at the time. I feel I have now been ambushed, and I understand the Leader of the Opposition indicating that this is part of his political agenda. It is not acceptable in my view for the Opposition to have a political agenda with regard to the running of the House. If it does it should not expect the Government to tell it everything that it is doing by way of a committee that the Opposition asked me to set up. It must be a two-way street. If the Opposition wants to play these games and do things without telling me, I am happy to go along with that; but it will come from the other side too. I shall not tell the members of the Opposition what we are doing either, which will break down the relationship which has been developed. That is a bit of the background to this situation; let us now get on to the substance of the motion, which is that we send the School Education Bill to the Public Administration Committee.

I indicate to the House that we shall debate it this afternoon and it may well take the whole afternoon. That is why I indicated to Hon Christine Sharp that she may not get a chance to make her speech because this matter may go to five o'clock. Had we done this through the normal process, this matter would have come up one day next week and this debate would have taken place then. The Address-in-Reply would have continued today, we would have had an amendment, and we would have argued about that and gone home at a reasonable hour. The Government feels very strongly about referring the School Education Bill to the Public Administration Committee. It was a decision that the House took prior to prorogation in the last session, which we very strongly opposed for many good reasons. Nothing has happened since to indicate to me that that opposition was in any way misplaced. I have not had time since this motion landed on my desk to refer to all the notes I used last time, but I shall rely on my memory with regard to that debate to go through all the reasons that we should not do this again, and to indicate that subsequent to the Bill going to the committee, a number of things happened which reinforced my view that it was a bad decision last session and we should not make it again this session.

The School Education Bill had its genesis in a decision that I took as Minister for Education to rewrite the Education Act 1928 .

The PRESIDENT: Order! Before the Leader of the House develops his argument: There are basically two elements in this motion. One is that the Bill either be discharged or not discharged from the Notice Paper and, secondly, as a consequence of that, it be referred to the Public Administration Committee. It is not within the motion for members to debate the text or substance of the Bill itself. We are dealing with the specific discharge and referral at this stage. I raise that with the Minister because other members will want to speak and I want them to understand the rules.

Hon N.F. MOORE: I propose to outline the processes that led to this Bill being produced in the first place and to indicate that that process was such that any further consideration by a committee of this House is totally unnecessary, and therefore the Bill should not be discharged and referred to the Public Administration Committee. I was about to begin by referring to the processes that took place in 1993 when this all began. As the Minister for Education in those days, I had been acutely aware for many years of the need for a complete rewrite of the Education Act because it is old, dilapidated and out of touch with modern education thinking. It had been amended so many times that it bore very real relationship to the original Act. I put in train a process to rewrite the Education Act. I set up a school working group. It was given the job of working out the framework of a new Act and consulting widely with people in the community - the education community particularly; but the general community as well - about what should be contained within an education Act. The whole aim of that exercise was to consult widely with respect to what should or should not be in an education Act, whether it should simply be an education administration Act or an Act which related to a whole range of more fundamental issues with respect to education generally. This is another reason that we do not need to go to a committee of this House, because the very first steps taken in the process of creating this Bill were based on the consultation that was undertaken by the very first group of people working on this Bill. Dr Ken Evans, who is now the Electoral Commissioner, was involved in that, as was Fred Tubby MLA from the other House and a number of other people who were part of that process.

Out of that emerged a whole range of ideas as a result of the consultation that had taken place with respect to the framework and the structure of a proposed Act. That took quite a long time for many reasons. One of the reasons was because a significant amount of consultation had taken place with a whole range of stakeholders and others with an interest. When I changed my portfolio, for reasons I will not go into, and no longer remained as the Minister for Education, I was pleased that my successor decided to continue with the project because it was a big project, but one that needed to be done. It was full of political risk because when one starts trying to rewrite an Act such as the Education Act, one can indeed get into difficult political waters just as in any other major rewrite of major legislation. I remember the Mining Act in 1978 as an example of that, and I suspect Hon Andrew Mensaros in those days would probably not have made the decision he did if he had realised the flak he would receive, but the risk was taken and Mr Barnett, to give him credit, continued with the project.

Hon Peter Foss: He was about to leap to his feet and agree because he said the same thing this morning.

Hon N.F. MOORE: Is that right?

Hon Peter Foss: Yes, he said we have had enough consultation, now is the time to act.

Hon N.F. MOORE: I think that is worth recording and we should put that in big headlines just as the Hon Ljiljanna Ravlich said sometime ago that we should legislate according to public opinion polls, which is important too. I have that written down because I remember her saying that.

Hon Ljiljanna Ravlich: I think you are misrepresenting me.

Hon N.F. MOORE: I shall remind her every time a public opinion poll comes out with some view that might be different from her own.

The current Minister for Education made the decision that he would proceed with the rewrite of the Education Act. The task was continued under the guidance of Fred Tubby MLA. A draft Bill was developed which went through all the processes of the government parties and through the processes of Cabinet. Out of that emerged a Green Bill. When I first came to this Parliament, I had never heard of a Green Bill and for most of the time I was here I never set eyes on one nor did I know what it was. One of the initiatives of the clerk was to inform us about Green Bills as they applied in other Parliaments. I have personally been involved in a couple of them. It is an excellent way to create legislation and put it in the public domain without the Government saying in any way, "This is our hard and fast position." A Green Bill in the community represents a set of ideas that can or cannot be changed. This Green Bill was then very widely distributed in the community, and regrettably because of the time I had to prepare for this speech, I do not have a list of the number of public meetings that were held and the number of submissions that were received, but they were in very large numbers.

Hon Kim Chance: About 20 in the country.

Hon N.F. MOORE: I suspect that could probably be multiplied by 10 in the city.

The public response to the Green Bill was significant. Green Bills are a good idea. However, they are not used very often. During my time in this place, some significant Bills have passed through this House that did not involve the preparation of a Green Bill, yet none of those Bills was sent to a committee of this House for further consultation and consideration.

The School Education Bill has been the subject of significant community consultation. The initial community consultation led to the Green Bill, which also received as much public consultation as the community wanted to deliver, and that consultation was taken into account and melded into what eventually arrived in the Parliament as the School Education Bill in its white form. That is the proper process that should be undertaken with a Bill of this magnitude.

It is very important to give the community the opportunity to have input into what will go into an education Bill, because nothing is more fundamental to our society than the legislation which covers the education of our children. The Government is very conscious of that need, and that is the reason so much public consultation has been undertaken since this process began. We could have just written an education Bill based on our own views and trotted up to the Parliament to see what would happen. We did not do that, fortunately.

We have now reached the stage where this Bill has been passed by the Legislative Assembly, after many hours of debate in that place, after many views have been put forward, and after a significant number of amendments have been accepted, and it has reached this House. In view of the massive amount of public consultation that has already gone into this Bill, it is now up to members of Parliament, as individual representatives of their constituencies, to make a judgment about this Bill.

Last session, when a motion similar to this was moved to refer this Bill to the Public Administration Committee, the proponents of that course of action said that it was necessary to go back to the community to see what it thought about a number of issues. I have not had a chance to read the report of that committee, which came out only yesterday, but I understand that the committee intends to narrow down its terms of reference, or to pick out a few issues with which it wants to deal, and to conduct some public consultation.

The time for public consultation has now passed. The time has now come for members of Parliament to make a judgment about this Bill and to determine whether the School Education Bill should contain this principle or that one. We do not need to hear anymore what the proponents of the various sides of the argument have to say. We need to make a decision about where we should go as members of Parliament. That is the stage that we have now reached. That is why I argued strongly - or as strongly as I could, regrettably unsuccessfully - last session against the referral of this Bill to a committee.

Nothing has changed since that time. It was put to me at that time that the committee would have the benefit of the recess to examine the Bill, and that would expedite the matter. However, all we have seen is a report saying "We have had a good look at it, but we were all doing something else during the break and did not have a chance to do much, and this is what we will do from now on." That has been a total waste of time and energy, and it has put us in a situation where an important piece of legislation that needs to be dealt with by this House - not by a committee - will potentially languish in this committee if this motion is passed.

The committee has decided that it will deal only with some parts of the Bill and not the whole Bill. Does that mean that when the Bill comes back to this place, the hard decisions will have been made by the committee? We need to bear in mind the standing orders with regard to what the Chamber can do with committee reports on legislation; and Hon Helen Hodgson is aware of that, because she could not talk on a particular clause of another Bill because of those standing orders.

To put it in the most serious way I can, this Bill is a Bill for all of us to determine. It is not for the Public Administration Committee to decide what should be the view of the House on these clauses. I do not know whether it is correct, but it has been indicated to me that some of the members of the Public Administration Committee will step aside and let visitors take their place. I know we have a situation where members can swap -

Hon Kim Chance: They are substitute members. They are hardly visitors. That is exactly why you changed the standing orders.

The PRESIDENT: Order! We are dealing with a motion to refer.

Hon N.F. MOORE: We were told that the Public Administration Committee, with all of its expertise on public administration, was the place to send this Bill, because it could make a decision about whether it was a good education Bill on the basis of that great knowledge. I am told now that two of the members of that committee will be replaced by two other members who have no experience on the Public Administration Committee.

There were a number of options for this Bill. It could have been referred to the Standing Committee on Legislation, which is set up for the purpose of looking at legislation. However, members opposite told me and this House that the Bill had to go to the Public Administration Committee because that committee knew about public administration and this was a public administration Bill with regard to education. They are now proposing to replace two of the members of that committee with members who have not ever been on that committee.

Hon Kim Chance: Who are the two members who will be replaced?

Hon N.F. MOORE: That is a rumour that I have heard around the place. If it is not true and is only a rumour, I am happy to withdraw the suggestion; but if it is not a rumour, I suggest it puts a big hole in the argument about the expertise that has been created on that committee being vital for the consideration of this Bill. If the membership of that committee is to be changed, members opposite should not use the argument that the Bill should go to that committee because it knows about public administration.

Hon Kim Chance: It is a six-person committee, and there is one substitute member.

Hon Ljiljanna Ravlich: And it is I!

Hon N.F. MOORE: That really worries me, Mr President! I am sorry the member has told me that; she has just ruined my afternoon! I have listened to Hon Ljiljanna Ravlich talk about education, and -

Hon Kim Chance: She is not a substitute. She is a participant.

The PRESIDENT: Order! One of the problems we have is that when one member interjects, everyone else wants to interject. The Leader of the House has the floor and should address his comments to the Chair and not to

individual members of the House.

Hon N.F. MOORE: Forgive me, Mr President; I was making a judgment about the composition of the committee which I may not be entitled to make. The point I am trying to make is very simple indeed. We have in this House a committee called the Legislation Committee, and in the past when we have had contentious legislation, we have sent Bills to that committee. It has a very good reputation. When some members opposite decided that the education Bill should go to a committee, and when the idea that it should go to the Legislation Committee was flagged, we were told that it had to go to the Public Administration Committee. I tried to work out why, because I used to be on the public administration committee, and I did not think school education was what it was about. I thought it was more about statutory authorities and basic administration, rather than the general principles of a Bill such as the School Education Bill. That is a matter of opinion and judgment.

Hon Ljiljanna Ravlich: It is an administrative Bill.

Hon N.F. MOORE: It is; but it is much more than that, otherwise we would not be arguing about some of the serious educational issues that need to be dealt with. Regardless of that, this Bill should be voted on by all of the members of this House. I will be put in a disadvantageous position if this motion is agreed to, because a situation could arise where that committee says that it agrees with certain clauses and it reports to the House at which time those clauses cannot be debated during the Committee stage unless I move an amendment to my Bill, which I do not want to do.

Hon Kim Chance: Or you can vote down the recommendation.

Hon N.F. MOORE: Of course. However, that is not what we are about. Thirty-four members of Parliament have been presented with a Bill on school education, and I am asking members here to give 33 members - the President will not be involved in debate - a chance to debate every clause, and to let the world know what they think of education in Western Australia.

The reason we have this standing order about what occurs when a standing committee report is tabled is to try to avoid the need to debate things more than once when there is general agreement on a committee. However, that process is not for this sort of Bill. This Bill is a Bill for everybody to have a view on and to be given the right to make a decision about where they stand on each clause. It is that fundamental. Education is a non-political issue, or it should be. The fundamentals of the education system should be non-political. We should be able to debate the issues in this Bill from a non-political background on the basis of how we feel about the issues to do with education that are raised in this legislation.

My concern about what might happen to this Bill is not so much that it will go to Hon Kim Chance's committee or that it will take a lot of time that we do not need to waste. My fundamental and basic concern is that the potential exists for some members of this House to be excluded from the deliberations about certain parts of this Bill. That would be dreadful, and totally against the spirit of a House of Review which members opposite keep telling us this is.

We should strongly reject this ambush motion that we are debating now to discharge the Bill and refer it to the Public Administration Committee. I want to focus my comments on those members of the Australian Democrats and the Greens (WA) who sometimes feel that because they are minor, minor parties they do not get a go in the process of the Legislature. They need to understand that once the committee agrees to an issue, that is the end of it - no other members will be able to debate the issue. The minor parties are not even represented on that committee, because the big parties have all the spots. That is how it is. The minor parties should think about that. Also, if Labor Party members want a say on this Bill they should not give it to some little group to make decisions for them. That is what it is about. This motion is saying to six members of this House that they can decide on the School Education Bill.

In order that my bona fides is clear, I have on many occasions supported sending legislation to committees because that is a good way to find out what the public think about things, if there is some doubt about the issue, if we want a detailed investigation into some aspects or to get legal advice on issues that might be of concern to members. I do not have a problem with that. However, this Bill has been through an extensive consultation process and the Green Bill for this piece of legislation is something that happens rarely. That has given the community a significant chance to make their points of view known and their views have been taken on board. Now we have reached the stage where all members of this House should be given the chance to debate the whole Bill, clause by clause, page by page, issue by issue until at the end of that process the whole House decides what it wants to do with the Bill. I cannot think of anything more sensible than that and that is what we are here for.

I do not know what the motivation of the Opposition is to move this motion, unless it wants to cause some trouble about educational issues, and to create more dissension and discourse in the community. If that is what it wants to do I suppose that is what Oppositions are for. It should not be the case on this issue. This issue should be beyond all of that. I cannot think of any issues in this Bill which need a committee to go to the community again and ask

what they think. They have been given a chance to say what they think and the Government has brought forward a Bill. Let us now collectively make a decision as a House. That does not mean members will agree with every clause in the Bill. Hon Derrick Tomlinson has already indicated that he does not agree with some things in the Bill, so we will have a good debate on it. However, debate should not occur in an office in Hay Street; we should be debating the Bill right here.

For all the reasons I was able to muster last time we had this debate and those I have been able to hurriedly think of this afternoon we should unanimously reject this motion. We should collectively say as members of Parliament that the Bill is here now for all of us to debate. Let us have a good debate in this House with everybody debating here. The only difference between what opposition members have proposed and what I propose is that they want to go to a committee room where nobody can see them to talk about the issues and take evidence - but people have already given evidence - and I want to come in here and collectively, as a Committee of the Whole, go through the Bill clause by clause, so everybody gets a chance to say what they want to say. There could be nothing fairer or more proper than that. That is what this House is for. Committees are not for sidetracking Bills, for political expediency, or to be used as vehicles to cause dissension. They are vehicles through which members can get information and knowledge that is not otherwise available or if there has not been enough public consultation. However, this Bill sure has had enough of that.

With all the sincerity I can muster on this occasion and as a former Minister for Education and a person who has a strong and abiding interest in the education system I vigorously ask the House to reject this motion and let us all collectively take as much time as we need - I can assure members they can have as much time as they need - to debate this as a Committee of the Whole. In that way we will know what everybody feels about every issue in the School Education Bill.

The Government wants this Bill to progress this year. It would like the Bill to be passed by the Parliament before the end of this year, so it can be introduced and implemented in the 1999 school year. Sending this Bill off to the Public Administration Committee will add more time to the process to the point where I do not believe that the time limits that will eventually apply to the proposal by the Leader of the Opposition will allow us to get the Bill passed this year. Now the Bill is back on the notice paper I propose to deal with it in a Committee of the Whole and we can have it passed with ample debate by the end of this year, and then it can be implemented in our schools. Goodness gracious, the education system deserves a new Act. The last Act was written in 1928 - which makes it 70 years old - and we still cannot get it right because for some strange reason the Opposition wants to take it off to a committee. I strongly oppose the motion.

HON HELEN HODGSON (North Metropolitan) [3.10 pm]: I must admit that I was expecting that this morning we would be having a discussion on the interim report of the Standing Committee on Public Administration on this Bill, but I am aware of the reasons that the order of business was changed. It would have been helpful to members discussing this matter this afternoon if some of the issues in that report had been drawn to members' attention. The committee is well aware of the constraints on what it may examine in respect of this Bill. It has been brought to our attention that we are limited to the aspects of public administration. We have found concerns largely with the areas of public administration in this Bill. It is quite appropriate therefore that the committee be continuing to look at those aspects of the Bill.

I also draw to members' attention that the committee notes that some issues may be more appropriately dealt with by another committee of the House. That committee of the House could be the Committee of the Whole, as the Leader of the House has been arguing, or it could be the Standing Committee on Legislation, which also received some attention a moment ago in the comments of the Leader of the House. The Standing Committee on Public Administration is restricted in the areas it can examine. The committee is saying that we should be given the opportunity to go ahead and look at those aspects now and deal with some of those issues. There is no intention to re-open the extensive consultation process that has already occurred. In fact, we are asking why people are saying that the consultation process was not sufficient. If we find that the consultation process did take on board those concerns, that could be one of the findings that the committee would be making. The committee has looked at the Bill and identified those clauses where there are issues. They comprise just over 20 per cent of the Bill. It is not a case of re-opening and dealing with the whole matter all over again. We are trying to focus discussion, not trying to cut people out of the debate or the equation.

I want to reflect on the comments made a moment ago about the possibility that members of this House will not get the opportunity to comment on this Bill. This Bill will come back from the committee at the second reading stage. It has been second read by the Government and we have not yet had the second reading debate. This means that members are free to range over the whole content of the Bill, including those areas that are beyond the scope of the committee to look at. The Committee of the Whole stage will follow. I acknowledge that difficulties have been caused by standing orders when a Bill comes back from committee as to what can or cannot be debated. I remind

members that a change was made to standing orders following those difficulties, which is affectionately known as the Hodgson clause. It states that under clause 1 of the Bill one can debate anything that is raised in a clause that is not referred to in a committee report. Therefore members can use a number of mechanisms. First, the policy can be debated in the second reading debate, which has not yet occurred. Second, if there is a specific clause which the committee has ticked off and about which a member still has concerns, the member can move an amendment and put it on the Notice Paper. Third, if a member wishes simply to discuss the clause, the member can discuss it under clause 1 and is entitled to ask the Minister for whatever clarification is needed under clause 1. Those three avenues enable members to fully participate, even when the report comes back from the committee.

I am well aware of the need to get this Bill through the House this year. Sending it to the committee to clarify those areas of public administration will streamline the process considerably. When one thinks of the amount of time that has been spent on this Bill and the length of time for which it was debated in the other place, if we can come back and say that we have looked at the argument and have decided that it is hollow, that will streamline debate in this place. It will assist the Government in getting the legislation in place by the end of this year.

I am a little disappointed that we did not get the opportunity to discuss the interim report of the committee prior to having to discuss whether the referral will be made. That would be happening whether we debated this matter today or on Tuesday because normally we would get back to the committee report by next Thursday morning. I do not see that the timing will be of any great consequence. I hope members who have not yet had the opportunity to read the report will do so. It is a short report of two pages and an appendix. I hope that members will have a look at the work that has been done and the approach that the committee intends to adopt and agree that this is a wise course of action.

HON B.M. SCOTT (South Metropolitan) [3.15 pm]: As a member of the Standing Committee on Public Administration and a party to this report, I want to make some comments on this referral. As our leader has stated very clearly, education is a matter about which, like dogs, most members of Parliament want to have their say and in which they are involved.

Hon Kim Chance: Like sheep lice.

Hon B.M. SCOTT: I was not aware that sheep lice were so popular.

Even as a member of the Standing Committee on Public Administration who has looked at the scope of the inquiry, I can see that it is clear from our short report to which Hon Helen Hodgson referred a moment ago that the scope of the possible inquiry by the Standing Committee on Public Administration is limited. There is very sound argument that this Bill, if it were to be referred, would need to be referred to two standing committees because the scope of the committee's inquiry is limited to public administration issues. I raised in committee that our standing orders confine us to looking at public administration in an agency under existing law. That was debated in committee. Standing Orders 3(1) and 3(2) of the committee, as I interpret them, limit the scope of the inquiry even further than the committee report would note.

In the committee report we have noted that 56 of the 240 clauses in the Bill are appropriate for discussion and deliberation and are areas of concern. It is appropriate this afternoon for those members who perhaps have not been involved in the debate on the School Education Bill in the public arena to be aware of the concerns in the community and the extensive public consultation that took place over this Bill. I attended a number of meetings and have a vested interest in education, as a number of people in the community are aware. I have not had one person come to me since the public consultation concerns were put into a document to say that he or she was not happy about the consultation. I am familiar with and have a working knowledge of and close involvement with a number of the stakeholders who would have been expected to raise concerns, some of whom did raise concerns, over the education Green Bill.

There are issues like the devolution of the administration of schools, school-based decision making bodies, school fees, school boundaries and other matters in which parents and school communities are involved. They have had much public debate. As most members will know, the home education sector made sure that it had representation at most of the public meetings. I have not heard since then that it is not happy with what was resolved through the public consultation process. The Leader of the House commented that most members would want to have a say in this Bill. I am yet to be convinced, because of the narrowing of the scope of the inquiry open to the Standing Committee on Public Administration, that it should be referred to it. It seems just a doubling of the work for a few of us. I spent the first week of this past break reading all of the reports on the consultation process and the debate in the other place. It is clear from the debate in the other place that many members hold very strong views about education and wanted those views to be heard. We are denying our members that opportunity here.

The stakeholders in the main issues seem to be satisfied that their concerns have been heard in the public arena. It is now up to us to make a decision in this House as quickly as possible. It will only mean a delay and a double

workload for a few members of this House to continue the inquiry by the Standing Committee on Public Administration.

Point 2.4 of the committee's report on the Bill notes that some issues fall outside the committee's terms of reference, therefore it is restricted in how it can deal with the Bill. Point 2.6 indicates that it is axiomatic that the committee be constrained in any inquiry to remain within the standing orders. In this instance that will mean the scope of the inquiry will be contained primarily, if not exclusively, by the effect of the Bill on issues administered by the relevant public agencies. It is common knowledge to most members of this House that the terms of reference require the Public Administration Committee to examine the efficient, effective and accountable operations of public administration. In that light, this Bill, without going into the policy and detail, sits across two of our standing committees, one of legislation and one of public administration. As I said earlier, according to my interpretation of term of reference 3(1) this committee is excluded from examining an agency under the current law. This a new Bill so it makes it even more exclusive of canvassing by the Standing Committee on Public Administration.

Item 2.7 of the committee's report reads -

By way of example the Standing Orders which apply to this Committee do not enable the Committee to enquire into the principle or policy behind the Bill.

I suggest that probably the principle and policy that drive the changes in this Bill are the most contentious in the community.

Hon N.F. Moore: They would not even let us debate the second reading.

Hon Kim Chance: Of course it can be debated.

Hon B.M. SCOTT: That is the very reason people will want to have their say on the matter in this House. I am not sure that anything we achieve in the Public Administration Committee will not be rehashed again in the second reading debate when we give every member the opportunity of discussing the principles and policies of the Bill or what drives it.

As the Leader of the House said, a substitute member has been appointed to the committee, and another member has joined the committee as a non-voting member. Although I do not object to new members on the committee their inclusion changes its status. It is a Bill for everybody, therefore we might as well include everybody rather than bring in a substitute member -

Hon N.F. Moore: We could bring in everybody and all have a go.

Hon B.M. SCOTT: - and somebody who has as interest in the matter who cannot even vote on the recommendations of the standing committee.

Every member of this Chamber has a right to have a say on the major issues that have been canvassed throughout the community. Everybody has been affected, for instance, by school boundaries. The Bill will remove the compulsion to comply with school boundaries. Most people will want to have a say on that. How we deal with truants and school fees are also issues on which most people will want to have a say. The standing committee might spend a day debating those issues but it might be contrary to what the majority of people believe.

A group of largely very committed people in the community who have chosen to educate their children at home initially believed this Bill would put them under too much scrutiny. By its title the Bill is exclusive of home educators. However, they have had their day and the Minister is very conscious of their legitimate concerns about the implications and constraints placed on them by the Green Bill. Following a satisfactory consultation process they are now happy with the legislation.

Home educators should be admired; they need a medal. Being a mother of four children whom I home educated until they were five or six, I was happy to use school institutions after that. People who take on the full responsibility of home education deserve acclamation because they do a great job as part of a clear commitment to their children. Their concerns have been resolved.

In the area of school administration I have been a long believer in more parent involvement in schools.

The PRESIDENT: Order! I listened carefully to the member. So far she has been speaking on points, but I fear she is about to step over the line and discuss the substance of the Bill.

Hon B.M. SCOTT: Thank you Mr President. I reiterate that most members will want to have a say on the issues raised in the consultation process. They are relevant to the whole Chamber. I would rather debate the Bill during the second reading stage than send it back to the Public Administration Committee. There is a time line on this Bill

because the Government is keen to implement it from January 1999. If the Standing Committee on Public Administration is to report by 8 September, realistically it will allow a limited time for scrutiny. Members' time is limited. The session is scheduled to sit for two weeks with a two-week break prior to 8 September.

Item 2.3 of the committee's report to Parliament reads -

At this stage issues of concern can be related to 56 clauses of the 240 clauses in the Bill . . .

That might not sound like a sizeable bite but their examination clause by clause and consideration of recommendations will require far more than a two hour meeting once a week between now and 8 September. Notwithstanding the intent, sincerity and dedication of the commitment of fellow members on the Public Administration Committee, I urge all members of this Chamber to seriously consider that this is not the only item on the agenda. We have yet to finalise several outstanding queries and important issues of public administration. This Bill should be dealt with, appropriately and properly in this Chamber and should not be referred to the Public Administration Committee.

HON KIM CHANCE (Agricultural) [3.30 pm]: I had not intended to comment on this issue but, as Chairman of the Standing Committee on Public Administration, I feel that I should. I thank the two members of the Standing Committee on Public Administration who have already put their views very clearly, although not everything they said was in accord with the other. I ask members to read the brief report which was made available to them yesterday. That report indicates that some progress has been made by the committee, albeit it was somewhat impeded by prorogation since the initial referral and now.

The principal reason I speak is to attempt to put the mind of the Leader of the House at rest about what I perceive to be the intent of the committee in this matter. I had a private conversation with Hon Derrick Tomlinson yesterday about the same matter, during which he raised similar issues of concern and asked me direct questions about how I felt the committee may progress this inquiry. I was able to inform Hon Derrick Tomlinson yesterday, and I am happy to inform the Leader of the House, you, Mr President, and the House today, that in my estimation it is not the intention of the committee that progress of the School Education Bill be in any way slowed down by the proposed inquiry. I would like to say, but I cannot guarantee, that it will speed up the progress of the legislation. The commitment of the Labor Party, and my commitment, although we cannot control the number of sitting days for the Parliament this year, is that this Bill will be dealt with and enacted during this calendar year. Having made that commitment, I remind the House that although I have only one vote, my vote coupled with those of government members guarantees a majority in that matter. I am happy to give that guarantee in public. It is not the view of the ALP that this Bill is so trivial that it can be used as a football by anybody. I am happy to give that commitment on my own behalf.

Insofar as it stays within the standing orders relating to the manner in which this Bill was dealt with in the other place, it is clear to anyone who has read the debate in the other place - as Hon Barbara Scott has - that some issues raised in the debate are still matters of contention. Those matters reflect the contention in the general community, and not just the contention between the political parties and the Independents who make up that place and this place. They are not irresolvable, but they are acute. In the other place they caused long and extensive debate. If members have confidence in our committee system - again, I make no guarantee about the performance of the committee - they should be able to recognise that one of the outcomes of referral to the Standing Committee on Public Administration might be that these issues can at least be clarified, if not resolved. In that case we may not be debating contested clauses on the basis of reinventing the wheel. We may at least have the capacity to bring some clarity to these issues. It can be seen from the debate in the other place, and it is immediately apparent to a casual observer, that that was not always the case. I am not suggesting that in every case of a contested clause, the committee will make a recommendation. However, it may provide a condensation of the argument, which may assist the conduct of the debate in this place.

In that process of trying to cull, refine and define the matters of contention, the committee may seek outside advice. I do not know whether it will, because the committee will make that decision according to its assessment on a particular occasion. It is certainly not my view that the committee will seek outside advice and invite witnesses on a broad-brush basis. The Leader of the House seemed to anticipate that that may be the case. Again, I would like to put his mind at rest. It is certainly not the committee's intention, although it may seek advice on particular matters.

The basis of the objection by the Leader of the House seemed to be not so much the matter of referral but rather the effect of the new standing orders on the way the House deals with a committee recommendation. That is not the fault of the committee system in this place. The House has resolved by majority to adopt those standing orders. We are all still a little nervous about them and they are largely untested in the way the Leader of the House referred to them. I agree with him, and I am a little concerned about how they will work; however, until we test them, we shall not know whether the system will work in every case.

Hon N.F. Moore: It will work with Bills that should go to committees for the reasons I suggested, but not for Bills of this nature.

Hon KIM CHANCE: We do not know that. I share the concerns articulated by the Leader of the House, and I do not know what the outcome will be. Certainly, it is not intended to use it in any way that will confine the input of other members. The Leader of the House knows there are ways of getting around the standing orders if any member needs to deal with clauses which are subject to the standing committee's recommendation. A number of mechanisms can be used. It is matter of intent rather than anything else.

As to whether the Standing Committee on Public Administration is the appropriate committee for this inquiry, again, I am somewhat on the side of the Leader of the House. It was not my decision or my initial choice that this committee be designated this task. Nevertheless, the House determined prior to prorogation that it is the appropriate committee and, as a result, it has already conducted some deliberations and done a considerable amount of work towards the achievement of that end. The Public Administration Committee is no less relevant in this matter than any other committee, but that is only my assessment. My reason for it not being my first choice was the matters that were raised by the deputy chairperson, Hon Barbara Scott; we already have an extremely heavy workload. Nonetheless, I believe that we can work our way around it if that is what the House wants us to do.

In terms of the changes in the membership for the purpose of dealing with this issue - that is, the changes in membership of the committee itself - I want to point out a couple of matters. We are not changing two members. The situation, as the Leader of the House could have determined if he had asked me, is that there will be one substitution, that substitution being Hon Christine Sharp for Hon Cheryl Davenport, and there will be one participating member, Hon Ljiljanna Ravlich. The result of that substitution of Hon Christine Sharp for Hon Cheryl Davenport means - it was done for this reason - that every party represented in this House will be represented on that committee to deal with the issue. That is why it was done.

Hon N.F. Moore: This is not a party Bill; it is an individual member's Bill.

Hon KIM CHANCE: I do not care.

Hon N.F. Moore: That is what it is.

Hon KIM CHANCE: The Leader of the House actually raised that issue in the context of his argument against the motion, and I intend to address the matter that he raised. Every member of the House has an interest in the School Education Bill. I am well aware of that and I hope that the outcome of the committee's investigation will not hinder the expression of that interest by each member, but it happens that many of us believe that there was a reason for every party at least to be represented in that deliberation, and for that reason the Australian Labor Party surrendered one position to enable all parties to be represented, and I might add that we were happy to do so.

I reiterate that I can make no promises about the outcome of the inquiry. All that I can say is that there is no intention by opposition parties, if that is what is being alleged, to hold up the inquiry. It is the committee's intention, as far as I can understand it, to proceed with all haste. Certainly, we will have to narrow the scope of the inquiry to deal with it in an appropriate manner, and as a result of that I can almost guarantee that there will be issues which ought to have been dealt with by the committee but which will not be dealt with by the committee because we simply will not have time to address them if we are to meet our commitment to bring the Bill back to the House in ample time for discussion and vote.

I hope that that puts at rest the mind of the Leader of the Opposition and the minds of other members as to our intention. Even if certain members will not support the motion and in the event that the motion is carried, I hope that they will support the Public Administration Committee in its endeavours to assist the House in dealing with the Bill.

HON LJILJANNA RAVLICH (East Metropolitan) [3.43 pm]: I support the referral motion. I am a little concerned about the argument that was put forward by the Leader of the House for the need to get cracking on the agenda. We have already debated this matter and here we are debating it again. It would be much better to accept that a decision has been made by the House and that we should simply reinstate the motion and ensure that the issue is looked at by the Public Administration Committee.

It is questionable whether we would bring the School Education Bill to this place within the next three to four weeks, anyway. I cannot see why there is such strong objection to having the Public Administration Committee look in depth at critical issues in relation to the future education of Western Australian children, given that the likelihood of introducing the legislation and dealing with it in this place over the next three to four weeks is almost non-existent. I would like a response from the Minister on that point. Apart from the time argument and the argument that the Leader of the House has put on several occasions concerning the potential for members to be excluded from the deliberations, which is also a bit of a fallacious argument -

Hon N.F. Moore: It is not.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon LJILJANNA RAVLICH: I will not canvass anything already dealt with by my colleague Hon Kim Chance -

Hon Barry House: But!

Hon LJILJANNA RAVLICH: - but the Leader of the House voiced his concern about excluding members from this place from deliberations on the Bill. I do not see that as a problem. If, when the Standing Committee on Public Administration returns with its recommendations and members agree with them, there will not be a problem. If they have a problem with some of the recommendations they can clearly move amendments to them and we can deal with them then.

This is a more expedient process because if at the end of the day people agree on certain recommendations made by the committee, why would they want to spend hours debating them? We want to debate only issues on which there is disagreement.

I understand the Minister is very keen for the Bill to become law and to be introduced at the commencement of next year. We have given assurances time and time again that we will not carry out extensive public consultation which could be seen to slow down the process. However, at the end of the day, members should make no mistake that we want to see good legislation that is acceptable to the vast majority of people. We do not want legislation to become law in this State purely because the Government has the numbers in the other place and has rammed it through.

Hon Derrick Tomlinson: Rubbish.

Hon Max Evans: Rubbish.

Hon Derrick Tomlinson: You know for how long it was debated in the other place.

Hon LJILJANNA RAVLICH: I know for how long it was debated and that it will be debated for three times as long in this House.

The PRESIDENT: Order!

Hon LJILJANNA RAVLICH: Hon Derrick Tomlinson should not get me excited. We want good legislation. The Education Act has served the Western Australian education system well for 70 years. We are keen to see a new Act but we want it to be good legislation. We on the committee - I am only a participating member - are interested in seeing good outcomes and in ensuring scrutiny of the key areas of concern.

Given that the Minister has continually stressed the point about the need to have this legislation in place for the commencement of the 1999 school year, why then did the Government not take the initiative to bring it on earlier as priority legislation? It failed to do so.

Hon N.F. Moore: It was a Green Bill.

Hon LJILJANNA RAVLICH: The Government has control of business in both Houses and it failed to bring on the Bill sooner. Now we are seeing almost bullyboy tactics telling us that if we do not deal with it the way the Government wants, it will spoil the whole process.

Hon N.F. Moore: You are moving the motion. You are not the Government; you are the Opposition.

Hon LJILJANNA RAVLICH: That is right, but the Minister is arguing against the motion. We want the Bill to go to the standing committee and we want to reduce the amount of time spent debating it. We do not want it debated for six weeks as occurred in the other place.

Hon N.F. Moore: The committee has had it for six weeks.

Hon LJILJANNA RAVLICH: We want agreement on some of the fundamental principles. I do not accept the Government's argument that we are facing too tight a time frame, and therefore we cannot allow this to go to a committee to be dealt with in a thorough manner.

Hon N.F. Moore: That is why it was debated for up to six weeks.

Hon LJILJANNA RAVLICH: We will not cop the argument that three weeks with the committee will spoil the Bill's implementation by commencement of the 1999 school year. We do not accept that. That is a very bad argument for the Minister to use because the Government is in control of legislation in both Houses of Parliament and, given the

urgency of this legislation, the Government was in command and it should have introduced it as a higher priority as part of its legislative program. It should stop crowing about this issue.

HON BARRY HOUSE (South West) [4.40 pm]: As a member of the Standing Committee on Public Administration, I will make a few brief remarks on this Bill. I share the reservations of the Leader of the House about its referral to the Standing Committee on Public Administration. I have expressed those concerns previously, and I expressed them when the Bill was originally referred to that committee. I do not intend to retread old ground. Needless to say, I will support the Leader of the House in a vote on this issue.

The report tabled yesterday has my name on it as a member of the committee but of all the reports tabled in this Parliament carrying my name, I have had least involvement with this one. I am not blaming anyone or giving any particular reasons for that. It is nobody's fault. Since the Bill was initially referred, shortly before the House rose for the winter break, although there has been time for the committee to consider the Bill, it has been rather limited. I have been involved with other committee work and other commitments that have prevented me from taking an active part in the deliberations on the School Education Bill. Nevertheless, that is appreciated and I was privy to the report tabled yesterday and agreed with it. I am very pleased that I commented on one section of the report and sought clarification on clause 2.8 which states -

Accordingly the Committee notes that there are issues which may more appropriately be dealt with by another committee of the House.

I sought an assurance that that phrase meant the Committee of the Whole House. I was assured it did and, therefore, the clause met with my approval. Obviously, that report indicates that the Standing Committee on Public Administration has limited time and ability in its jurisdiction to deal with the matters referred to it in the School Education Bill. Some work has begun and that is pleasing. It allows the opportunity for other committees to consider it. Like my colleagues, I consider that the appropriate committee to deal with this Bill is the Committee of the Whole House, rather than another standing committee or the Standing Committee on Public Administration. That aside, I can count and I know what the result of the division will be if and when the House divides on this matter.

Therefore, I will put some insurance into this debate. Many speakers have implied that the same time frame will apply to the committee's final report to this House; that is, 8 September 1998. That is not specifically stated in the referral motion before the House.

Amendment to Motion

Hon BARRY HOUSE: Therefore, I move -

That after the words "Public Administration Committee", the following words be added -

and that the committee report to the House not later than 8 September 1998

I move that amendment to clarify the situation in the event that the motion is carried. I want to ensure that the intent of the referral is consistent with the intent of the original referral prior to the winter recess.

HON DERRICK TOMLINSON (East Metropolitan) [4.46 pm]: I apologise for being absent from the Chamber on parliamentary business from 2.30 to 4.10 pm. The nature of the business was such that I was fully concentrating on a very serious submission by a person who wanted to speak to me in my capacity as a member of this House. As a result, I was not able to listen to the debate in my room. Therefore, if I say anything that transgresses what has been decided or is not directly in the terms of any motions moved, I hope you, Mr President, will bear with me and give me proper guidance.

The motion originally carried on 30 June was that the Bill be referred to the Standing Committee on Public Administration and the committee report to the House not later than 8 September 1998. The Leader of the Opposition has moved that the matter be now referred to the Standing Committee on Public Administration, without a reporting date. Hon Barry House has moved that the reporting date be 8 September 1998, which is exactly the date contained in the motion moved on Tuesday, 30 June. I have before me the spring sitting timetable. Today is 13 August, the House will sit for another week, have a two week recess and then begin week 3 of the spring sitting on Tuesday, 8 September. In effect, the committee would have three weeks in which to consider the Bill.

I refer to the interim report of the Standing Committee on Public Administration on the School Education Bill, presented in this House by Hon Kim Chance. I note from clause 3.1 that the committee intends to pursue a process of consultation -

As stated the Committee has considered the Bill in light of the Submissions -

I will return to the submissions. The clause continues -

and, on a preliminary basis, narrowed the scope of its enquiry.

I shall also return to that in a moment. The clause continues -

The Committee now intends to canvass primary stakeholders by seeking written submissions on whether the Bill, as passed by the Assembly, has satisfied their concerns with the Green Bill and if not, to indicate their reasons.

Who are the primary stakeholders in school education in Western Australia? Every government agency and non-government agency involved in school education is a stakeholder; for example, the Education Department of WA, the Catholic Education Commission and every other non-government school, whether it be a systemic school or a non-systemic school. Every education provider is a stakeholder and every education provider would have to be given the opportunity to make a submission. Every education beneficiary would have to be given the opportunity to respond, whether that be through a parent organisation such as the Western Australian Council of State School Organisations or some other parent organisation. Alternatively, any individual who has a child in a school in Western Australia is a primary stakeholder in this Bill. Every teacher organisation in this State is a primary stakeholder in the Bill. The committee would be remiss if it did not specifically seek submissions from the State School Teachers Union of Western Australia, the Australian Teachers Federation, the Australian Teachers Union and the Federation of Non-government School Teachers, as well as give every teacher in the State the opportunity to respond. That is the nature of the consultation process that the committee has foreshadowed.

If members mean some other selective process of consultation, I would have very little confidence in the committee's report. I would argue that it would be a very biased report reflecting the views of a limited sample of the population. Even if the committee chose to select a few stakeholders and were to write to those stakeholders and invite them to prepare and submit written responses - one week even to prepare and post the letters - it would be totally unfair to ask people to respond to a Bill of this magnitude and significance in less than one month.

So we are now talking about letters received, perhaps, on Thursday, 20 August, if the committee could get them out and posted by that time and responded to by, say, Thursday, 24 September. We are already three weeks past the 8 September date which the Opposition itself proposed on 30 June and which Hon Barry House has now moved in his amendment. On 24 September the submissions would be received. However, that is not the end of what the committee intends to do. The committee intends to canvass primary stakeholders by seeking written submissions on the Bill as passed by the Assembly and, if not, to indicate reasons. Paragraph 3.2 states -

Once that process has been completed the Committee intends to assess those concerns and may invite some or all of the stakeholders to appear before the Committee.

Hon Barry House: We can work really fast.

Hon DERRICK TOMLINSON: Hon Barry House can work really hard - he can work until midnight, but his stakeholders will not. Now we come to, let us say, 24 September. We have the written submissions and we then take two weeks to assess them and decide from which of the stakeholders who have made submissions we will hear evidence. We then get to 29 October before we have gone through the process of consultation - 29 October and we have not yet deliberated. The 29 October date means that we have a recess of one week followed by three and possibly four sitting weeks. I have no doubt that the matter will be referred to the committee, because I can count and I know the collusion between the major opposition party, the Greens and the Democrats - the minor opposition parties - and I know the state of numbers in this House. Therefore, when the matter is referred to the committee it will not be returned to the House in spite of the amendment moved by Hon Barry House. In my informed opinion, because I have been serving on committees in this House for nine years and I know the processes of committees, we will not see a report from that committee before Tuesday, 10 November; then the House will begin the second reading debate.

Members will recall that I protested strongly on 30 June, when this matter was referred to the committee, that the process of referring it to the committee - regardless of which committee, and I am not pointing a finger at the committee name - and the standing orders adopted by this House would, in practice, preclude a second reading debate. I was interested, however, Mr President, when you indicated that there would be a second reading debate. So the second reading debate will begin on Tuesday, 10 November. Perhaps that second reading debate will finish by Thursday, 12 November, at which stage we would proceed to the committee stage and we would then discuss the report and the amendments that were proposed, and, if there were no other amendments proposed from the floor, other parts of the Bill would pass without opposition, according to standing orders.

Members are not short-circuiting this process at all. All they are doing is taking deliberation on the Bill away from the House and putting it into the hands of the committee. That is good. I am a great supporter of the committee system, but then I have this reservation: The Standing Committee on Public Administration reports that -

. . . on 6 July 1998 the Committee issued a circular letter to Members of the Legislative Council seeking written responses . . .

As at the date of this report the Committee has received 3 responses.

I assume that it is still only three responses. There is a fourth - good; excellent. There is one from Hon Helen Hodgson, who is a member of the committee, and another from Hon Kim Chance, who is a member of the committee. Incidentally, there is also one from me, but I see that the committee has received three responses, two of which were substantive responses. Whose were the two substantive responses? The committee deems that the only substantive responses were from members of the committee.

Hon Ljiljanna Ravlich: Do not have a heart attack.

Hon DERRICK TOMLINSON: Do not worry; I have had stress tests. My heart is sound, otherwise I would have died laughing about this matter. We now learn that the committee received three responses. It says that only two of them are substantive responses, and the only two are the committee's submissions. Anybody else's submissions are not substantive. I will tell members opposite what my submission was: You must be joking; having denied me my right to make a second reading speech by virtue of referring the matter to a committee after the Minister's second reading speech, I am asked whether I have an interest in the Bill, and, if I have an interest in the Bill, to put it in writing.

I have an interest in this Bill and on 30 June I asked for an opportunity to stand in this place and tell members of my very serious concerns about it. There are very real flaws in this Bill. The committee had the audacity to write and ask me whether I had an interest in the Bill and if I did, to put it in writing. When I asked whether the committee was joking, it said that that was not a substantial response.

Hon John Halden: What do you do with lunacy? You treat it as such.

Hon DERRICK TOMLINSON: Was that "His Regal Indifference" speaking? Did he say something?

Hon John Halden: The only indifference I have is to your chicanery.

Hon DERRICK TOMLINSON: Hon John Halden also has an indifference to the truth.

Hon John Halden: You spent \$6m of taxpayers' money trying to prove that -

The PRESIDENT: Order! It being five o'clock, I am required under the standing orders to interrupt the debate.

Debate adjourned, pursuant to standing orders.

ADDRESS-IN-REPLY

Motion

Debate resumed from an earlier stage.

Debate adjourned, on motion by Hon Christine Sharp.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.02 pm]: I move -

That the House do now adjourn.

Address-in-Reply - Adjournment Debate

Hon N.F. MOORE: Very quickly I will comment on the matter which we have just dealt with. When a debate is terminated or interrupted by the House reaching a particular time, the effect is that any matter that has been adjourned to a later stage of the day's sitting, unless we are able to deal with it in the way we just did, would disappear from the Notice Paper. There was a potential for that to happen to the Address-in-Reply. I raise that for the benefit of the Leader of the Opposition who created the situation this afternoon where a lot of time was spent debating the referral motion concerning an education Bill, when members were prepared to speak on the Address-in-Reply.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [5.03 pm]: I was particularly conscious of the possibility of that and for that reason I made sure by a variety of inquiries around the House that would not be the case. I am delighted to think we now have before us a procedure that will be available by way of precedent that I will always remember; that is, when a debate of that sort has been adjourned in that fashion, we can count on its coming back to be dealt with as a procedural matter that must be dealt with before the House adjourns.

Hon N.F. Moore: If it is moved. Just play your games and you will get yourself caught out.

Hon TOM STEPHENS: I hear what the Leader of the House is saying. I hope he understands that when the House has moved, and resolved, that a matter should be adjourned to a later stage of this day's sitting, that will have the effect of that matter being required to be brought back for consideration and further resolution before the House finally adjourns. I take it that that is the process that has just been developed. Perhaps there will be an opportunity for the President to comment on the process so that we do not get ourselves into situations -

Hon N.F. Moore: No, so you do not get us into situations like that.

Hon TOM STEPHENS: I took all the steps necessary to ensure we were not going down the path to which the Leader of the House has alluded.

Hon N.F. Moore: Were you not going to adjourn the House?

The PRESIDENT: Order! Let us just continue.

Hon TOM STEPHENS: I was confident that within a number of the parties in this place, there would be a resolution at odds with the -

Hon N.F. Moore: I can assure you that the only one is the one that has happened.

Hon TOM STEPHENS: I hear what the Leader of the House is saying, but I do not think it is the only interpretation of the possible unfolding of events. I also say to the Leader of the House that we have returned this week and have seen how the business management process has unfolded. That brought with it some discomfort for the Opposition. It left me, in particular, with the obligation on Wednesday to alert the Government to the fact that I wanted to move an amendment to the Address-in-Reply. I did that quite deliberately, however, knowing that that alerted the Government to a strategy that on previous occasions it would not have been privy to.

There are pluses and minuses for both sides of this House in the processes which were unleashed. As a matter of courtesy and some measure of obligation, I explained to the Leader of the House that that amendment would deal with the Transport portfolio specifically. That then alerted the Government to the amendment, which was the basis upon which the Minister for Transport could prepare himself for a response in the debate on the amendment. By virtue of the business management committee process, we are heading into uncharted waters. It is hard for an Opposition to give away its hand in that discussion.

Hon N.F. Moore: Nobody asked you to do it; just don't expect it in return.

Hon TOM STEPHENS: I was reciprocating the candour on which the Leader of the House had embarked at that meeting. The subsequent misunderstanding over today's processes should not be taken by the Leader of the House as anything more than that - a misunderstanding. At one stage during the debate the Leader of the House said that we should all be able to go home by three o'clock. I thought he was pulling my leg in the same way as I thought he was pulling my leg earlier in the week when he sent me a memorandum saying that my speech on the Address-in-Reply would take 20 minutes. I thought he was having a joke, in the full knowledge that he was expecting us to move the motion we just moved. I guess it was a misreading of the communications that we were having. That will happen from time to time.

Hon N.F. Moore: That is the whole point. I cannot read your mind.

Hon TOM STEPHENS: All I am saying is that I misread what the Leader of the House was saying. I ask him please not to take it as any more than that. I anticipated that the Leader of the House was fully expecting the motion that we moved, following the motion the Leader of the House moved in response to motion No 1. I found it inconceivable that he was not expecting something along those lines. I did not intend to see him ambushed in the way he thinks I embarked upon that course of action. We have seen these situations before in the time in which we have both been in these roles. I hope we do not see misunderstandings repeated too frequently.

Bentley Health Service - Adjournment Debate

HON JOHN HALDEN (South Metropolitan) [5.07 pm]: I take this opportunity to make some comments about two constituents of mine and about government policy in this area. Today I was acquainted with the fact that a constituent of mine, aged 34 years, has been a chronic schizophrenic since the age of 17. He spent much of 1997 in a psychiatric institution and has spent much of the past three to four months at the Bentley psychiatric clinic. Last week this person rang his mother and said that he was to be charged a fee for staying at a government hospital. I point out very clearly that this is a public patient - chronically ill by anyone's definition - staying at a public hospital,

Up to this point this patient had never been charged a fee for staying in a public hospital. Sure enough, his mother -

the mother of a 34-year-old adult - received an account from Bentley Health Service for \$230 dated 27 July 1998. Members must understand that this is a public patient, in a public hospital receiving a bill for \$230, which is described as a fee for board and lodging in a public hospital. The mother - not the patient - who got the bill then rang the hospital and was advised by an accounts clerk that long-term patients in the future will be charged a board and lodging fee. The mother then rang the Bentley Health Service and spoke to the director of mental health. His answer was that the hospital had to charge patients because of a lack of government funding. He said, "We do not have enough money to run the hospital so we must charge patients."

I point out clearly to the Minister the implications of this. First, this is an immoral, unethical, diabolical situation; worse than that, it is my contention that it is illegal because the Medicare agreement in not so many words reinforces the fact that every Australian will be entitled to hospital care as a public patient, in a public hospital and that treatment will be free. One of the good things the former Minister for Health, now the Attorney General, did in the hospital Act was to enshrine those principles - a public patient in a public hospital is entitled to free care. Here we have a government hospital breaking that agreement and the law. What is going on? How far will we take this? Will we have long-term chronically ill people - cancer sufferers, the aged, Alzheimer's sufferers, whoever - paying board and lodging fees?

If this is government policy, let us have an announcement about it. If it is not government policy, I suggest to the Government and Ministers present that they might want to talk to the Minister for Health and suggest to him that he pulls the hospital into line and acquaint the director and the hospital with the law of the land and the Medicare agreement; because the consequences of this upon the people in this State - upon the chronically ill people in this State - are absolutely catastrophic. What was the hospital doing charging the mother? What was the mother's liability in this matter?

One must ask: Why would one do it to a psychiatric patient? One reason is the hospital would be aware the person would have very little power and very little ability to defend himself against the system. In this case, a caring mother who has had obviously considerable difficulties with her son's health for a long period of time, but has always remained supportive of him, is then confronted with this piece of nonsense. It must be said that this is not good enough. There must be an underlying ethos, an underlying right - and there is, quite clearly - that public patients in a public hospital are entitled to free care.

If it is as reported to me and it is correct that the Director of Mental Health Services at Bentley Hospital has said there is not enough money coming from the Government and they do not have enough money to run the hospital, I suggest something should be done about that. However, we have a responsibility, both in a policy and political sense, to ensure that the most vulnerable in our health system are not abused by this sort of nonsense.

I have in my hand the bill from Bentley Health Services. I will read it so that it is incorporated into *Hansard* and there can be no doubt. I will not read the name of the person. It says -

Maintenance fees for . . .

The amount owing to Bentley Health Services for board and lodging is as follows: Dates 23.07.98 to 05.08.98; \$230 (10 days); total \$230.

Payment of this account would be appreciated as soon as it is convenient for you.

Yours faithfully

Accounts Clerk.

That was addressed to the mother. One does not have to make a political point out of this except to say that this is a nonsense that must stop. It is appropriate that whoever is responsible for health matters in this place should talk to his counterpart in the other place and there should be some statement made to either House, if not both, on this matter so that chronically ill people can be assured that this practice, which, as I said, is not only unethical and immoral but also illegal, will not continue.

I would be gravely concerned, if hospitals have a power of attorney over these people's social security payments, if they have been doing this by way of garnishment. I want and expect that this matter should be clarified in one or the other House, if not both, as soon as possible. This must be seen as a matter where the rights of the most disadvantaged have been trampled on and this cannot be allowed to continue.

Hon Kim Chance: Hear, hear!

Milk Vendors - Adjournment Debate

HON KIM CHANCE (Agricultural) [5.16 pm]: I will be as brief as I can as I know other members wish to speak.

This is a matter of considerable importance to a number of people whose cases I have represented in this place before.

On Tuesday this week I received a call from the office of the Minister for Primary Industry. I was advised in that call that the Minister had agreed to put into action the fundamental recommendations contained in the Standing Committee on Public Administration's report No 6 relative to milk vendors and that the principal recommendation is that compensation should be paid at a rate of two times the gross profit of the business prior to deregulation. I was told that the details of the payment were to follow by mail. So far I have not received those details. However, yesterday I received a letter from one of the former licensed vendors concerned indicating what the Government's actual response was and it is nothing like what I was told in that phone call. I have yet to see how it matches the details I will receive by mail.

The difference between the recommendation of the Standing Committee on Public Administration and the Government's response, as indicated from the Dairy Industry Authority to the affected vendor - and I make the point very clearly that this response is not from the Minister but from the DIA - falls far short of a recognition of two times gross profit. In some cases it falls 40 per cent short.

The No 6 report recommended that a payment be made based on a multiple of the vendor's entire business. That included two fundamental components, if we set aside the hard assets of the business. They are clearly set aside and I am quite comfortable with that. The two that remain are that part of the vendor's business which is subject to licence; that is, the white milk and a couple of milk products, but not the second component, which is the by-products, principally coloured milk etc. In some cases the value of those vendors' businesses was predicated, as I said, on a factor as high as 40 per cent of the business. The committee considered in great detail whether we should recommend compensation simply for the licensed component of the business or the whole business, given that when the vendors lost their business as a result of deregulation they lost the lot. They did not just lose the licensed component of the business; they also lost the capacity to deal in those other products. The fact that they were not subject to licensing is irrelevant. They made up an important component of the business and they have lost the capacity to trade in them. That is why the committee recommended very clearly that the compensation should relate to both of those two components. I do not know whether communications in the Minister's office have collapsed. His officers clearly believe that the compensation will apply to two times gross profit, and they were the precise words used to me and then confirmed very briefly by the Minister for Primary Industry during the opening of Parliament.

Hon M.J. Criddle: Are you saying that that is not the case?

Hon KIM CHANCE: It most certainly is not the case: It applies only to the licensed product, not the gross profit as was indicated to me.

Hon Barry House interjected.

Hon KIM CHANCE: I have very clear written confirmation from the Dairy Industry Authority and that is what has gone to the vendors. I have had vendors ringing me today in tears because I told them what I had been told and that they should expect to receive this from the DIA. There are some bitterly disappointed people.

Additionally, the DIA letter requires the former vendors to sign a deed of release in respect of any further action they might take against the DIA. The only advice I have been able to give these people, at least until such time as I receive the final details, is that they should on no account sign that deed of release.

I would also appreciate from the Minister some clarification of the meaning of the words in the deed of release. They can be read in two ways; that is, that these people can access further assistance subject to arbitration over and above the licence component; or, that their ability to access further assistance is ceased as of that payment. I read it one way and one of the vendors read it the other way. I would like some clarification of that.

I raise the matter in the hope that, by the time we return next week, it will be clarified. If indeed there is a misunderstanding between the Dairy Industry Authority and the Minister's office, perhaps those few days between now and then will be sufficient to have sorted it out. I sincerely hope that it can be.

"Choose Life" Video - Adjournment Debate

HON KEN TRAVERS (North Metropolitan) [5.21 pm]: I bring to the attention of the House a video entitled "Choose Life" provided to me by a dedicated group of individuals, a number of whom come from my electorate. Late last year some members of this place made a donation to the Victory Over Illegal Drugs group, which made this video possible. It is a group of committed individuals, many of whom have been affected through their families by the drug problem and have tried to make a difference, and the production of this drug education video for young people is part of its activities. I commend the group for the work it has done.

The video is an excellent contribution to the debate and it will go a long way to educating young people in our

community about the dangers of drugs. It is presented in a form that will be attractive to young people; they will listen and understand the message. It is not about old fogies like us, Mr President, preaching to them, but about young people who have been -

Hon Barry House: That is a reflection on the Chair.

Hon KEN TRAVERS: I was complimenting Mr President by suggesting that he is as young as I am.

The video is presented in a way that young people in our community will understand. Sadly, at the end of the video we are informed that one of the people in it who spoke about her time as a drug addict and how she had got off heroin and was looking forward to life later relapsed. I understand that she is again receiving treatment. It is a very sad tale. Nonetheless, the video will hopefully get the message through to young people.

I congratulate those members of this place who made a contribution to the group - Hon Simon O'Brien, Hon Norm Kelly and Hon Cheryl Davenport. I urge other members also to make a contribution. I will make a copy of the video available in the Parliamentary Library. I urge all members to view it and to encourage P&C associations and similar groups in their electorates to obtain a copy. It will be distributed through the high school system.

I congratulate the Office of Youth Affairs and the WA Drug Abuse Strategy Office, which have provided assistance. I understand they will also assist in distributing the video.

Unfortunately, the City of Wanneroo, which is in my electorate, decided not to contribute. I will write to the council to ask it to reconsider. The drug problem we face touches all levels of government, and we should all address it. This video is aimed at stopping drug abuse at its beginnings rather solving the problem once someone is an addict.

Hon Simon O'Brien: How does it seek to do that?

Hon KEN TRAVERS: It ensures that young people are made aware of the dangers. It projects a very strong message that I hope will prevent many young people from falling into the drug culture.

Hon Derrick Tomlinson: To what age group is it directed?

Hon KEN TRAVERS: It will be distributed to high schools. However, the group that made the video believe we should also look at the primary school level. I interjected on Hon Simon O'Brien yesterday about the age of drug users. I did that having spoken to a youth worker in my electorate last week who said that 14-year-old heroin addicts were asking for help to kick the habit. The point was made that it takes some time for a heroin addict to want to stop using, so at what age are they starting to take those drugs? It depends on the maturity of the child, but unfortunately some children aged 10 and 11 are mature enough to dabble and experiment in this area. Even if this stops them for a couple of years, it may help them to cope with the pressures involved.

I urge members to view the video and, if they can donate money to the group, to do so. It is a group of dedicated individuals who have put a lot of their own time, money and effort into producing this video, which will be a great contribution to the fight against drugs in our society.

Question put and passed.

House adjourned at 5.27 pm

QUESTIONS WITHOUT NOTICE**SWAN COASTAL TRANSPORT***Restoration of Service***35. Hon TOM STEPHENS to the Minister for Transport:**

What actions, if any, has the Minister and his department taken to ensure that Swan Transit Operations Pty Ltd coastal transport bus services are restored to the public as quickly as possible?

Hon M.J. CRIDDLE replied:

I understand that today and yesterday the department placed advertisements in the newspaper and went out of its way to communicate to the people that the strike was on between 8.00 am and 3.00 pm. That meeting was called after the meeting on Saturday failed to raise a quorum, so the Transport Workers Union has some problems and is obviously trying to raise its membership numbers in this workplace. The drivers returned to their depot at 2.00 pm and commenced services at 3.00 pm. I assure the member that as a result of advertisements in the newspaper the public was well and truly alerted to the strike.

HOUSING INDUSTRY ASSOCIATION*Effect of GST on New House and Land Prices***36. Hon TOM STEPHENS to the Minister for Finance:**

- (1) Is the Minister aware of the estimate of the Housing Industry Association that the cost of a new house and land package will increase on average by \$16 000?
- (2) Has the Government estimated what effect a decrease in new house purchases will have; and, if so, what is its estimate?
- (3) Has the Government estimated what effect the decrease in new house purchases will have on the key building sector in WA and how many employees will lose their jobs?
- (4) With reference to the total Finance portfolio, what effect will these decreases have on the State's finances?

Hon MAX EVANS replied:

- (1)-(4) I do not understand what the member means. I presume he is referring to the effect of the proposed goods and services tax. It has been proposed that new home owners will receive a \$7 000 subsidy. The effect of a GST is that it will make revenue for the State, but I cannot see the effect on payroll tax etc because they are mainly federal taxes.

FAMILY COURT ACT 1997*Date of Operation***37. Hon N.D. GRIFFITHS to the Attorney General:**

- (1) Is the Attorney General aware that a publication dealing with his legislative program produced and distributed by his office says that the Family Court Act 1997 is "necessary to enable the proper functioning of family law in Western Australia"?
- (2) Can the Attorney General recall that the Act was assented to on 10 December 1997?
- (3) Can the Attorney General confirm that the Act has not yet come into operation?
- (4) Will the Attorney General give this a higher priority than he has given his truth-in-sentencing legislation?

Hon PETER FOSS replied:

- (1)-(3) Yes.
- (4) The reason the Act has not been proclaimed, much to my distress, is that the rules are not ready. That is not due to any matter over which I have control; it is due to the fact that those rules must be approved by the court. I have showed the same anxiety as Hon Nick Griffiths to have these rules ready and passed so I can proclaim the Act. I have indicated that there is a limited amount of time that I can wait before proclaiming it, and the rules had better be in place. However, taking my lead from Hon Nick Griffiths I will not make any comment either positive or derogatory on why that Act has not been brought into operation. I can say

that it would have been brought into operation immediately were the matters entirely within my control and it will be brought into operation as soon as I have the capacity to do so.

ABORIGINAL HERITAGE ACT

Amendment

38. Hon HELEN HODGSON to the Minister representing the Minister for Aboriginal Affairs:

- (1) Does the Government intend to introduce legislation to amend the Aboriginal Heritage Act?
- (2) If so, when will this legislation be introduced?
- (3) What consultative process has or will the Government undertake in development of these changes?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The State Cabinet has approved the drafting of a new Aboriginal heritage Bill with a view to repealing and replacing the Aboriginal Heritage Act.
- (2) The Bill is in the process of being drafted by parliamentary counsel. The Bill will need to be referred back to Cabinet for approval prior to any date being set for the introduction of the legislation.
- (3) It is proposed that an exposure draft of the Bill will be made available for a period of public consultation and comment. Full details of consultative process are yet to be determined.

WOMEN'S SERVICES

Drug Addiction and Homelessness

39. Hon GIZ WATSON to the Minister representing the Minister for Women's Interests:

- (1) What services exist specifically for women with children who have -
 - (a) intravenous drug addictions; and
 - (b) intravenous drug addictions and homelessness?
- (2) What provisions exist within the WA Strategy Against Drug Abuse Action Plan 1997-99 for women experiencing these crisis situations?
- (3) If none, why not?
- (4) What action will the Minister take to ensure that appropriate and adequate services are available to women in these situations?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)
 - (a) The Perth Women's Centre provides a service specifically for women which includes intravenous drug addictions and other drug problems. It provides a creche service. Residential and rehabilitation programs for illicit drug addictions at Palmerston Farm and Cyrenian House admit women with children. An outreach service for women is provided by the Wesley Central Mission through its Hearth program. Methadone maintenance is available to women with children. King Edward Memorial Hospital for Women has a clinical dependency unit which provides treatment and support for women with drug problems through pregnancy and birth.
 - (b) Women's refuges provided through the supported accommodation assistance program managed by Family and Children's Services will accommodate women with children who have drug problems. The refuges can access support and referral to continue treatment through the newly-established community drug service teams around the State.
- (2) These services are part of the WA Strategy Against Drug Abuse. Most predate the 1997-99 action plan. The development of Cyrenian House to accommodate women with children occurred during this period.
- (3) Not applicable.
- (4) The services outlined are substantial and continually under review in relation to demand.

DERBY TIDAL POWER

40. Hon GREG SMITH to the Minister representing the Minister for the Environment:

The Environmental Protection Authority is currently assessing the Derby tidal power proposal.

- (1) Can the Minister advise when a decision is likely to be finalised?
- (2) How much emphasis will be given to the environmental benefits of renewable energy?
- (3) Will the benefits to the Derby community be given appropriate consideration?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) This will depend on when the Environmental Protection Authority has completed its assessment of the project.
- (2) The environmental benefits of renewable energy will be considered along with the potential environmental impacts.
- (3) The EPA will provide advice on environmental issues, including social surrounds. I will consider other issues as appropriate.

REGIONAL FOREST AGREEMENT

Review Commitment

41. Hon NORM KELLY to the Minister representing the Minister for the Environment:

In response to question without notice 26, the Minister for the Environment stated that she has indicated to the EPA that the State's environmental assessment in relation to the Regional Forest Agreement is made on the forest management plan.

- (1) Is the Minister aware that the forest management plan will be open to review and change only after the RFA is signed?
- (2) Is the Minister aware that the RFA scoping agreement commits the Government in writing to an environmental impact assessment of the draft RFA under the Western Australian Environmental Protection Act 1986?
- (3) Why has the Government broken this commitment?
- (4) Considering the RFA will be in force for 20 years, and in that time will largely determine all aspects of forest conservation, use and management, why will the Government not agree to an EPA assessment which would provide an independent review prior to the RFA being finalised?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The scoping agreement does not commit the Government to an environmental impact assessment of the RFA under the Western Australian Environmental Protection Act 1986.
- (3) Not applicable.
- (4) The RFA is a strategic plan under which other more detailed plans such as the forest management plan operate. These plans are subject to Western Australia's environmental protection procedures.

FLETCHER INTERNATIONAL EXPORTS PTY LTD

Assistance Package

42. Hon KIM CHANCE to the Leader of the House representing the Minister for Commerce and Trade:

- (1) Was the potential impact on existing abattoirs of the assistance package to the Fletcher group considered by the Government before a decision was made to provide the assistance to that group?
- (2) What guarantees can the Minister provide that the \$5.2m handout of taxpayers' money to the Fletcher group will not result in financial difficulty for competing abattoir owners?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Assessment and approval of the project were based on the regional benefits of a large investment in value-added processing and the employment that would be provided in the Great Southern Region, which suffers from relatively high unemployment. Assessment of the impact on other operations was limited to livestock availability in the region.
- (2) No guarantees can be given with regard to other abattoir operations. However, government support for the project has aimed at introducing innovative processing technologies and management to lift the performance of the industry in the State.

It should be noted that a major component of the assistance package is funded from the regional headworks development scheme, which provides funding for projects adversely affected by high charges for water, electricity, gas and sewer connections-headworks.

BUS CONTRACTS*Penalties***43. Hon BOB THOMAS to the Minister for Transport:**

What provisions are there within the Department of Transport bus contracts which penalise private operators for failing to manage their industrial relations when such a failure results in disruption of service to the public?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

Transport bus contracts contain a provision to impose a penalty upon bus service operators of \$300 per event for each of the following service failures: A timetabled service which is not operated; a service which is operated earlier than scheduled; and a service which operates more than three minutes later than timetabled.

COMMUNITY DRUG SERVICE TEAMS*Substance Abuse Responsibilities***44. Hon MURIEL PATTERSON to the Minister representing the Minister for Family and Children's Services:**

Further to my question yesterday, will the new community drug service teams that have been set up in regional areas be taking on the problem of substance abuse such as petrol and glue sniffing, or will this responsibility come under some other category or agency?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The community drug service teams have a responsibility to address specific local problems such as solvent abuse. They will coordinate community development strategies as well as provide case management for individuals and families.

The problem, like that of abuse of other drugs, must be addressed by a range of agencies collaborating. Family and Children's Services, the Ministry of Justice, Police, and Health have a major contribution to make as part of their core business. The Office of Aboriginal Health is currently coordinating a major multi-agency approach in the central desert area.

GREEN POWER AND CLEAN ENERGY SCHEMES*Availability***45. Hon J.A. SCOTT to the Leader of the House representing the Minister for Energy:**

- (1) Is the Minister familiar with the Green Power or Clean Energy schemes which are operating in New South Wales and Victoria and in many countries overseas?
- (2) Is the Minister aware that more than 16 000 consumers in New South Wales have chosen this option?
- (3) Why is no similar scheme available at present in Western Australia?

- (4) (a) Does the Government have any plans to introduce such a scheme?
- (b) If not, why not?
- (c) If yes, when?
- (5) (a) Does Western Australia have any plans for a large-scale use of renewable energy similar to Energy Australia's 200 kilowatt solar power station in New South Wales or the Electricity Trust of South Australia's 100 kilowatt solar power station at Wilpena Pound?
- (b) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Minister has indicated that he is.
- (2) The Minister has indicated that he is aware of that.
- (3) Western Power is developing such a scheme. It has proceeded slowly but carefully to ensure that the potential is maximised.
- (4) (a) Yes, through Western Power.
- (b) Not applicable.
- (c) Later this year.
- (5) (a) Western Australia was the first State in Australia to build a large-scale renewable energy power station. There is 2 025 kW of wind-generated power installed at Esperance. A 230 kW wind turbine has been commissioned at Shark Bay. Monitoring is being carried out to identify other suitable sites. Western Power is investigating the potential of various types of solar energy with its 20 kW tracking photovoltaic system at Kalbarri and has just committed to a 20 kW solar concentrator PV system to be installed in the Perth region.
- (b) Not applicable.

KARNET PRISON FARM

Dangerous Prisoners

46. Hon LJILJANNA RAVLICH to the Minister for Justice:

I refer to the escape of three prisoners from Karnet Prison Farm in the past two weeks and, given that all three men were described as extremely dangerous, with one of the escapees having served a nine-month sentence for armed robbery and having no less than 168 convictions in the Children's Court, I ask -

- (1) Why are dangerous prisoners being housed at Karnet Prison Farm, a minimum-security facility?
- (2) On what basis are these dangerous prisoners selected to be accommodated at Karnet Prison Farm rather than at a higher security facility?
- (3) What measures have been taken to improve the security system at Karnet Prison Farm to prevent the escape of dangerous prisoners?

Hon PETER FOSS replied:

The Ministry of Justice does not accept that the prisoners at Karnet are highly dangerous. What happens is that people go into gaol and may go in with a high-security rating, depending on their original offence. They then move through the system.

Hon Ljiljanna Ravlich: Armed robbery is pretty serious.

Hon PETER FOSS: That is true. That is why the prisoner starts off in a high-security prison. All prisoners move through the system because eventually they will be let out.

Hon Ljiljanna Ravlich: No, they just walk out.

Hon PETER FOSS: When a person is sent to gaol, he is sentenced to a finite term of gaol and eventually, after that time, he will be freed because that is the way a sentence operates. The proper way for any department to deal with

prisoners is to try to give them appropriate programs, see how they behave in a prison and gradually reduce their security. Therefore, by the time they are released from prison, they do not go from a highly institutionalised situation to being free. Most of them go into minimum security shortly before being released.

That is regarded as proper practice throughout the world. The worst thing one can do is to release a prisoner from high security. I can remember visiting a prison where, due to the way a person had been sentenced, he had been locked up in the highest security possible for the whole period of his sentence. The authorities were quite scared that they would have to put him out on the streets the following week without anything other than a bus fare. That was done on the basis that that was the way he was sentenced and he was not able to be gradually reintroduced into the community. One of the most important things is to de-institutionalise those people and get them back into the community. Hopefully they will not reoffend. The description of highly dangerous tends to come from the police and is based on the reason prisoners went in rather than their situation when they went out.

The term "escape" is unique to Western Australia for such places as Karnet. In other places in the world and in the eastern States people do not refer to it as an escape because to be able to escape a prisoner first of all must be confined. Karnet is a minimum-security prison. Prisoners are expected to stay within it, but if they walk out, it is like walking out of any area where people are not physically confined. On some occasions prisoners can be physically confined, and on those occasions leaving could be correctly described as an escape. The whole idea is to try to get people returned to society and for them to be in a position when they are released, which is usually shortly thereafter, such that society gets people who are fit to be returned to society. In answer to the specific questions -

- (1) They were not dangerous prisoners. Had they been assessed as being dangerous prisoners, they would not have been at Karnet.
- (2) They were assessed as minimum-security prisoners.
- (3) If we start putting fences around minimum-security prisons to stop people getting out, they will no longer be minimum-security prisons; they will be medium-security prisons. That would defeat the whole idea of having a minimum-security prison.

Hon Derrick Tomlinson: They will be able to abscond.

Hon PETER FOSS: They will. Hon Ljiljanna Ravlich must understand that we have this problem: When prisoners walk out they tend to be given a description which is the maximum description the police could possibly afford to those people on the basis of their offences as the police know them. The police estimation of that and their risk of escape are assessed separately. The most usual reason they escape - this is the hard part of being a minimum-security superintendent or officer - is that they receive unpleasant news from home. It is not because they are desperate prisoners wanting to get out, although we certainly have those in Casuarina; it is because they get a phone call from home.

Several members interjected.

The PRESIDENT: Order! Hon Ljiljanna Ravlich asked the question. She must not answer it as well. I ask the Minister to wind up.

Hon PETER FOSS: I will. I keep being prompted to go on further. Prisoners normally get a telephone call from home saying that a new uncle has moved in, that they are not welcome back any more or something of that nature. That is why it is important we monitor that type of telephone call because it is usually a fairly good indication to us that somebody will want to walk out.

MINISTRY OF JUSTICE

Occupational Health and Safety Laws

47. Hon TOM HELM to the Minister for Justice:

I dread asking this question. I hope there will be a short answer.

- (1) Is the Minister aware that his ministry does not comply with the occupational health and safety laws?
- (2) How long has that been the case?
- (3) Why is it the case?

Hon PETER FOSS replied:

I do not think any of that question is appropriately addressable.

Several members interjected.

The PRESIDENT: Order! I leave members to read the standing orders themselves.

LOCAL GOVERNMENT

Underground Power Program

48. Hon RAY HALLIGAN to the Leader of the House representing the Minister for Energy:

- (1) How many of the local government authorities in the North Metropolitan Region applied to participate in the underground power program?
- (2) Of these which authorities were successful?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) In the North Metropolitan Region, the City of Stirling and the then City of Wanneroo were the only local government authorities to apply for funding under the state underground power program. The City of Stirling proposed three major residential projects and four localised enhancement projects. The then City of Wanneroo proposed one localised enhancement project.

The Underground Power Steering Committee has forwarded its recommendations to the Minister for Energy. An announcement of the first round of projects to be implemented under the program is expected later this month. All proposed projects that are not to be implemented in the first round will be kept on file for assessment for future rounds. Local government authorities will also be given the opportunity to submit new proposals and/or amend existing proposals for consideration in future rounds.

ENERGY GENERATION

Government Support Information

49. Hon CHRISTINE SHARP to the Leader of the House representing the Minister for Energy:

With regard to question without notice 17 of 12 August, in answer to which I was told that the Minister cannot provide information on Western Power's budgets for renewable versus non-renewable energy because this is commercially confidential -

- (1) How are members of this House able to obtain information to determine relative government support for new renewable and non-renewable energy generation?
- (2) How is government accountability extended to government agencies which act as commercial entities?
- (3) If both Geraldton and Albany prove to be viable wind sites, will Western Power develop wind farms on both sites?
- (4) Will the Minister table the monitoring results from each site when they become available?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Members of the House can obtain this information from the various reports published by Western Power. These include -

annual report;

quarterly report;

Statement of Corporate Intent;

the information specified in section 2 of schedule 7 of the Electricity Corporation Act - this information is contained in Western Power's reports titled "Electricity Demand Forecast" and "Power Generation Development Plans";

Annual Environmental Review;

The Greenhouse Cooperative Agreement and the annual report for that agreement; and

numerous other brochures are available on subjects such as wind power, solar energy and the renewable energy buyback scheme.

Members of the House can also obtain information from the various reports and information documents published by the Office of Energy such as Energy Matters; Energy News; and Energy in Western Australia.

- (2) Government accountability of corporatised entities such as Western Power is maintained through the Act that creates their corporatised status. This includes -

the obligation on the corporation to manage the business within an agreed strategic direction contained in the five-year strategic development plan and the one-year statement of corporate intent. These documents are agreed annually with the Minister for Energy and with the concurrence of the Treasurer. Should an agreement not be reached, the Minister can direct the documents to be amended and that direction must be tabled in Parliament;

the obligation to produce a quarterly report and an annual report;

the obligation for the Auditor General to audit the books and accounts of the corporation; and

the ability for the Minister for Energy to direct the board of the corporation. That direction must be tabled in both Houses of Parliament.

- (3) Presuming both Albany and Geraldton prove to be viable wind sites, an assessment would be made on scientific grounds of which site is the more favourable. If the economics prove to be acceptable, a business case would be developed for that site first. The other site may be developed in the future, depending on the successful operation of the first site.
- (4) Yes.

NEW TAX PROPOSALS

50. Hon E.R.J. DERMER to the Minister for Finance:

- (1) Will the Minister confirm that the Commonwealth retains control of consumption taxes in the tax change proposals announced today by the Federal Government?
- (2) What assurance can the Minister give that the tax change proposals will not aggravate the vertical fiscal imbalance between the States and the Commonwealth?

Hon MAX EVANS replied:

- (1)-(2) I presume the member is referring to a goods and service tax. Consumption is something one gets in one's chest. All the GST will come to the States. At the same time, there will be adjustments to income tax, sales tax and so on; in other words, all the financial institutions duty and bank account debits tax will go and all the stamp duties on hire purchase and cheques and so on will go, other than stamp duties on freehold titles. FID and BAD will go on 1 January 2001. The other stamp duties will go on 1 July 2001. The GST flat rate will cover everything. It will cover gambling. The States are supposed to give up their gambling taxes and put a GST in place. It does not affect us very much although it does affect some of the other States. There will be a tax rate on annual incomes from \$50 000 to \$75 000 of 40 per cent. At the present time it is 47 per cent. The Medicare levy will still apply. Self-interest is a great thing. Most members are paying provisional tax on their unexpended electoral allowances. They will no longer pay that as quarterly instalments at September, December and March. The Government is giving that back. They will simply be paying tax on their ordinary income.

A first home buyer will save \$7 000 - 10 per cent on a \$70 000 building and a first home loan bonus will be available to offset the GST. The GST will eventuate in some big reliefs on diesel fuel tax. Alcohol will stay much the same. There will be many overall benefits. It is a brilliant revamp of the tax system and will clean up many of the anomalies and problems. A bonus will be factored into the system for self-funded retirees and pensioners.

SIR CHARLES GAIRDNER HOSPITAL

Orderly Service Costs

51. Hon JOHN HALDEN to the Minister representing the Minister for Health:

What is the cost of providing orderly services to Sir Charles Gairdner Hospital in each of the financial years from 1993-94 to 1997-98 and the estimated cost for the financial year 1998-99?

Hon MAX EVANS replied:

I thank the member for some notice of this interesting question. The figures are -

1993-94, \$3.567m; 1994-95, \$3.649; 1995-96, \$3.765m; 1996-97, \$2.154m; 1997-98, \$2.284m; 1998-99, \$2.884m.

It will be obvious from the number of beds compared with the number of patients that costs are going down.

SWAN COASTAL BUSES

Industrial Dispute Penalties

52. Hon TOM STEPHENS to the Minister for Transport:

Further to the earlier answer to Hon Bob Thomas regarding penalties for private bus operators failing to manage their industrial relations -

- (1) Does the Minister intend applying penalties to the Swan Coastal Bus contractor as a result of the performance during the recent industrial dispute?
- (2) If not why not?

Hon M.J. CRIDDLE replied:

I do not know the circumstances at this point. The incident occurred only today, but we will examine the situation.

GOODS AND SERVICES TAX

53. Hon CHERYL DAVENPORT to the Minister for Finance:

- (1) Will the Minister confirm that by definition a GST is a regressive tax?
- (2) Does the Minister have a guarantee that the compensation package will not be reduced in the future?
- (3) If not, what guaranteed protection for low income families exists in the proposed GST package?

Hon MAX EVANS replied:

- (1)-(2) I do not know of any country outside New Zealand that has a guarantee. We have not defined that. Any change to the rate of 10 per cent, either up or down, must be subject to the approval of each Parliament, Federal or State.

Hon Ljiljanna Ravlich: Is it regressive?

Hon MAX EVANS: No. There will be many benefits for everyone. I said in fairness to the President that I would not extend my speech.
