Legislative Assembly

Tuesday, 5 December 1995

THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

PETITION - FINANCIAL COUNSELLING SERVICES, FUNDING CUT

DR GALLOP (Victoria Park - Deputy Leader of the Opposition) [2.04 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned petitioners call on the State Government to reverse its decision to cut funding to Financial Counselling Services throughout Western Australia in the 1995-96 State Budget.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 66 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 195.]

PETITION - PRM PTY LTD, HAMELIN BAY PROPOSED DEVELOPMENT

MR KOBELKE (Nollamara) [2.05 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, are totally opposed to PRM Pty Ltd's proposed development on location 1362 Hamelin Bay.
>
> We understand that proposed development on this property has previously been refused by the local Shire Council and also by the State Planning Commission, backed by opposition and concern from all relevant government agencies (Bush Fires Board, Main Roads, Water Authority, Dept of Agriculture . . .) and from a great number of residents from local, other rural and metropolitan communities.
>
> We are disappointed that the proponent could not accept these decisions and appealed directly to yourself in June '95. We are also very concerned at your delay in handing down a decision for there could surely be no other option than refusal on this matter that has already been so thoroughly investigated at Local Government and State Planning levels.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears two signatures and I certify that it conforms to the standing orders of the Legislative Assembly. However, a petition in exactly the same terms, which was addressed to the Minister and therefore did not conform to the forms of this Parliament, contained over 1 100 signatures and I have to present it directly to the Minister.

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

[See petition No 196.]

PETITION - FUEL LEVY

MR MARLBOROUGH (Peel) [2.06 pm]: I present the following petition -

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

We, the undersigned people of Western Australia wish to express our objection to the Court Government's decision to increase the State Government fuel levy by four cents per litre from February 1, 1995.

This tax will place further burdens on families in this state. This tax is unnecessary and unfair considering:

recent increases in water charges, drivers licence charges and bus and train fares,

the Premier's statement in the 1994 Budget that he would not introduce any new taxes or increase taxes and,

the fact that the State Government has refused to spend $141.4 million, earmarked by the Grants Commission to fix our roads, over two years.

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

The petition bears 36 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 197.]

PETITION - KOORANA PRIMARY SCHOOL, CROSSING ATTENDANT

MR MARLBOROUGH (Peel) [2.07 pm]: I present the following petition -

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

We, the undersigned parents and friends of Koorana Primary School call on the Minister for Police to recognise the need for and act urgently to provide a Crossing Attendant at Koorana Primary School.

Koorana Primary School currently accommodates 726 students all of whom are at risk at drop off and pick up times. We believe there is an urgent need for a crossing attendant in order to maximise the protection of our children from the dangers created by these problems:

Koorana Primary School is bordered on three sides by roads with high traffic densities, at a school where there is a lack of appropriate off road parking facilities during drop off and pick up times,

The school is situated in the second fastest growth area of the state where population and traffic levels are ever increasing, and where a large shopping complex is nearing completion which will add to the traffic hazards,

The provision of a Crossing Attendant will significantly reduce the present danger to students coming to and going home from the school.

We demand you act immediately to ensure the safety of the children in our community.

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

The petition bears 66 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 198.]

PETITION - SPEED LIMITS 40 KM-HR ON ROADS BORDERING SCHOOL BOUNDARIES

MR MARLBOROUGH (Peel) [2.08 pm]: I present the following petition -

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

Due to physical and other limitations, children travelling to and from school, whether they are pedestrians or cyclists, are far more at risk when coping with traffic on the roads than the general population.

We the undersigned request that the Minister for Police make the appropriate amendments to the Road Traffic Act and/or Regulations to ensure a 40km/hr speed limit on roads bordering all school boundaries, except where overpasses are in use, using Section 49(1)(c) and (d) of the South Australian Road Traffic Act (1961) as a guide.

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

The petition bears 62 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 199.]

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Safety and Health Representative System; WorkSafe WA 2000

MR KIERATH (Riverton - Minister for Labour Relations) [2.11 pm]: I wish to make a ministerial statement on government initiatives to promote the safety and health representative system. Occupational safety and health is a priority of this Government. In 1993 I set a goal to reduce the rate of work related injury and disease by 10 per cent over a four year period, which resulted in a reduction of more than 7 per cent in the first year. Although these are the most recent figures available, early indications for the 1994-95 period point towards a further reduction.

WorkSafe WA 2000 is a vision which aims to see Western Australia achieve world best practice in occupational safety and health; the lowest injury, disease and fatality rates in Australia; and injury, disease and fatality rates halved. The safety and health representative system is a vital component in the drive to achieve this vision. I recently announced a statewide campaign to double the number of safety and health representatives operating in Western Australia workplaces to 10 000 by October 1997. Every workplace should have a representative in this area.

Under the slogan "Every workplace should have one - elect a safety and health rep", the campaign will include billboard and radio advertising and a new handbook for representatives. It will emphasise representatives' status in the workplace, encourage people to put themselves forward for election and re-election and provide support for the system. It will also raise public awareness about recent changes to the Occupational Safety and Health Act relating to representatives' duties, functions and responsibilities.

All safety and health representatives elected after 1 October, 1995 must now register with WorkSafe Western Australia within 14 days of being elected. This enables WorkSafe WA to maintain contact with representatives to provide support, encouragement and information. Representatives are allowed five days' paid leave in the first year of their election to complete introductory training. The importance of this training is underlined by the sizeable training subsidy provided - $200 in the metropolitan area and $250 for courses in country regions.

The revised Occupational Safety and Health Regulations - soon to be issued for public comment - provide an additional three days' paid leave towards ongoing training for re-elected representatives to keep them up with developments in health and safety. This type of encouragement, along with the greater level of protection from discrimination afforded by the new provisions of the Act, should make the role of a workplace safety and health representative a far more attractive proposition.

[Questions without notice taken.]

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Leave Granted to Sit When House is Sitting on 5, 6 and 7 December

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That leave be granted for the Standing Committee on Uniform Legislation and Intergovernmental Agreements to sit when the House is sitting on 5, 6 and 7 December.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Leave Granted to Sit When House is Sitting on 5 December

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That leave be granted for the Public Accounts and Expenditure Review Committee to sit when the House is sitting on 5 December.

MOTION - STANDING ORDERS SUSPENSION

Leader of the Opposition to Move a Motion of No Confidence in Attorney General

MR McGINTY (Fremantle - Leader of the Opposition) [2.45 pm]: I move -

That so much of the standing orders be suspended as is necessary to enable consideration forthwith of a motion of no confidence in the Attorney General.

MR C.J. BARNETT (Cottesloe - Leader of the House) [2.46 pm]: Although the Government does not believe this motion has any merit, in the interests of dealing with the matter it is prepared to agree to the suspension of standing orders on the understanding that the debate will take no longer than one hour.

The SPEAKER: To be passed, this motion requires an absolute majority of the House.

Point of Order

Mr M. BARNETT: It is my understanding that the House is now faced with a motion which states that standing orders be suspended to enable the Leader of the Opposition to move the motion he is about to move. It is also my understanding that there is no time limit on that. Am I right?

The SPEAKER: Order! The time limit for ordinary debates applies as usual. However, arrangements can be made behind the Chair and I believe an agreement has been reached in regard to this matter.

Motion Resumed

Question put and passed with an absolute majority.

MOTION - NO CONFIDENCE IN ATTORNEY GENERAL

MR McGINTY (Fremantle - Leader of the Opposition) [2.47 pm]: I move -

This House condemns the Attorney General for repeatedly misleading the Parliament and the public of Western Australia in her statements over the provision of treatment programs at Bunbury prison for sex offenders and for her maladministration of the Ministry of Justice and declares it has no confidence in the Attorney General.

The question of the Attorney General's honesty in handling this very important matter has aroused disquiet for a long time. Members will be aware of the recent history of this matter, which began in July 1994 with the murder of a sex offender at Casuarina Prison. In the months immediately following that very gruesome murder by a fellow prisoner

suddenly a whole raft of sex offenders were transferred from Casuarina Prison to the Bunbury Regional Prison. It was a covert operation to transfer the sex offenders from Casuarina with a view to making Bunbury a specialist sex offender prison. When these statistics became apparent the initial response from the Attorney General was one of denial. It is interesting that today in question time the Attorney General has again changed her story. She is now saying it was really discussion about a different level of sex offender treatment program. That is not the case and in the time available to me I will demonstrate that the Attorney General today has again engaged in misleading this House about this very unfortunate matter.

The SPEAKER: Order! The level of conversation in the Chamber is far too high.

Mr McGINTY: It should be on the public record that active consideration was being given within the Ministry of Justice to changing the designation of Bunbury Regional Prison to become a specialist sex offender prison. That caused alarm in the Bunbury community, and it was initially denied by the Government. The freedom of information application which came to fruition last week with the revelation of documents from the Ministry of Justice, included a document entitled "A proposal to establish an intensive sex offender prison at Bunbury Regional Prison". The document was an executive summary of that proposal and the recommendations that accompanied it. Included in that document was the recommendation that an intensive sex offender treatment program be established at the Bunbury Regional Prison. I am not talking about the establishment of the other two forms of sex offender programs at Bunbury Regional Prison; that is, the category B sex offender pre-release program, or the community program available to prisoners once they are released on parole and through which they receive ongoing treatment. I am referring to the sex offender treatment program that has been popularly and continually referred to as the intensive sex offender treatment plan.

Mrs Edwardes: Who was the document to and who signed it?

Mr McGINTY: It is an executive summary of the proposal, and that information appears to have been deleted. The document begins, "This report outlines a proposal". The next few words have been deleted. It further states that as a maximum security prison Casuarina should not accommodate the large number - 150 to 170 - of medium security sex offenders required to participate in the intensive sex offender program. The report recommends that 120 sex offenders be relocated to the Bunbury Regional Prison. It also states that an increase of 6.5 full time equivalent staff will be required to implement the Bunbury intensive program. The report deals with a number of other matters.

Mrs Edwardes: It did not get the funding.

Mr McGINTY: No, but the point I make is that when this matter arose in 1994 the Attorney General had before her a clear recommendation that the Bunbury Regional Prison become a specialist prison that would offer an intensive sex offender treatment program, such as that offered at Casuarina Prison.

Mrs Edwardes: It was never the Government's intention.

Mr McGINTY: When this matter was first raised in the Parliament, following the mass transfer of sex offenders to the Bunbury Regional Prison, questions were asked in the Legislative Council of the then Minister for Health representing the Attorney General. Hon Peter Foss stated -

> As part of our law and order policy commitment at the last election, plans are in place to deliver sex offender treatment programs at a range of prisons throughout the State. ... The Bunbury program allows for intensive treatment of sex offenders as part of the overall scheme.

That answer was given in October 1994, after the pilot program had ceased the previous June, and following the mass transfer of sex offenders from Casuarina to Bunbury Regional Prison to begin the secret implementation of Bunbury Regional Prison as a specialist prison for the treatment of sex offenders. At about the same time, on 20 October 1994 in an interview with *The West Australian*, the Attorney General was reported as follows -

> She said there were a number of programs to target particular groups and the Bunbury program enabled intensive treatment and counselling of sex offenders eligible to be in a medium-security jail.
>
> Mrs Edwardes said it was the program which had moved to Bunbury because most of the prisoners it dealt with did not need to be in a maximum-security facility - the prisoners had simply followed.
>
> She said the sudden jump in transfer numbers was coincidental.

The Opposition has already shown that to be a lie. At that time there was a recommendation before her and the Government to designate Bunbury as a specialist sex offender prison. Her statement in *The West Australian* on 20 October was not true. There was no coincidence in the transfer of the sex offenders from Casuarina to Bunbury; it was a deliberate policy put in place and it had been shrouded in deception. The Attorney General wanted everyone to believe that an intensive sex offender treatment program was operating in Bunbury Regional Prison, and that prisoners went there because they wanted to be released from prison and that was a condition of their release. It is now apparent that no such program was operating in Bunbury when the Attorney General made that statement. The Government had no intention of implementing an intensive sex offender treatment program at the Bunbury Regional Prison. I know that because I went to the Bunbury Regional Prison earlier this year and officers from the sex offender treatment unit and others said they did not want, and nor would they recommend, an intensive sex offender treatment program at Bunbury Regional Prison.

Mrs Edwardes: Program A.

Mr McGINTY: An intensive sex offender treatment program requires intensive work.

Mrs Edwardes: You are not listening to me.

Mr McGINTY: The Attorney General can engage in semantics as much as she likes, but no-one will believe her.

Mrs Edwardes: It is a fact.

Mr McGINTY: It is not a fact. This is a new line the Attorney General is putting today. Having run a particular line for 18 months, in which her defence is denial, she has now changed tack and is saying it was a different sex offender treatment program. I make it quite clear that in this matter the Attorney General has been continually misleading the House, the people of Bunbury and the people of Western Australia generally. It was no coincidence that sex offenders were suddenly transferred from Casuarina Prison to the Bunbury Regional Prison because of the great sex offender treatment program, because it did not exist. It was a deliberate policy of the department to transfer those prisoners to get them out of the way. It is a pity the member for Bunbury is not in the Chamber to hear the truth about this matter revealed. Once the matter broke this year, a matter of public interest about the Attorney General and the sex offender treatment program at the Bunbury Regional Prison was debated in this House. In answer to opposition questions in the Legislative Assembly, the Attorney General stated on 23 August that -

> There was, and is, every intention to operate a program at Bunbury prison.

There are a number of dimensions to that matter which require some answers today from the Attorney General. The answers she has given so far have been demonstrated, particularly by the freedom of information discovery of these documents in the past week, to be fallacious. The officers at the prison have already told me that there was no intention of establishing such a program at the Bunbury Regional Prison, and the documents quite clearly reveal that the Attorney General had instructed her department not to make funding available for the program this year, but perhaps to make it available in the lead-up to the next election. It is clear from the documents that there was no intention that a sex offender program of such an intensive nature would operate at the Bunbury Regional Prison during 1994 and 1995, and possibly 1996. The Attorney General responded during the debate on the matter of public interest on 24 August 1995 as follows -

> The pilot program has been evaluated. I know that because I went back over my records just to make sure, and it is clear from the memos and the Budget discussions that there was every intention that the program would continue at Bunbury. I did not mislead the Parliament on that point.

Since June 1994 when the pilot program ceased, there has been no continuation of the program referred to by the Attorney General in August 1994. It is simply not the case that the service at Bunbury has been continued. Again, she has misled the Parliament. The Attorney General is damned by the revelation in the range of documents released under the Freedom of Information Act which show what she was on about. I would like to quote briefly from some of these. A memorandum dated 8 August 1995 to the director general from the director of risk management and special operations states, in part, that the provision of a second intensive treatment program at Casuarina Prison remains an urgent priority. It says that failure to expand the current program is costing the ministry approximately $400 000 a year as prisoners requiring this treatment are incarcerated well past their earliest eligibility dates for release owing to their inability to access the program. It continues by stating that the proposed program expansion is supported by both the director, prison operations, and the director of risk management, special operations, and that the resources necessary to establish the program expansion will involve approximately $170 000 establishment costs and two FTE clinical positions.

Mrs Edwardes: Is that at Casuarina Prison?

Mr McGINTY: Yes; the demand for this service having not been provided at Bunbury was growing because of the dramatic increase in the sex offender prison population. A further memorandum dated 12 December 1994 to the Acting Executive Director of Corrective Services from the manager of the sex offender unit under the heading "Re: The Bunbury sex offender intensive treatment program" states that because of the substantial increase in sex offenders the ministry's capacity to provide sufficient treatment services, particularly the intensive treatment services, is now in jeopardy and says further that, by locating the intensive treatment program at Bunbury and staffing it with four additional therapeutic staff, the ministry would have the capacity to cater for the growing demand.

Six months after the Attorney General had made it clear that such a program was operating at Bunbury, internal memorandums state that it did not exist, that the proper treatment of sex offenders was now in jeopardy, and that the Attorney General was required to act. The memorandum stated further that there was a need to urgently bring to the attention of the acting executive director the concerns of the manager of the sex offender program regarding the delay of the commencement of the Bunbury program to October 1995 and a significant decrease in the budget requested for the program. It says further that, if the program is to be implemented in late 1995 with budget cuts as recommended, the viability of the program will be seriously compromised.

These are the sorts of matters in her department to which it has now been revealed that the Attorney General was privy at the same time she was telling a different story to the public. That memorandum concluded by stating that some combination of one or more of the options would free up sufficient staff resources to staff the Bunbury intensive program to its required level of four full time equivalents and that a decision needs to be made as soon as possible on what course to take with regard to the location and resourcing of the intensive treatment program. It states further that the current intensive treatment program is due to finish in April and if the program is to commence in Bunbury, preparations need to begin immediately for the recruitment and training of professional staff.

Then follows one of the more appalling deceptions by the Attorney General in this matter. A memorandum dated 6 December 1994 to the executive director of corporate services through the Acting Executive Director of Corrective Services headed "Sex offender treatment program: Bunbury Regional Prison budget proposal 1995-96" states that the attached documentation was submitted to the Attorney General on 15 November 1994, seeking her endorsement of a Cabinet minute for supplementary funding to

commence an intensive residential sex offender treatment program at Bunbury Regional Prison from April 1994. It also states that the Attorney General instructed that the submission be included as part of growth for financial year 1995-96. That is code for saying the Attorney General said no. That was at a time when the Attorney General was talking about this program continuing at Bunbury Regional Prison.

Mrs Edwardes: No, that related to intensive residential. That is the program which operates at Casuarina. The residentials are taken out of the mainstream environment and they live together for a time. The program which was going to operate at Bunbury was not going to be and never was going to be intensive residential.

Mr McGINTY: Yes, it was. The Attorney is completely wrong. She has changed her line again today.

Mrs Edwardes: I am trying to make you understand.

Mr McGINTY: I understand. I have been to Bunbury prison and have received a briefing from the staff down there and the Attorney has not told the truth on this matter. Going on from the funding question, in a memorandum to the Attorney General from the Director General dated 15 November 1994 headed "Placement of sex offenders at Bunbury Regional Prison" a note in ink at the top of the page refers to the Attorney General's wish to consider 1995-96 funding only. In other words, at the same time that this controversy was raging in the community, we were being assured that all was well at Bunbury and that it was only a coincidence that the prisoners were going there to participate in a sex offender program that did not exist!

Mrs Edwardes: Why did it not exist?

Mr McGINTY: We will come to that. That is another issue on which I will elaborate.

The SPEAKER: Order! I am not sure whether it is a problem to the Leader of the Opposition, but the Attorney General is falling into the trap most of us fall into in the same circumstance when we try to run our argument intertwined with our political opponents'. I do not think that is appropriate. Some interjections have been taken by the Leader of the Opposition, but, in my view, more than appropriate at the moment.

Mr McGINTY: So on the top of the memorandum from the Director General to the Attorney General is a note that the Attorney General did not wish to consider funding at the time the memorandum was put to her. It was something that she wanted to consider only in the following financial year. One of the reasons we heard that the program did not get up - the Attorney General has repeated it again today - was the absence of available staff, although the money was available. I have demonstrated already that that was not true. The Attorney General said she did not want to take to Cabinet a proposition to make funding available to allow that program to operate in 1994-95. She deferred it for future consideration. She was not telling the truth to this Parliament or to the public. She said that the program did not go ahead in Bunbury because adequate staff were not available. We now know that was not true; it was a lack of funding. Let us deal with the question of staff. An article in *The West Australian* of 30 November 1995, only a few days ago, under the heading "Edwardes denies jail bungle", states that the Attorney General said that the ministry had wanted to run the Bunbury program but it could not get qualified people.

We have heard in this place today that since 19 June 1994, the department has not tried to get qualified staff. It has not placed a single advertisement requesting qualified staff for the Bunbury Regional Prison intensive sex offender treatment program. That is a year and a half without trying. This was the same Attorney General who said that the money was there but there was not enough adequate staff. We have heard that for a year. We now know why there was no staff. It was because they were never advertised for.

On 24 August this year during the matter of public importance debated in this House, the Minister assisting the Minister for Justice, Kevin Minson, said that he was led to believe that because the department could not find a psychologist with the necessary experience to deliver the program and who was willing to live in Bunbury, the five month pilot program could not be continued. If the Minister is going to say in this place, "We do not

have the staff because no-one has responded", one expects at least that the position has been advertised.

It was very interesting listening to the Attorney General during question time today, because it appears that the position was not advertised in *The West Australian* or *The Australian*. It was advertised locally in the *South Western Times*. If she were serious about getting staff and if the funds were available, she would be able to say that she could not get a single psychologist interested in the position - if the position had been advertised. How ingenuous is a Minister who says that she cannot get qualified people when she did not advertise for the relevant staff?

This has been a very sad and sorry affair. As a Parliament we owe it to the community to be honest. We owe it to the people of Bunbury to tell them what is going on. They have not been taken into the confidence of the Government and told that the intention is to establish the Bunbury Regional Prison as an intensive sex offender specialist prison catering for 120 sex offenders. When that issue was raised it was denied, but it has now been revealed to be a fact according to the department's records.

I have gone through other matters on which the Attorney General has misled either Parliament or the people of Western Australia. This is a very serious matter. We heard the Premier in recent times piously bleat that people who do not tell the truth should not be in Parliament. The message to the Premier is loud and clear: Get rid of the Attorney General. She is not an honest person. She has been caught out on numerous occasions over this affair -

Withdrawal of Remark

Mr COWAN: The claim made by the Leader of the Opposition impugns the integrity of the Attorney General, and it should be withdrawn.

The SPEAKER: Order! It would be appropriate for the remark to be withdrawn. These are marginal matters. However, I call on the Leader of the Opposition to withdraw those words.

Mr McGINTY: I withdraw.

Debate Resumed

Mr McGINTY: Unless he is to be branded as a hypocrite, the Premier must act. We have demonstrated a number of occasions when the Attorney General has not told the truth. She owes it to the public to make a full statement clarifying the position - if she is capable of doing that. I do not think she is. The documents revealed under the freedom of information laws are damning of the Attorney General. She has no option but to resign her position as Attorney General. If she does not, the Premier will have no option but to remove her.

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.13 pm]: Not one month goes by without the Opposition using some sort of motion to attack the Attorney General. If the Attorney General were a lesser person, she would have succumbed to the constant attacks levelled at her. The Attorney General will speak for herself. She will outline the difference between the types of programs, the dates and the roles being played at Casuarina Prison and the Bunbury Regional Prison.

I suspect that today's debate is more about the marginal seat of Bunbury than it is about the Attorney General. That should be seen for what it is. The fact remains that sadly in our community the number of sex offenders seems to be on the increase, as is the rate of convictions. People in the community, whether in Perth or Bunbury, do not feel at ease if sex offenders are on the streets posing a threat to people, particularly children. We all recognise the dilemma in that sex offenders must be removed from the community at least for a period. It is hoped they can be rehabilitated and can mend their ways. There are different types of sex offenders. The Casuarina programs have been directed at the most serious - those who pose the most risk to people in the community. One could say that there are more minor sex offenders, and many of them have been in Bunbury. We need different programs, and it has not been just a matter of saying that funding is

available, because funding and resources are scarce and must be used in the most cost effective way.

This motion is more about trying to destabilise programs, and to send shock waves throughout Bunbury, than it is about attacking the Attorney General. She will explain in detail why she has not misled Parliament and she has not lied. The motion should be seen for what it is. It is the last week of Parliament. We are heading toward a federal election campaign. The Opposition has scouted around and looked for an issue. It thought, "Why not have another go at the Attorney General?" One motion after another has been dished up to attack the Attorney General. The media has been compliant. It has run stories without giving them the scrutiny they deserve. Despite all the attacks, despite all the motions, the Opposition has not made anything stick. That suggests that there is nothing to stick. However, the Opposition has gone on and on.

The motion is not serious. It is not relevant to prison programs for sex offenders, their treatment, or the effectiveness of the programs. That is a serious issue. It is one that causes great grief and distress in the community. The Parliament should debate that issue. Why not have positive and constructive debate about sex offenders and their rehabilitation? This has been yet another attack on the integrity of the Attorney General. It is one which has an opportunistic and political motive. Members opposite thought they could target Bunbury and try to score points in the forthcoming federal and ensuing state campaigns. The Opposition has not made a case. The Attorney General will explain the detail of the dates and the programs. Members can sit and listen to what is happening in Casuarina and the Bunbury Regional Prison. The Government does not support the motion. We support the Attorney General and the work she is doing to try to improve the rehabilitation programs for sex offenders in gaols in Western Australia.

MR BROWN (Morley) [3.18 pm]: Although 30 minutes is shown on the clock, I have a considerably shorter time owing to an arrangement made behind the Chair I will honour that agreement. My reason for wishing to speak is the transfer of sex offenders to Bunbury Regional Prison, and the notion put forward by the Attorney General that there were proposals for an intensive treatment program for sex offenders at the Bunbury Regional Prison can be shown to be fallacious. It is important to consider the history of the issue. First, in the months leading up to the murder of a sex offender at Casuarina Prison, we witnessed a steady transfer of prisoners - and one or two sex offenders - to the Bunbury prison.

Then a prisoner incarcerated at Casuarina Prison for sex related offences was murdered. Following that, the wholesale transfer of a significant number of sex offender prisoners took place over two months. In answer to a question in the other place it was said that in 1994 the transfer of sex offenders was: In January, 2; February, 2; March, 4; April, 1; May, 2; June, 3; and July, 3. Then the murder took place. In August there were 17 transfers and in September there were 16. A panic decision was made to get sex offenders out of Casuarina Prison and down to Bunbury Regional Prison. However, the Ministry of Justice needed a rationale for that. The first rationale was that an intensive sex offender treatment program was to take place in Bunbury. The answers to questions in the *Hansard* and information provided during the Estimates Committee debates indicate that the transfer of those sex offenders and the decision to establish the program at Bunbury at that time were coincidental. The Attorney General knows that is not the case. She would have seen documents that said that the decision to transfer sex offender prisoners from Casuarina Prison to the Bunbury prison at about that time last year was made as a direct result of the murder of a sex offender at Casuarina Prison.

Mrs Edwardes: Where are those memos?

Mr BROWN: Does the Attorney deny that?

Mrs Edwardes: It had nothing to do with the category -

Mr BROWN: The Attorney General says that the transfer of the sex offenders in August and September had nothing to do with the Nolan murder.

Mrs Edwardes: There is nothing I have seen, nor has anything been shown to me, to

indicate that that was the case. It came about as a result of the review of all sex offenders which commenced in January 1994 and which showed a large number of sex offenders were outside their classification.

Mr BROWN: That is what the Attorney General has been saying so far, but she has backed away from that. As a result of an agreement behind the Chair I am almost out of time. Members should follow the sequence of these events in order to understand the situation: A gradual transfer occurred from Casuarina Prison to Bunbury Regional Prison of up to three sex offenders a month.

Mrs Edwardes interjected.

Mr BROWN: No. A murder then took place at Casuarina prison followed by a huge outflow of sex offender prisoners from Casuarina to Bunbury. The rationale for that huge outflow was that an intensive sex offender treatment program was to take place at Bunbury. The Leader of the Opposition indicated today that there was no intention to have that program. Nonetheless, over and again the Attorney General said that that transfer of so many sex offender prisoners to Bunbury Prison did not come about as a result of the Nolan murder. The difficulty for a government in appointing assistant Ministers is that sometimes the assistant Ministers and the Ministers do not quite get the lines straight. It is a real lesson for Governments in appointing assistant Ministers.

I will demonstrate where the lines were not straight in two newspaper articles, one on 9 August 1995 and one on 11 August 1995. The article of 11 August, written by Catherine Fitzpatrick reads -

> The Opposition claims Bunbury has become a dump for sex offenders but Mr Minson and Attorney-General Cheryl Edwardes say the transfers were because it was more appropriate to house medium-security inmates in medium-security jails.

Two days earlier the Minister assisting the Minister for Justice is quoted in the Press as follows -

> Mr Minson said sex criminals were moved to Bunbury for their safety after the murder of a repeat child sex offender in Casuarina last year . . .

That is quite contrary to what the Attorney General says.

Mrs Edwardes: Did the article refer to six being transferred?

Mr BROWN: No; Mr Minson is quoted as saying that sex criminals were transferred. I must get my New Zealand accent right! As the *Hansard* will show, it was many more than six. I apologise to the Leader of the House for going a little over the time. The chronology of these matters indicates why the transfer took place, why the Minister did not want to admit it took place and why the claim that an intensive sex offender treatment was in place was fabricated. The documents show that the treatment program was just a ruse. There was no intent to establish that treatment program; it was a ruse to justify the removal of sex offenders from Casuarina after the Nolan murder at that prison.

MRS EDWARDES (Kingsley - Attorney General) [3.27 pm]: It is difficult to know where to start because the premise of the Opposition's argument is incorrect. Members opposite have based their argument on the memorandum seen by *The West Australian* under the Freedom of Information Act in which it is indicated that I deferred to the 1995-96 Budget consideration of funding for an intensive sex offender treatment program at Bunbury. If members confuse that issue, the whole of their argument fails. The memo from the manager of that unit referred to two A class sex offending residential programs. They were not being considered for Bunbury.

I have always insisted and will continue to insist that a prison should not become a dumping ground for sex offenders. In 1992, when I was shadow Minister for Justice, I said that sex offending treatment programs should be spread throughout the State and I stand by that. A variety of programs is required to meet the different needs of the individual sex offenders. It is not a matter of one program meeting everybody's needs. I am sure most people will accept that. The Casuarina program is a residential-type program and it is very intensive. The program at Bunbury is less intensive but at the very

least it is still intensive. People have obviously become confused over the term intensive. The people involved all know what they are talking about, but nobody else does. We identify sex offenders in categories A, B, C, D and E. Category A was the subject of the memo asking for the supplementary funding that was deferred.

Members opposite cannot have it both ways. Bunbury either must be used as a dumping ground for those sex offenders who are classified to participate in the category A program, or it should not. For the convenience and understanding of those opposite, I will explain the program classified as category B which operates at Karnet Prison Farm and also at the Bunbury Regional Prison. That program consists of one half day a week for six months. It is for less dangerous offenders or those who have completed the category A program but require additional work. The primary emphasis is on relapse prevention. The category A program at the Casuarina Prison is intensive. It runs for five day a week over six months and is for the most dangerous offenders; that is, murderers and those who are most likely to re-offend. There is a strong emphasis in that program on relapse prevention, victim empathy and managing change.

I will take the time to go through the other programs that are available so that members will understand what we are doing. We are spreading the programs throughout the State to meet the needs of individual offenders. That has been shown to be the most effective way of dealing with this matter. The category C program is run at Greenough Regional Prison, Broome Regional Prison and Eastern Goldfields Regional Prison. It is run over one half day for six months specifically for Aboriginal sex offenders; however, non-Aboriginal sex offenders may also participate, and have done so. The greater emphasis is on alcohol related and violent offending.

The category D program operates at Bunbury Regional Prison and also at the Northbridge Community Correction Centre. That program is for offenders who have completed the prison based programs or those who are on a probation order. It runs on one evening a week for eight months. It comprises four modules: Relapse prevention; victim empathy; anger management; and sexuality and relationships. A category E program is also run at the Northbridge centre. It is a maintenance program for any offenders who have completed the A, B, C or D category programs, and who are still considered to be at risk of re-offending. The management of the potential offending behaviour is the core focus of this group.

Another program, category F, also operates from the Northbridge centre for those sex offenders who lack the intellectual capacity to participate in mainstream programs. I table the information relating to these programs for the benefit of members.

[See paper No 843.]

Mrs EDWARDES: In an effort to clarify and simplify some issues concerning the program operating at the Bunbury prison, I had a series of questions and answers prepared. The first question states -

> Were sex-offending programmes, prison-based and community based, operating in Bunbury in 1993/94.

The answer is -

> Yes, the prison based programme (Category B) commenced in February 1994 and ended in June 1994.
>
> The community based programme (Category B) commenced in February 1994 and is still operating.

The next question is -

> If so, was any of these programmes a pilot program?

The answer is -

> Yes, the prison-based programme (Category B).

The third question is -

If so, what was the outcome of this pilot project?

The answer is -

A decision was made not to extend the Category B (prison based programme) beyond June 1994 because of the difficulties in providing a service that was effective and which could be adequately supported by the Unit.

This included difficulties in recruiting suitable qualified local programme facilitators and the logistics of sending staff down to Bunbury.

It was always our intention to have that category B program operating in Bunbury prison. The fourth question is -

What was the basis and intention of the Director General's media comment in Bunbury in July 1994, in establishing a program for sex offending in Bunbury? What was the cost of the program?

The response to that question was issued by the Director General dated 12 October 1994, which refers to the possible extension of a sex offender treatment program. It states -

This program (Category B) was not established (during 1994/95) because suitable staff could not be found locally.

From 1993 the unit manager had been trying to get staff, not just in Bunbury but in other areas. One of the memorandums shows that he was feeling frustrated at the inability to attract staff to carry out the program.

Mr Brown: Can I ask a question? If it was difficult to get staff in June and July, why was the decision made to transfer 33 sex offenders there in the two months that followed?

Mrs EDWARDES: It was for two reasons: One, program B was still being considered. Had we been able to attract staff, the program would have been funded internally because the money was available. Two, a review of the classification of all sex offenders was commenced in January 1994. We were looking at how we would best meet the needs of these individuals who were located throughout the State. To do that, we had to classify them. We found a large number of sex offending prisoners at Casuarina Prison were not in a residential program but in a mainstream population who were outside the classification, Casuarina being the maximum security prison and these prisoners were within the medium security classification. We wanted a program to look at the whole of the State, not just one that concentrated on the facilities at Casuarina and Bunbury prisons. We needed to know where we could put the programs and the types of programs that could be best put in place throughout the community.

It was very important to get the intellectual disability program up and running, as it was the program dealing mostly with Aboriginal offenders. We had to recognise that some Aboriginal sex offenders could not participate in the program. When I visited Casuarina Prison about three or four months ago I sat in on a part of the residential program being conducted. One of the participants indicated to me that he was from one of the remote areas and told me how the program had affected him in a cultural way. We have taken huge steps to make sure that the programs we put in place best meet the needs.

I return to the staffing program. From 1993 to 23 June 1994 a series of advertisements was placed and a series of discussions was held in our attempt to look for staff to run the category B program. That was not possible. The unit manager again got to the stage where he felt frustrated because he was not able to attract sufficiently qualified or suitable people who could be trained in sex offending therapy. In July, as I understand it, after the advertisement had been placed in the *South Western Times*, the manager decided to talk to the staff who were experienced and who had been running the program at Casuarina to try to encourage some of them to undertake the program at Bunbury Prison. He was not successful in doing that. He was frustrated and disappointed, and it is a shame that the program could not get up and running at that time in Bunbury. In more recent meetings he has expressed that to me.

At that time we were trying to get the category B program up and running. The

memorandum sent at that time related to the category A program; that is, the residential program which operates out of Casuarina Prison which this Government was not considering whatsoever. In relation to the whole of the sex offending treatment program throughout the State, the manager said that we could not do without a metropolitan program. All the classification A sex offenders could not be transferred to Bunbury prison, firstly, because those prisoners would have been out of their classification - category A programs are for the more serious offenders - and, secondly, a metropolitan based program is needed to provide other support services.

The member raised the Nolan incident. One of the questions asked -

> What impact did the Nolan incident have on the proposed program (Programme B) to operate in Bunbury?

The answer is -

> The Nolan incident had no impact at all on the Category B programme. At this stage, during 1994/95 the Category B programme was not established . . .

The Nolan incident was irrelevant to the program we were trying to get up and running in Bunbury.

Mr Brown: The Nolan incident provoked the transfers of all those people.

Mrs EDWARDES: It was coincidental because the review of all sex offenders and their classifications started in January and we did not have any knowledge of the Nolan case in January 1994.

Mr Brown: The recommendation to move a large number of sex offenders in August and September arose directly from the Nolan incident.

Mrs EDWARDES: As a result of the classification of all sex offenders, a large number was found in Casuarina Prison to be outside the classification and it was found to be more appropriate that those offenders be placed in Bunbury Regional Prison. The reason was that we were to have a program B which suited them.

Mr Brown: You could not get the staff.

Mrs EDWARDES: The member might be talking about the chicken and the egg, but he is referring to the chicken and egg in terms of lack of funding. The lack of funding referred to in the memorandum available under the FOI application concerned the category A type program. That is where all of the premises of the member go wrong. There is no way I have misled or lied to this House in respect of that. On the basis of that document the member is saying that the result was due to lack of funding and, therefore, if one has lack of funding one has lack of staff. The member is saying, "There was a lack of staff, therefore you are lying to this House." That is a nonsense, because the lack of staff was to do with getting the category B program up and running in Bunbury. It is not the intensive A type program which operated out of Casuarina, and which was the subject of the memorandum. *The West Australian* confused that and the member has continued to confuse it. They are different types of programs.

Mr Brown: Do you deny that the Nolan incident provoked the transfer of a large number of sex offenders from Casuarina to Bunbury?

Mrs EDWARDES: The Director General of the Ministry of Justice commenced a review of all the classifications of all sex offenders in Western Australian prisons long before the Nolan incident. As a result of that review it was found that many prisoners in Casuarina - I do not know whether the subject of the Nolan incident was in such a classification - were outside their classification; that is, Casuarina is a maximum security prison and these were medium security offenders.

Mr Brown: It has nothing to do with them.

Mrs EDWARDES: I am advised that it is as a result of the whole review of these classifications. To undertake sex offender treatment programs throughout the State to meet the needs of individuals, such as the intellectually disabled and Aborigines, as we

were planning to do, and to operate the program in Bunbury, we must be aware of the number of sex offenders from the region. One of the things we want to do as much as possible is to place prisoners as close as possible to their home environment. It is not always possible when one is dealing with programs. That is one of the other reasons we need to extend the programs. One cannot extend a category A type program, which is residential. As the member will be aware, it operates in Casuarina as a separately defined unit. The prisoners who attend the residential program for six months are removed from the mainstream population, and for very good reason. One does not want the other prisoners impacting on the lessons that these prisoners are learning in that intensive program.

The questions continue -

Q. Did this have an impact on the type of programmes to be operated from Bunbury?

A. The Nolan incident had no impact at all on the type of programme to be operated at Bunbury.

Q. If there were changes being proposed, were the changes going to be in addition or complementary to the programme, (intensive Program B) being devised out of the pilot programme? What were the proposed costs of this Program A?

A. There were no changes being proposed to the Category B programme. The Category B programme had ended in June 1994.

The transfer of sex offenders to Bunbury was a factor in the program that was to be operated at Bunbury. Two such programs were being considered at Bunbury, which would have doubled the throughput under the category A program. The cost of those two category A programs was $224 000 recurrent, and this cost was deferred to the 1995-96 Budget. Therefore we are talking about a category A program. It continues -

Q. Were the changes being proposed the subject of Unit Manager's memorandum which the Attorney General requested to be put into the 1995/96 budget (intensive Programme A)?

A. Yes. The planning for the Category A programmes at Bunbury was the subject of a program submission by the Sex Offender Treatment Unit Manager which the Attorney General requested be included in the 1995/96 budget. However the Unit Manager in his submission for resources to establish the Category A Programmes expressed his reservations about attracting suitably qualified staff who would be prepared to move to Bunbury so as to deliver the programmes.

Q. With the programme (Programme B) that was being planned for Bunbury - was this going to be funded from within existing resources?

A. The Category B Programme which had been under consideration for 1994/95 was frustrated by the unavailability of staff. It would have been funded from within ... However, the funds which would have been allocated to that programme were instead deployed to establish the Category C programmes at Greenough, Broome, and Eastern Goldfields Regional Prisons.

It is not easy to get staff for the more sessional type of program. It continues -

The Category B Programme which commenced at Bunbury in August 1995 was funded from existing resources.

Q. If so, did Programme B start? If not, why not?

A. Programme B did not commence during 1994/95 because suitable staff could not be found locally. The funding for the Category A programmes to commence during that year was deferred to the 1995/96 budget.

A Category B programme commenced at Bunbury during 1995/96 (in August 1995).

Q. Did intensive Program A start? If not, why not?

A. Intensive program (Category A) never started at Bunbury. It was decided to retain the existing Category A program in the metropolitan area (Casuarina). The major reason for doing this was because of the difficulties in providing the service outside of the metropolitan area, these difficulties included:

Selecting, recruiting, training and supporting appropriate staff for the programme.

Access to ancillary services such as; psychiatrist, intellectual disability and other necessary support services.

Q. What programmes are operating in Bunbury in 1995/96, that is, is this type intensive Programme B?

A. The programme operating in Bunbury in 1995/96 is the Category B programme. Currently in Bunbury there are two programmes operating;

1. The prison based Category B programme.
2. The community based Category D programme. Both of these are ongoing programs.

Q. Is there any further intension to operate a type "A" programme from Bunbury in 1995/96 If not, why not?

A. There is no intension to operate a Category A programme in Bunbury in 1995/96. The second Category A programme at Canning Vale Remand Prison will commence in January will double the programme places available and will cater for the number of prisoners currently required to do this programme.

I have explained already by way of explanatory note the difficulties with the types of programs. It continues -

Q. Did the non-commencement of the intensive Programme "A" in Bunbury have any impact on the incident that occurred?

The suggestion was that the non-commencement of program A might have had some influence on that. The answer is quite clearly no. Therefore, if the member's premises are wrong about program A and program B, the subject of the memorandum - for one of which I deferred funding and the other for which staff were not able to be recruited locally - the whole premise of the member that I lied and misled this House is absolutely wrong as well. I have neither lied nor misled this House about the sex offender program, or proposed or intended programs, operating at Bunbury. It was always intended to operate a program B in Bunbury. The fact that it did not get up and running was the inability to attract staff.

Mr Brown: So, knowing that you could not attract staff, you sent 33 prisoners down there.

Mrs EDWARDES: It was the unit manager's decision. He decided that he would try to attract staff internally. Therefore, the member's discrepancy is from the last advertisement placed on 23 June trying to recruit staff locally and what happened after that time. The unit manager decided to try to adjust the staff with experienced staff who knew the sex offenders' program and this new type of therapy, and who would go to Bunbury and carry out that B-type program. A submission was put up for program A to be considered, but it was never to be considered by the Government. It was never seriously considered by the unit manager for very good reasons. A residential unit program will always need to operate in the metropolitan area. One cannot devolve it all to one of the regional prisons, because it does not have the same access to the support-

type services which I have highlighted. One would also be creating a maximum security prison in Bunbury, and the members knows that the capital cost of that would be enormous. Therefore, it was never this Government's intention to run a category A program in Bunbury, as I have said consistently in my statements to this House.

Question put and a division taken with the following result -

Ayes (19)		
Mr M. Barnett	Mr Grill	Mr Taylor
Mr Bridge	Mrs Hallahan	Mr Thomas
Mr Brown	Mrs Henderson	Ms Warnock
Mr Catania	Mr Kobelke	Dr Watson
Dr Edwards	Mr McGinty	Mr Leahy *(Teller)*
Dr Gallop	Mr Riebeling	
Mr Graham	Mr Ripper	

Noes (28)		
Mr Ainsworth	Mr House	Mr Prince
Mr C.J. Barnett	Mr Johnson	Mr Shave
Mr Blaikie	Mr Kierath	Mr W. Smith
Mr Board	Mr Lewis	Mr Trenorden
Mr Bradshaw	Mr Marshall	Mr Tubby
Dr Constable	Mr McNee	Dr Turnbull
Mr Cowan	Mr Omodei	Mrs van de Klashorst
Mr Day	Mr Osborne	Mr Bloffwitch *(Teller)*
Mrs Edwardes	Mrs Parker	
Dr Hames	Mr Pendal	

Pairs	
Mr Cunningham	Mr Minson
Mr D.L. Smith	Mr Court
Mrs Roberts	Mr Wiese
Mr Marlborough	Mr Nicholls

Question thus negatived.

WITNESS PROTECTION (WESTERN AUSTRALIA) BILL

Second Reading

MR COWAN (Merredin - Deputy Premier) [3.54 pm]: I move -

That the Bill be now read a second time.

This Bill makes provision for the formal establishment of the state witness protection program which police have been operating informally in this State since 1989. This Bill is intended to complement the commonwealth Witness Protection Act which came into operation in April 1994.

The Government's commitment to law and order is further enhanced by the introduction of this legislation. The protection of witnesses has been shown to be an integral part of the fight against serious crime in Australian and internal jurisdictions. This Bill will provide the capacity to protect an innocent person who witnesses a crime and reports it to authorities. Apart from innocent witnesses, experience has shown that in the case of organised or serious crime, it is often necessary to provide protection to persons who are accomplices or who have some close knowledge of criminal activities. In those instances, the state witness protection program may be utilised whenever such persons have given or agreed to give evidence on behalf of the Crown.

Persons who are prepared to give evidence or who have given evidence when there is a risk to their safety or welfare must be protected. That protection must also be extended to the family of a witness. The level of protection and assistance to be given to a witness on the program may range from close personal protection and surveillance or relocation to a change of identity and integration back into the community. Other action may include providing accommodation and transport or providing assistance in obtaining

employment or access to education. If given appropriate protection, a witness will then be able to give evidence without fear of retribution. I should stress that persons are not placed onto the state witness protection program in a perfunctory manner. Often death threats or threats of physical harm are made against a person or family members which necessitates their placement on the program.

The commonwealth legislation was developed after a commonwealth parliamentary joint committee report on witness protection. A commonwealth-state-territory steering committee was established and identified the major issues which have been incorporated within the commonwealth legislation and are now addressed within this Bill. It is necessary that this Bill be passed and come into operation before 18 April 1996. The commonwealth Act provides that federal agencies, such as the Australian Taxation Office, will not be able to issue documents for persons with new identities on state and territory witness programs unless complementary state legislation and arrangements are in place by 18 April 1996.

Witness protection programs currently operate in most States, and the Australian Federal Police operate the national witness protection program. By enacting this Bill, Western Australia will come into line with similar legislation proposed in New South Wales, Victoria, Queensland and South Australia. Although the state witness protection program has been operating in this State for a number of years, statutory powers and controls have not been in place. This Bill will provide that the Commissioner of Police has sole responsibility for deciding whether to include a person in the program. The commissioner is in the best position to assess the veracity of any threat or risk to a witness. Given the sensitivity of these issues, it is essential that the information not be widely disseminated. The more people who know about the circumstances that necessitate someone being placed on witness protection, the greater the risk of jeopardising the program. The protection of witnesses is clearly a police operational matter.

The maintenance and integrity of the program must be strictly controlled. As such, the case officer from the police witness protection unit cannot be responsible for placement of a person in the program. A witness is not to be included in the program as a reward or as a means of encouraging the witness to give evidence or make a statement. The role of the program is to provide a service to protect the witness if there is a risk to the person's safety or welfare. Once a person has been assessed as suitable for placement in the program, he or she will be required to enter into a memorandum of understanding. That memorandum must set out the basis on which a person is included in the program and details of the protection and assistance to be provided. The memorandum of understanding must also contain a provision that the protection and assistance may be terminated if the participant breaches the memorandum. A statement must also be included advising the witness of a right to complain to the Parliamentary Commissioner about the conduct of the police in relation to the program.

The Bill provides for state police and other approved agencies, such as the National Crime Authority, to enter into agreements with the Commissioner of Police for assistance in witness protection. Such arrangements may involve assisting another law enforcement agency in protecting relocated witnesses and include the recovery of operational costs. Along with state police, other approved agencies will be able to make a private application before a Supreme Court judge for a new identity order. Such an order may involve creating a new identity by issuing a new birth certificate. Constraints are put in place before a new identity is created. The Supreme Court must be satisfied that the change is necessary and that the person is likely to comply with the memorandum of understanding. Additionally, a Supreme Court order will not be granted if a change of name by deed poll or licence will suffice. Safeguards are provided so that a person cannot avoid civil or criminal liability, or be afforded additional qualifications by placement on the program.

Further clauses provide for the restoration of a former identity and procedures to govern the integration of a witness into the community in his or her former identity.

Part 3 addresses secrecy and disclosure in relation to the program. Strict criteria control the release of information which may prejudice the effectiveness or security of the program or may identify a protected witness. Unless a court's presiding officer considers it otherwise in the interests of justice, any disclosure in a court regarding a protected person's new or former identity must held in private. Part 3 also deals with the situation where a protected witness has a criminal record. The Commissioner of Police must produce the person's criminal record; however, either the new identity or the former identity of the witness will be able to be protected. Generally, a protected witness who has been given a new identity will give evidence in his or her former name. Severe penalties are provided in part 4 for persons who identify a protected witness, the location or circumstances of a witness, or information that compromises the security of a witness. A 10 year imprisonment penalty applies, or a summary conviction will attract a penalty of three years or a fine of $12 000.

Should a witness or former witness disclose sensitive information about the witness protection program, a crime is committed and a maximum penalty of five years' imprisonment applies. Alternatively, a summary conviction attracts a penalty of two years' imprisonment or a fine of $8 000. Although the Commissioner of Police is required to keep secure the register of the witness protection program, the Parliamentary Commissioner for Administrative Investigations and the Attorney General have access if necessary for the purposes of an investigation or audit. Additionally, the responsible Minister must prepare an annual report in consultation with the Commissioner of Police on the general operation and performance of the state witness protection program. The report must be prepared in a manner that does not prejudice the effectiveness or security of the program and be laid before both Houses of Parliament.

Care has been taken to limit access to information about the witness protection program. It is essential that only authorised persons or authorities are permitted to have access to information contained in the register. Accordingly, the Bill provides for the witness protection unit within the Police Service to be regarded as an exempt agency for the purposes of the Freedom of Information Act. The schedule also makes provision for designated police officers to be appointed as honorary community corrections officers for the purpose of supervising a protected witness who may be under a court order or on parole.

This Bill will ensure that the vital protection that is needed for witnesses and their families will be able to be continued under proper statutory control. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

REAL ESTATE LEGISLATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mrs Edwardes (Attorney General), read a first time.

Second Reading

MRS EDWARDES (Kingsley - Attorney General) [4.04 pm]: I move -

That the Bill be now read a second time.

The Real Estate Legislation Amendment Bill amends the Real Estate and Business Agents Act, the Settlement Agents Act and the Residential Tenancies Act. These amendments represent the most significant changes to these Acts since their proclamation, which in some cases was 17 years ago.

The Bill removes unnecessary regulatory burdens on real estate agents, settlement agents and financial institutions in relation to deposit trust and tenancy bond accounts. It will also allow the Real Estate and Business Agents Supervisory Board and the Settlement Agents Supervisory Board to fund all activities associated with the regulation of the real estate and settlement industries from the interest earned on agents' trust accounts. This

will be achieved without any additional costs to agents and will provide ongoing savings to government of around $580 000 annually.

The supervisory boards that support the real estate and settlement industries will take on a more strategic role and will work with these industries to develop a fairer and more competitive environment. The public will benefit from ongoing improvements in the level of professional service provided by agents. As well as funding board activities, interest accrued from agents' trust accounts will also be used to increase the number of grants from the home buyers assistance fund, and therefore will make more money available to people to buy their first home.

The present level of activity in real estate sales is regarded as the most protracted market recession of recent times. The Bill provides an opportunity to stimulate this important sector of the real estate sales market by increasing assistance to first time home buyers. In particular the Bill -

simplifies deposit trust account arrangements for real estate and settlement agents;

expands the range of activities that can be funded by the real estate and settlement agents boards;

varies the conditions and arrangements for the operation of the home buyers assistance scheme;

allows for the progressive deregulation of fees charged by real estate agents and settlement agents;

increases and makes consistent with each other penalties under the Real Estate and Settlement Agents Acts as well as increasing penalties under the Residential Tenancies Act;

amends the Residential Tenancies Act to address some of the concerns raised by owners, agents, tenants and financial institutions about the operation of this legislation; and

updates the wording of the financial provisions in accordance with Treasury standards.

At present, the deposit trust account provisions in the Act require real estate agents and settlement agents to maintain a percentage of their trust account balance with their respective boards. In the case of the Real Estate and Business Agents Supervisory Board, interest earned on the deposit trust is used to fund the fidelity guarantee fund, some education programs of the board, and the home buyers assistance fund. However, all funds received by the Settlement Agents Supervisory Board are currently credited to its fidelity guarantee fund. Maintaining the deposit trust with the boards can create difficulties for agents, particularly if several clients need to access their funds at once. In these circumstances, agents may even need to arrange a withdrawal from the board's trust account. The Bill seeks to address this problem, by abolishing the current deposit trust arrangements, returning all trust funds to agents and replacing the deposit trust fund with a direct interest payment system. These new arrangements will reduce the time that agents need to spend complying with the current requirements. These changes will also remove the annual reconciliation process for agents and the boards, which has been necessary in the past to maintain the deposit trust fund.

As I have already outlined, the interest obtained from financial institutions will be used to support the boards and their functions under the Act. The Bill allows the boards to pay for costs associated with, but not limited to -

education and advice for both the community and the industry;

compliance activities, including proactive audit and inspection programs;

legislative, administrative or marketplace reviews;

activities of the boards or their staff and administration of the legislation; and

financial administration and policy support for the board.

This will provide the boards with opportunities to review existing regulatory arrangements, including legislation and licensing systems to ensure that they serve the public interest.

Many complaints received about the real estate and settlement industries have resulted from a lack of understanding by agents about the relevant Act and code of conduct. Once proclaimed, the amendments to the Act will allow the boards to extend their proactive programs working with agents to give them a better understanding of the legislation and the law surrounding real estate practice.

Clients will be less likely to encounter problems with those agents who are better informed about the legislation and more aware of their fiduciary responsibilities. This is particularly important for the Settlement Agents Supervisory Board, which at present does not have access to any funds for education purposes. Issues such as conflicts of interest within the settlement industry clearly demonstrate a lack of understanding by both clients and agents about the nature of conflicts of interest. The Bill enables the board to implement education and compliance strategies aimed at addressing these problems. Furthermore, the boards will be able to fund education and advisory services for members of the public. It is important that clients be well informed about their rights when dealing with agents. The Bill ensures that the boards can either pay an organisation or engage staff to perform services for the board. Additionally, the Bill provides the boards with the flexibility to engage persons as consultants on a contract for service.

As previously mentioned, the Bill will increase funding for the home buyers assistance fund. The fund currently provides grants of up to $2 000 to assist first time purchasers who buy properties through licensed agents with those incidental costs which occur at settlement time. Until last year the home buyers assistance fund was dormant as the legislation governing the criteria for grants discriminated against single people. In October 1994 Parliament passed amendments removing the discriminatory provisions This allowed the fund to be reactivated. Since its recommencement there have been 427 grants from the fund, averaging approximately $1 700 a grant and totalling over $730 000. First home buyers will benefit from changes to the rules governing grants from the fund. The period in which they can apply for a grant will be extended and the range of lending institutions will be broadened to include organisations such as credit unions, allowing their clients to be considered for grants.

This Bill allows for the progressive deregulation of real estate agents' fees. This is a significant move which links closely to the recommendations of the Hilmer report and the national competition policy package, requiring all regulatory restrictions on competition to be re-examined. The extension of competition policy to Western Australia in accordance with the national competition policy package is an important step in the reform and revitalisation of business. Initially, only commercial, rural, business broking and property management fees will be deregulated. I have heard some agents say that 20 per cent of tenancy properties provide 80 per cent of their work. At present, the current fee scale does not give agents the flexibility to deal with this. The fees that agents charge should not be artificially determined, but should reflect the level of service they are required to provide.

The deregulation of fees will allow agents to structure their services and charges to suit their clients and their organisation. Fee deregulation also provides clients with opportunities to compare agents' services and costs before negotiating the fee and the level of service required. The timetable for deregulation of these fees has been negotiated with industry to ensure that agents have sufficient time to prepare for these changes. At this stage there are no immediate plans to deregulate real estate agents' fees relating to residential sales. However, the competition policy reform agenda requires that the regulation of these fees must be reviewed before the year 2000. It is unlikely that the public benefit obtained from the retention of a fee scale for residential sales will outweigh the costs to the community from the resulting lack of competition. Similarly, the Settlement Agents Supervisory Board will need to review the fee scale for settlement agents. The Bill provides the board with the flexibility to deregulate all or part of the fee scale as required.

As outlined earlier, the Bill contains changes to the Residential Tenancies Act. These changes stem from the 1992 review of the Act and contain proposals aimed at addressing some of the concerns raised by tenants, agents, owners and financial institutions. In particular, the Bill will provide tenants with improved information about where their bonds have been lodged and will reduce up-front costs to tenants. Currently, tenants pay up to one week's rent at the beginning of their rental agreement. This Bill will prohibit this charge on tenants. Agents involved in property management were concerned that this change would impact upon their income and rent roll values. To take account of agents' concerns, the abolition of letting fees forms part of a package that provides in excess of 12 months for agents to prepare for the change and links the removal of letting fees to deregulation of property management fees. Tenants should also receive their bond refunds more quickly as agents will be required to dispose of the bonds within a prescribed period. At present, tenants complain that it can take up to 28 days for the return of a bond once all the forms have been completed. Tenants will have improved access to advice and education initiatives funded by grants from the rental accommodation fund.

The Bill also contains the following amendments which take account of the practical concerns of agents, owners and financial institutions. Agents will no longer be required to open individual accounts for all residential tenancy bonds. Instead, agents will be allowed to deposit tenancy bonds into a single tenancy bond trust account. This will reduce the legislative impact on both agents and financial institutions and will link strongly to the Government's policy of removing unnecessary regulatory burdens on business. The Bill provides two alternative methods to deal with tenants who stop paying rent. Agents and owners often complain to me that under the present system it takes at least 22 days to serve the proper notices on tenants before an agent can lodge an application with the court to evict a tenant for unpaid rent. The proposed new methods provide for notice periods that are reduced by up to 14 days. Indeed, in the future, agents and owners will be able to list matters with the courts in as little as eight days if tenants do not pay their rent. The quicker of the two alternatives is a debt collection method aimed at ensuring that landlords get their money promptly. It allows the agent or owner to issue a termination notice as soon as the rent is in arrears. If the rent remains unpaid for seven days after this notice has been issued, the agent or owner can apply directly to the court to seek payment of the rent or termination if there has been no response from the tenant. Should the tenant pay the rent and the court filing fee - even up to one day before the court hearing - all court action stops and has no effect. The reinstatement of the ability of magistrates to award the court filing fee to the successful applicant will benefit both agents/owners and tenants. This is also consistent with all local court actions.

Financial institutions will benefit from the changes to the bond arrangements. The requirements on them for maintaining bond accounts will be less onerous. In addition, financial institutions will no longer be required to pay interest at a set rate. This rate has failed to keep pace with market rate changes and the financial institutions have argued strongly for a system which links the interest rate they pay on tenants' bonds account directly to a market rate indicator. The Bill provides for such an arrangement.

Many of the changes incorporated into the Bill have financial year impacts and, therefore, to ensure a smooth transition for industry and the community, the projected commencement date is 1 July 1996. Fee deregulation is planned to commence on 1 January 1997. The boards, industry and financial institutions are keen to see these changes implemented as soon as possible. Furthermore, the earlier these changes are implemented, the greater the savings achieved for government.

Industry and community organisations representing the interests of agents, owners and tenants have provided valuable input into the development of this Bill. It is often difficult to satisfy all requests for amendment, particularly in the residential tenancies area where agents/owners and tenants usually have very different views. However, I believe that this Bill provides a balanced package of reform which addresses some of the issues raised by agents/owners, financial institutions and tenants. Furthermore, I am

confident that the trust account changes will substantially reduce statutory and administrative burdens on agents and financial institutions. At the same time, these measures will allow for increased funding and better management of the regulatory components that support the real estate and settlement industries, as well as provide ongoing savings for government. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

SECONDARY EDUCATION AUTHORITY AMENDMENT BILL

Second Reading

Resumed from 19 October.

MRS HALLAHAN (Armadale) [4.17 pm]: This Bill will amend the Secondary Education Authority Act. It is not a large or complex Bill, but it will authorise a number of current procedures carried out by the Secondary Education Authority. Apparently it will complete the recommendations of the Vickery report in relation to the authority. The Parliamentary Secretary indicated that the proposed changes are consistent with the recommendations in the Tannock-Helm report and they will correct anomalies with regard to charges, noted by the Auditor General on more than one occasion.

The exhibitions and awards based on the tertiary entrance examination - formerly the tertiary admission examination and, before that, the leaving certificate - were originally provided by the Education Department. This responsibility was transferred to the Secondary Education Authority, but it seems the legislative power has never been transferred. The Government indicates that this amending Bill will make the situation quite clear. The Bill also deals with regulations being established by the authority for the operation of the tertiary entrance examinations, and the need from time to time to impose penalties for breaches of those regulations.

Another area dealt with by this legislation is provision of information on a very extensive database relating to students' performance. This is a very topical subject. A significant amount of data has been collected in the past but it has not been available to the public. The advent of freedom of information legislation has overtaken this situation, because the data has now become available to the public. We saw the results of the release of information in the media at the end of November.

This Bill will give the Secondary Education Authority the power to charge a fee for providing information. In his response to the second reading debate, will the Parliamentary Secretary indicate whether fees payable for prescribed services provided by the authority will include the listing of school ratings of academic achievement through the tertiary entrance examination? Section 35 of the Secondary Education Authority Act provides that -

> The Minister may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the purposes of this Act and, in particular with respect to -
>
> (a) forms to be used and fees to be payable under this Act; and
>
> (b) the conduct of secondary student examinations.

The Bill seeks to delete all the words after "forms to be used". It will expand paragraph (b) to take account of the fees to be payable. What will happen to "the conduct of secondary student examinations"? Where in the Act will it be provided for once this Bill is passed? No explanation of that is given in the second reading speech nor in the debate in the other place. I would also like an indication of the extent of cheating and how this Bill will deal with cheating. It is not mentioned in the second reading speech but it was mentioned in the debate that occurred in the other place. The House must be very clear on what is the extent of cheating and how the provisions of this Bill will deal with it. During the second reading debate in the other place, the Minister for Education said that the Government was mindful of matters that had been raised regarding the anticipated

release of information. He was referring to comments made by the shadow Minister for Education, Hon John Halden. The Minister said that the Government was concerned about the release of information and that it would be doing its best to ensure that this data was not used in any way that was detrimental to any schools or in a way that suggested that one school is better than another by virtue of its TEE scores. Will the Parliamentary Secretary indicate what the Minister has done to ensure that the data is not used in any way that is detrimental to any schools or that is unfair and suggests that one school is better than another by virtue of its TEE scores? Has the Minister done anything to give effect to those words or were they just empty and gratuitous comments?

As the Parliamentary Secretary will appreciate, that in the bottom six schools listed was Kelmscott Senior High School, on which students from both his and my electorate depend for their education and which in my view provides them with very good educational opportunities. People tell me that the Australian scaling test requires an understanding of English in its complexity. That in effect can result in a lower score on the AST for students who do not come from an English speaking background. However, those same students, despite having difficulty understanding English, may be intensely tutored in areas such as maths and science and may end up with a strong aggregate. Therefore, they could achieve a much higher aggregate than one would expect on the basis of the AST. As a result, some schools will seemingly score very positively while other schools will not. I am not for one moment suggesting that is a full explanation for the discrepancy between the achievements in schools as indicated in what I assume was a leaked document rating schools and their academic achievements. However, in my view, it was a very inaccurate reflection of education provided by schools such as Kelmscott Senior High School. No doubt there are a number of explanations for that. The explanation that I have outlined is certainly one of them. It questions the validity of the AST and the comparison of the TEE results especially if we ignore altogether the fact that most students do not go on to university and do not need to pass the TEE anyway.

I take some credit for the fact that many more students now apply and enrol in TAFE courses and look forward to very satisfying careers as a result of the Labor Government's actively promoting the fact that university entrance was not the only avenue that would provide students with a future of opportunity. Students and their families responded very positively and actively to the material and options we made available; and, since then, a greater number of students have applied to go to TAFE, knowing that this is a significant qualification to achieve. Therefore, to determine the status of schools on the basis of TEE results is, I believe, very questionable. However, in the absence of the Government's promoting any other measure for the community, it is understandable that parents and communities will make their judgments based on what for them is a clear indicator - one could say a simplistic, inaccurate and invalid indicator - and one which the Government now has a responsibility to do something about, if the words of the Minister for Education in the debate in the other place are to have any effect.

The principal of Kelmscott Senior High School has told me that a number of students from Kelmscott Senior High School achieve at a very high standard in the TEE examinations each year, with students going on to highly contested faculties such as law and medicine, and that it is unfortunate that Kelmscott Senior High School was listed as one of the bottom six high schools on the TEE grading, because that reflected the view that all the students at that school were underachieving. It is unfortunate that members of both the wider Western Australian community and the local community have come to the view that all the students at Kelmscott Senior High School are underachieving, because that is far from the truth. It is interesting that students at single sex schools, particularly schools for girls only, achieve very highly. I understand that research shows clearly that young women work harder at their studies and are more mature, and that maturity, combined with their working harder, brings them very good results. That is a very satisfactory situation, but because that maturity factor does affect student outcomes, in comparing schools for girls only with schools for boys only, and co-ed educational schools, we are comparing apples with oranges rather than apples with apples. Therefore, the validity of using the TEE as an indicator in that way without a community education campaign can be quite dangerous.

Every year, many students from Kelmscott Senior High School achieve a high academic standard. For a number of years, that school has had a very good music program. It has a very good performing arts program. It also has a well developed agricultural program, which is unique because not many senior high schools are in a position to offer such a program. It may be reasonable to assume that not many students from that program pursue the TEE, although I have not examined that so I cannot say with accuracy that that is the case. The school also has an academic talent program. Therefore, the school has a great balance in the programs it offers as part of its services to the community. The school also has a very well developed pastoral care program and a strong disciplinary code. The school has a diverse student intake, certainly in regard to economic background, and also in other ways if one cared to examine the student body at that school. Kelmscott Senior High School has been one of the largest senior high schools in this State for many years, and many students seek cross-boundary exemptions to attend that school. That happens only when a school is regarded as a success story and is offering what students and parents want. For those reasons, the information about the TEE that appeared in *The West Australian* is a most unfortunate and highly questionable measure of any school, whether it be at the high achieving or the low achieving end of the list.

Many students at Kelmscott Senior High School have had outstanding achievements: One student has played with the Australian Basketball League; another is in the cast of the "Home and Away" program on television; and another is playing with the Western Australian Symphony Orchestra. The school has a long list of outstanding individual achievements in sports, drama, performing arts and music, and many students have entered the highly competitive faculties of law and medicine, but I will not pursue that today. In my view, Kelmscott Senior High School provides for the different needs of students in a very effective way. Therefore, I put clearly on record my great regret that Kelmscott Senior High School was listed publicly, in a very high profile way, as one of the six lowest schools on the TEE measure. That is an invalid measure by which any community should make a judgment.

I turn now to a letter from Mr Michael Partis, Director, Secondary Education Authority, which was written to the Editor of *The West Australian* and published on 1 December 1995. The letter is entitled, "SEA misrepresented", and states -

> The report in Thursday's paper misrepresented the SEA's position. A table giving 1994 performance data was incorporated in a discussion document distributed to school principals this year.
>
> After feedback from schools, a number of changes were made to the table. It was in this context that I was not prepared to vouch for the accuracy of the initial draft. I am surprised that you were prepared to criticise particular schools on the basis of unauthenticated data.
>
> I should also point out that two columns of the table were omitted from your report. These gave information about the numbers of students in Year 12 in each school and also the number who had met the requirements for secondary graduation.
>
> The 1995 performance data will appear in a paid advertisement in January. This will be accompanied by an explanation of the data.
>
> We have chosen this method of release to ensure the facts are accurately presented.

In the debate in the other place the Minister for Education outlined in detail the data that would be presented in January. I hope that will go some way in correcting the impressions that have been given. As we know, impressions are powerful, and I do not know how that will be overcome.

We have known that the private school sector has for some time offered scholarships to attract students of high academic merit. They have also tried to attract students with abilities in some other areas. It has been a quest for status for particular schools and

some of these scholarships have been offered for the wrong reasons. I support scholarships that will provide an opportunity for students who would not normally have such an opportunity. However, when the reason is to change the intake profile of students to a school, I am very much opposed to it. It goes against the best interests of education and what should be a well established right of each student to have the best education possible. I have real concerns that the Court coalition Government will destroy what previously has been the fairest system possible for students developing their potential through the measures of devolution and transferring fundraising to parent bodies.

I am fearful that the situation I saw in other countries, where the quality of education depended upon the wealth of the parents and the locality in which they lived, will be the future for students' educational opportunities in Western Australia if the coalition continues to pursue its policies. That has not been a part of our past except for the private school sector. It has not been the case in the government school sector to any marked degree. It should not be part of the future of this State. I hope that those members on the government benches who are committed to education will try to moderate the policies which are leading us down a detrimental and regrettable path.

In *The West Australian* on 2 November under the heading, "Exam league list feared" a reference was made to some government schools embarking upon offering scholarships to top students from poorer areas nearby to make the schools' tertiary entrance examination results look better. The article states -

> The practice has caused disquiet and would become more common after the Secondary Education Authority published the TEE success rates of WA schools.

The article quoted Jan Little, who is the President of the WA Secondary Principals' Association. It stated -

> Ms Little said the TEE successes of some private schools had been boosted by scholarship students from Government schools and overseas students who were focused on the TEE.
>
> The leagues tables would be one measure only of how effective schools were and would not describe the value-added components they provided.
>
> No value was added by schools which took in bright students but failed to improve them before they emerged. Other schools took in students who were unable to read and helped them to become literate and able to get and hold a job.

That is a real task of education, and schools which are able to provide that opportunity for students should be recognised and rewarded. The article continues -

> State School Teachers' Union president, Brian Lindberg said top students from Government schools were already being given scholarships to move to the private school system and the leagues table would ensure that retrograde process continued.
>
> Education director-general Greg Black said there had been some examples of government high schools adopting an aggressive marketing approach but, as in the case of Willetton Senior High School, the department had told them that the school was full and there would be no extra resources for students crossing boundaries.
>
> For students to cross boundaries to attend Government high schools, they had to meet certain criteria and there had to be sufficient vacancies, Mr Black said.
>
> He said publication of the SEA list had been driven by the media and it had never been the department's intention to provide that information.
>
> He said it was important that parents making decisions about schools, rather than relying on the list, should approach the schools, ask about their ethos, see how it felt when they talked to the teachers and find out the direction of the school.
>
> Armadale Senior High School principal Glen Diggins said the SEA was trying to

> get a format where educated readers could get the whole picture and not just look at the table and say which school was good and which was not.
>
> "At schools like our own there is only 18 per cent of our Year 12 population who eventually finish up in a tertiary institution anyway," he said.

That confirms my point about the number of students who require the TEE. This State has some concerning trends in education. One of them is the direction consciously taken by this Government, which will lead to some schools being advantaged by the fact of parents' income, and other schools, where students do not have parents with a high income, not being provided with the level of resourcing they need and too much fundraising being thrown onto parents to provide for the educational opportunities that parents in other areas will find no difficulty in providing at all.

That does not deal at all with the issue of staffing. Under Labor Governments staffing has been administered on a statewide basis. I am concerned about the Government's intentions in that regard, because it is embarking on a path which will result in teachers opting for areas where there are significant parental supports and resources, and those areas where students needs are more complex and difficult may not attract teachers of a high calibre. We will have layering in an uneven and discriminating education system. That is consciously promoted and developed by the Court coalition Government. Historically, this directional change and its effect on young Western Australians will be condemned strongly when the records are analysed in years to come.

I have indicated to the Parliamentary Secretary areas of interest and concern to the Opposition. The Bill is simple and, given satisfactory answers to our concerns, the Opposition will be in a position to agree to the Bill. A letter which appeared in *The West Australian* of 1 December under the heading "TEE list hits schools' morale" reads as follows -

> What right does a newspaper have to sensationalise the education of our children in WA by the publication of a ranking list of Government schools being prepared by the SEA?
>
> An education is more than TEE scores and what school you attend. It is what you learn from life's experiences from a broad spectrum - not the final two years of school.
>
> Only 33 per cent of students go on to higher education, so what reflection is your list of the whole student body?
>
> Do you realise what you may have done to the morale of schools, students, teachers and people who have fought hard to raise the level of State schools?
>
> It would appear you are interested only in selling newspapers and ignoring the logic of the education fraternity, including the Ministry, which is clearly against your calculated motives.
>
> Freedom of Information is a right but think compassionately about the consequences.
>
> STEVEN CARTER, Noranda.

A note to the letter from the editor states -

> We did not seek the information through FOI. We have previously adhered to the SEA policy. However, the SEA has since changed its policy. In the light of that change, we decided to publish when the information was made available to us.

It needs to be said that more comprehensive information will be made available to the newspaper in January. Information from a source of which I am not aware led the paper to publish what Mr Carter thought was inaccurate information. That is regrettable. However, the actions of the Court coalition Government are more worrying, as is the effect that its policies will have on the state school system in Western Australia. This is an issue for which it is well worth fighting and that is why I have supported teachers in their campaign to maintain the quality of education in this State. I will be interested in

the Parliamentary Secretary's response as the Opposition will then decide how it will vote on the Bill.

MR STRICKLAND (Scarborough) [4.52 pm]: I want to contribute to the debate, particularly in light of what has been appearing in the newspapers about the publication of TEE results. I add my voice to the concerns about the proposal.

One of the great strengths of our education system is that staffing is organised on a statewide basis. Some effort is made to spread the talent equally throughout the State so that every school has a mixture of experienced teachers and those with very recognised abilities and also teachers who have just come into the system who sometimes have a fair bit to learn. It is important that we remember that experience is important in teaching. First year out teachers have a lot to learn about controlling and organising students and also about the course content. As teachers build up that experience, they become much better teachers. That is a fact of life.

I agree with some of the comments of the member for Armadale about the concern over the publication of TEE results. It is very easy for people who are not well informed to read tables and jump to conclusions. They may think that because a school has good TEE results, that is the school to which they must send their children. That is not always the case. It is important that people understand that all schools have a range of very competent and experienced teachers.

The student profile in schools varies across the State. The profile depends on catchment areas. For example, students at the Churchlands Senior High School are drawn from a catchment area containing professional people. These people have qualifications and their ethos is that their children should strive to do well in the TEE and to gain professional qualifications. There will always be students in a high school who intend to do well in the TEE. However, there may be fewer of them in some schools because of the nature of the catchment area. If the area comprises predominantly tradespeople, students may be more interested in pursuing practical careers. In that regard, we have heard of the increase in students taking TAFE courses.

It is wrong to judge a school on TEE results. I taught for 27 years and I spent 10 of those teaching at Lockridge Senior High School. That school has many fine attributes. When I left the school, it was as new as it was when it was first opened. That resulted from the policies at the school.

Mrs Hallahan: It had a very good principal.

Mr STRICKLAND: The principal was Bob Holloway and he was an absolutely top operator. Although we had trouble from time to time, any acts of vandalism were fixed up quickly and that helped. In addition, the policy was that it was not the teachers' or parents' school, it was the students' school, therefore it was not very smart for students to mess up their own back yard. Although there were difficult students at the school over the years, by and large that policy has been successful.

Lockridge Senior High School placed a great deal of emphasis on alternative courses which matched the aspirations of many of the students. The school is extremely successful in providing a sound education. I am not referring simply to numeracy or to language skills. I am referring also to social and life skills. That school does a marvellous job for its students. Although there were only small classes, I taught people who went to university and obtained majors in such subjects as mathematics. They have come back into the system and have taught mathematics. That has happened in a school which people may have thought would not produce many academics. Every school produces academics. The only difference is the number they produce. I am concerned about the suggestion in the Press that only the top 25 per cent of TEE results should be published. That would be a total disaster. Some schools may not feature in the list, but they may have a great solid core of people in the middle band of performance who have been provided with a solid education and opportunity to go to a university or tertiary institution. However, under such a system that would not be recognised.

It is very important that people understand that they can send their children to any high

school and they can expect an opportunity which will lead to a range of things. I have great concerns and I have made representations to the Minister, and I will continue to make representations to the Minister, in relation to what he can do to stop the publication of tertiary entrance examination results.

Mrs Hallahan: That is a bit late.

Mr STRICKLAND: In New South Wales the Freedom of Information Act has been amended to remove the ability to publish these results because of the detrimental effect that it has.

We are not worried about the Rossmoynes or the Churchlands of the world, which are getting top results - as they should, and they should be proud of those results. We are concerned about people putting tags on other schools based on false criteria. That is what really concerns me. Some schools have said that people compare the Australian scholastic aptitude test scores with the TEE results and then try to say that some schools underperform and others overperform. What a lot of rubbish! It depends on the culture at the school. For instance, with a school such as Wesley College, if the students are very keen in one year to be involved in sporting programs and they want to spend a lot of their time pursuing those interests, perhaps they will achieve on the sporting field to a high degree but not to the same extent in the TEE. It depends on where the emphasis has been put by the students. Some schools are very academically inclined and one would expect that they would appear to overperform.

At the end of the day, it does not matter very much because a student who has underperformed at high school and who goes to a university will have plenty of opportunity to pull up his or her socks and to perform well. There are many students who work very hard at high school and who overperform in the TEE but who struggle when they get to university, because the pace picks up enormously. They think that their good results in the TEE will ensure that they get good results at university. They do not achieve that because there are not enough hours in the day. I have witnessed students who were at the top of their class in years 8 and 9, and so on, who have had that belief. I know of an unfortunate case where a student suicided when he got to university because he was working flat out, could not do any more and could not keep up with it. One's latent capacity is an important factor. The fact that one has underperformed is not a measure of anything. In fact, if that is the case, if a person is switched on at university he or she will have plenty of room to perform and will be successful. If a student has overperformed at high school and then gets to university and is struggling, that is not a good thing. I have also seen students go through university taking many years to qualify and at the end of the day they are in a profession, competing with everyone else and battling to keep up because they have gone beyond their capability.

As the Parliamentary Secretary will know, members on this side of the House share my concerns about the publication of TEE results. We will be pressuring the Minister and the Government to do something about this situation so that we do not have false criteria being peddled and parents concerned that their local school will not deliver the goods. The local school can deliver the goods. There are gun teachers who from time to time teach at a school in a particular subject. The students of that school perform particularly well in that subject because of the experience and the enthusiasm of the teacher. However, the next year the teacher might move on and parents who have sent their children to that school because of the performance of that teacher could be disappointed. In addition, as people go through school they are taught by many different teachers and experience a range of different teaching styles and abilities.

MR TUBBY (Roleystone - Parliamentary Secretary) [5.05 pm]: I thank the two members for their comments on the Bill and for their general support of it. I will deal first with the comments made by the member for Armadale relating to the charging of fees. This legislation refers only to fees that are already charged by the Secondary Education Authority, but quite illegally. It has not been legal for the SEA to levy the charges under its Act and the Auditor General has been pointing out to the department and to the Minister for a number of years that this should be regularised. That is exactly

what this legislation seeks to achieve. This move relates primarily to late enrolment fees and the charging of overseas students.

The member for Armadale also referred to regulations and rules concerning the examinations themselves.

Mrs Hallahan: I want some information about this phenomenon of cheating referred to in the debate in another place but not dealt with in the second reading speech in this House.

Mr TUBBY: At the moment the Minister does not have the power to make regulations concerning the conduct of examinations. This legislation will allow the Minister to make regulations. Clause 4 of the Bill inserts the following -

> (ea) to establish and carry into effect procedures for ensuring the proper conduct of examinations in subjects in which students are assessed for purposes of certification;

That clause will allow the Minister to make regulations with regard to issues such as cheating in examinations and the general conduct of examinations.

The member for Armadale and the member for Scarborough spoke at some length about the release of data from the TEE. It is a problem faced by this Government and other jurisdictions which have freedom of information legislation. The issue of whether and how data on school performance should be published is contentious and I will refer to how it is handled in other jurisdictions. For some years *The Times Educational Supplement* in England has published comprehensive data on school performance. This was bitterly resisted initially by schools and educational unions, but the countervailing argument of public accountability and community interest has won the day. The lists published by *The Times Educational Supplement* are now an accepted part of the English system. In Australia the issue has surfaced in several States. The Queensland Government amended its FOI legislation this year to prevent the release of data on school performance. I understand the South Australian Government is moving, or has already moved, in the same direction. At the beginning of this year the New South Wales Board of Studies refused to release information to *The Sydney Morning Herald* and found itself having to defend its actions before the state Ombudsman. A compromise has now been reached under which the NSW board has released a huge mass of information which is mostly indigestible. There are two ways around this: First, the FOI legislation can be amended to make sure nothing is released and, secondly, so much information can be released that no-one understands it.

Mrs Hallahan: What is Western Australia doing? It has not followed either model. It has the worst situation when one considers what happened at the end of November.

Mr TUBBY: It was a question of what information should be released. The print and electronic media had been pursuing the Minister for Education and the Secondary Education Authority to release information, but it came down to the question of what information should be released. The Minister knew that under the FOI legislation they would have access to the information which they could use and interpret in any way they chose. They could publish a league ladder of schools using a minute part of the information that is available. That would be bad for the schools and the Government did not want to go down that path. A key consideration has been to present information in a way that is fair to schools, is only understood by the general reader and not too overloaded with data. It was recognised that the table had to show TEE performance in some way, otherwise we would be back to the previous situation where the media would use FOI legislation to get the data. It was decided to release the information in the form of a paid advertisement in *The West Australian* on 3 January 1996. The reason for opting for the paid advertisement rather than supplying copy to the newspaper was to ensure that the Secondary Education Authority had complete editorial control over the information that was published and when it was published.

The Secondary Education Authority's intentions were widely canvassed in a series of seminars for principals in August and September. The general reaction was one of unenthusiastic and grudging acceptance. Dr Mossenson, the chairman of the authority,

and Dr Michael Partis, the director of the authority, had a meeting with the editor of *The West Australian* on 10 October and fully discussed with him the proposed advertisement and the reasons that it was in that form. They showed him the form the 1994 results had taken. Dr Partis had a further interview with Michael Day on 24 November when he again went over the whole matter in some detail. The garbled report that appeared in *The West Australian* the next day did not reflect the previous day's discussions. The full authority will hold its last meeting for the year on 6 December. It is expected that the issue of the release of the data will again be discussed, but it is unlikely that the decision to release information through an advertisement in *The West Australian* will be reversed. Under the FOI legislation the Government is compelled to allow access to information held by the Secondary Education Authority. The situation is that the Government must either control as much as it can -

Mrs Hallahan: You do not do it too well.

Mr TUBBY: The Government did as well as it could under the circumstances. The situation is that the Government must either control as much as it can the comparison of schools or prevent the publication of any data. At this stage, it is too late to do that this year; therefore, the information will be released by way of advertisement. By doing that at least the Government will be able to control the information that is released to the public. I know that many people are not happy with that situation, but unfortunately it is the best the Government can do under the circumstances to abide by the provisions of the FOI legislation.

Some of the other issues raised by the member for Armadale were not directly related to this Bill. She expressed concern about single sex classes in schools and said that one sex does better than the other at different stages.

Mrs Hallahan: Are you disputing that?

Mr TUBBY: No, not at all.

Mrs Hallahan: I thought you were minimising my comments.

Mr TUBBY: It depends at what stage the sexes are as far as maturation is concerned.

Mrs Hallahan: Do the boys catch up to the girls?

Mr TUBBY: Eventually they do. I will not get into that debate because it is not related to this Bill.

Mrs Hallahan: Some boys never catch up and one of them is in this place on his feet now.

Mr TUBBY: I thank the member for her compliment!

The member for Armadale referred to the attributes of the Kelmscott Senior High School and I endorse her remarks. It is one of the largest, if not the largest, senior high school in this State and it provides excellent courses for students ranging from farm studies to a gifted and talented section. It also has one of the best music programs of any school which is not a special music school. The school provides a wide range of subjects which students can undertake and it is not fair on that school or any of the others listed in the report for *The West Australian* to focus on the TEE scores. The point was well and truly made by both the member for Armadale and the member for Scarborough. The media must show some responsibility when commenting on TEE scores.

I have covered most of the issues raised by members and I thank them for their support for this Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Johnson) in the Chair; Mr Tubby (Parliamentary Secretary) in charge of the Bill.

Clause 1: Short title -

Mrs HALLAHAN: I listened with interest to the Parliamentary Secretary's response to the second reading debate. He indicated that the Secondary Education Authority had held a number of meetings, including one with the editor of *The West Australian* about the material to be published. There was, he said, grudging acceptance that information was to be published; that is, the material which is now proposed to be advertised in *The West Australian* on 3 January 1996.

The DEPUTY CHAIRMAN (Mr Johnson): Order! The member is making a second reading speech. I advise her that the Committee is debating clause 1 of the Bill which relates to the short title.

Mrs HALLAHAN: I am relating my comments to the short title of the Bill.

The DEPUTY CHAIRMAN: I do not think the member has been. It is a very narrow definition.

Mrs HALLAHAN: This is the Secondary Education Authority Amendment Bill. Can the Deputy Chairman suggest another area where I may make my point?

The DEPUTY CHAIRMAN: That was at the second reading stage.

Mrs HALLAHAN: I am responding to the Parliamentary Secretary's comments.

The DEPUTY CHAIRMAN: The member will have an opportunity at the third reading stage. We are now considering the Bill clause by clause.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 12 amended -

Mrs HALLAHAN: At the second reading stage I asked whether the Minister had the ability to make regulations. The Government may believe this is a simple Bill and, therefore, it did not need to provide staff from the Secondary Education Authority to assist the Parliamentary Secretary. I find that offensive, because this is an important Bill. Given the recent controversy, the ability to respond to questions in this Chamber should take priority over other work that the staff may have at the authority. I understand that it is difficult for the Parliamentary Secretary to answer questions without the ability to draw on the expertise within the authority. In his response to my question about the Minister's ability to make regulations for the conduct of secondary student examinations, the Parliamentary Secretary referred to clause 5, section 35 amended. He also stated that under clause 4 the Minister will have power to make regulations. I do not want to make the Parliamentary Secretary's life difficult but I seek confirmation. Does section 12 of the parent Act empower the Minister to make regulations?

The Parliamentary Secretary suggested that the Government seeks to control and prevent the release of information by placing an advertisement in *The West Australian* on 3 January 1996. I point out the futility of that action. Control and prevention is not very useful in this situation. Neither of the two previous speakers took up my point when I suggested that now that this information is available, and the Government has no intention of amending the freedom of information legislation to prevent this happening again, the Government is required to carry out an education campaign explaining the diversity, complexity and outcomes of school programs - that is, that the single indicator of a TEE is not a valid indicator of the quality of education at any school. The Government should move out of controlling and preventing information being provided, into doing something much more constructive. If the Government will not amend the Freedom Of Information Act, it must do more about educating the community regarding student achievement, and the various ways that students develop and benefit from the various programs in schools, not all of which are subject to the TEE.

I am critical of the Government for not being constructive and up-front about this matter. Obviously the Government has been preoccupied with the matter for some months, to the extent that a meeting was held with the editor of *The West Australian* early in October and another in November. That signifies that the authority and the Minister were

concerned about the issue. However, they are more concerned about controlling and preventing information and the way it is to be made available. The Parliamentary Secretary said in a defeatist way that that is the best the Government can do. Governments have a greater responsibility. Even the Court Government, which skips away from its responsibilities with impunity, should face up to its responsibility. This amending Bill highlights the Government's attitude towards education, the very contentious listing of schools, and judgments being made solely on the basis of the TEE - which is mostly what the Secondary Education Authority has been about.

Mr TUBBY: This amendment allows the authority to determine the procedures which must be followed to ensure that the examinations are administered correctly and that any breaches of the procedures may be suitably dealt with. That allows regulations to be made regarding those tasks.

The member has already referred to the following clause, section 35 amended. Therefore I will read my notes at this stage: The authority, and in particular those members involved with the school sector, has always been hostile to releasing information which concentrates exclusively on TEE performance. It has recognised the need to comply with the FOI legislation. The member should recall it was the former Government's legislation. Members opposite have not had to work under that legislation. When we came to office we had to work under that legislation immediately.

Mrs Hallahan: I do not understand how a Government elected on the basis of accountability would not like that legislation.

Mr TUBBY: Early in 1995 the authority decided that it would be preferable for the SEA to release its own information on school performance rather than leave matters to the mercy of the media. How this was to be done was extensively discussed with a working party, with school sectors and at several meetings of the full authority. The Minister for Education was also briefed on the authority's intention. Secondary graduation is available to all students who complete year 12, not just TEE students. For this reason, column 2 has been included to give a more general measure of a school's performance and to recognise that a significant number of students were not working towards university entrance. The state schools should be listed in alphabetical order to avoid the impression that it is a "league table". The SEA will not attempt to put any interpretation on the data. However, there is no doubt that many readers, particularly in schools, will construe it that way. I do not know what else members opposite expect us to do - whether they wish us to be at the mercy of the media or whether -

Mrs Hallahan: No, I do not. I am making quite the reverse point. I do not think that is adequate.

Mr TUBBY: If the member does not think it is adequate, what does she suggest?

Mrs HALLAHAN: I think you must do something to make the public aware of the very valuable programs, including secondary graduation, which takes the focus off the TEE as the primary indicator.

Mr TUBBY: That is being done continually. When members of the media are on a bent to compare schools and highlight from the information that is being made public those they consider to be the top schools or those they consider to be underperforming, what choice do we have? After all, that is news. It is controversial and members of the media go for stories that are controversial, in my opinion irresponsibly in some cases. By doing that, they do not do a good service to the students, both those for whom members opposite are concerned and those for whom the Government is concerned. At the moment, under the legislation the rules are that members of the media have the right to that information. We have a choice: We can either let the media have that information in any way it wants so that it can publish it in any form it wants, or we can provide it in a controlled way by taking out an advertisement.

The only thing left for members of the media is to comment upon the information we have provided. We could go down the New South Wales path and refuse. However, at the end of the day we would be forced to comply and the information would be released

anyway. We may as well provide it in a controlled way, and that is what we are intending on 3 January 1996.

Mrs Hallahan: What are you doing to highlight the value of programs rather than subjects?

Mr TUBBY: I cannot answer on behalf of the Minister or the SEA about what they are doing.

Mrs Hallahan: I would appreciate an answer.

Mr TUBBY: I will obtain one and pass it on to the member.

Mrs Hallahan: It appears that at the moment it is quite difficult for you to do that.

Mr TUBBY: Life is never difficult for me. I enjoy life.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Tubby (Parliamentary Secretary), and passed.

ACTS AMENDMENT (VEHICLE LICENCES) BILL

Second Reading

Resumed from 19 October.

MRS HALLAHAN (Armadale) [5.33 pm]: This Bill seeks to amend the Road Traffic Act and the Stamp Act in an attempt to achieve more efficient recovery procedures for unpaid stamp duty and transfer fees on motor vehicle licence transfers. It also provides for refunds of stamp duty to be made on certain motor vehicle licences and transfers. By way of explanation, given that the Bill came into the House some time ago, under the Stamp Act, stamp duty is payable on the transfer of a motor vehicle licence. The payment is required at the time the new owner makes application to the licensing authority for the issue or transfer of the licence. Under the Road Traffic Act the person who becomes the owner of a licensed vehicle must immediately apply to transfer the vehicle and is required to pay the transfer fee. Those persons commit an offence if they fail to make such an application.

Although we have given notice of one amendment, the Opposition supports certain aspects of this Bill, including the need to overcome the problem whereby the only means available for the licensing authority to recover the transfer fee is to prosecute the person for the offence. In such cases, upon convicting a person, a court makes an order for the payment of the transfer fee. The stamp duty scheme is dependent upon the application for transfer being made, and complications arise in recovering the duty if the new owner fails to make that application.

Recovery of that duty is dependent on the licensing authority having successfully prosecuted the new owner for the offence of failing to make an application. Members can see that this is a fairly convoluted way of overcoming what should be a straightforward administrative process. To that extent, we are supportive of the changes proposed. We agree that at present it is an inefficient, complex and time consuming procedure, and we are not against the Government's attempts to streamline the process. However, we are not happy with the Bill being linked to the Fines, Penalties and Infringement Notices Enforcement Act which came into force in 1994. I indicated to the Minister handling the Bill earlier this afternoon that I would be putting an amendment on the Table for discussion; that amendment is now before the House.

The revenue forgone on transfer fees is said to be about $100 000 in the financial year ended 30 June 1995. However, more significantly, $1.1m is estimated to be forgone in stamp duty. The Bill removes the requirement for the licensing authority to obtain a conviction through the courts before the stamp duty and the transfer fees can be recovered. It will enable the licensing authority to recover the stamp duty and transfer fee and impose a penalty for the offence on a single action by issuing a traffic infringement notice. It will also provide for the total amount specified in the infringement notice to be recovered through the fines enforcement scheme administered by the Ministry of Justice. That scheme has its legislative base in the Fines, Penalties and Infringement Notices Enforcement Act, to which I have already referred.

The second reading speech refers to no stamp duty being payable on the transfer of a licence if the transferee is entitled to a free licence under the Road Traffic Act. It gives examples of where no licence fee is payable, which include licences issued to the Crown, local authorities and the Western Australian Fire Brigades Board. It reads -

> Furthermore, under the Road Traffic Act, special discretionary powers exist for the Traffic Board, on the approval of the Minister for Police, to grant free licences to persons in exceptional circumstances. These powers can be exercised only at the time an application for a licence is made . . .

Mr Lewis: That comes under the Road Traffic Act. It has nothing to do with this Bill.

Mrs HALLAHAN: Then why is it in the second reading speech?

Mr Lewis: The speech reads -

> Furthermore, under the Road Traffic Act, special discretionary powers exist for the Traffic Board, on the approval of the Minister for Police, to grant free licences to persons in exceptional circumstances.

Mrs HALLAHAN: Why is that a feature of this Bill?

Mr Lewis: It is an explanation.

Mrs HALLAHAN: Explaining what?

Mr Lewis: The whole purpose of this Bill -

Mrs HALLAHAN: Perhaps the Minister might respond to me in his speech. This power can be exercised only at the time of an application. I make the point to members opposite, who do not seem to have acquainted themselves with this Bill, that nearly 50 per cent of the second reading speech is taken up with the point I am making. Therefore, it is reasonable to raise it. If they have more important things to do, I suggest they go and do them, but otherwise I suggest they apply their minds to this Bill. It reads -

> These powers can be exercised only at the time an application for a licence is made and are used to grant totally and permanently incapacitated pensioners, charitable institutions and the like, free licences. The inability to retrospectively determine such a concession creates a problem where a person is unaware of his entitlement to a free licence and pays the stamp duty.

I presume some people are saying, "I was not aware that I could have avoided paying the stamp duty. I would like a reimbursement." I presume the Minister handling the Bill will be able to indicate the connection. The second reading speech states -

> Section 21 of the Road Traffic Act provides the Traffic Board with discretionary power to refund any licence fee paid.

I seek clarification of that. I also indicate to members that we are unhappy with the provisions of the Fines, Penalties and Infringement Notices Enforcement Act, because the result would be that people who did not have access to ready money that was not needed for other necessities in life would lose their licences. People on lower incomes probably need their licences more than people on higher incomes. We felt it was a discriminating policy which impacted far too heavily on those with low incomes. For that reason we have moved the amendment before the Chamber. Will the Minister explain why we should not pursue that amendment, because it is a real problem for

people on low incomes? We all know that unemployment can hit people for a period and then they are able to find employment and their income levels increase. We know that ill health can affect people, which results in their income and their quality of life decreasing markedly, and very often their living expenses increase at the same time. This affliction can carry through from a chronic to a critical state or they may recover from it. Such people's economic wellbeing fluctuates, in the same way as it does for those who find themselves unemployed. For those people, paying fines can be extremely difficult. Losing their licences can be a very real difficulty, particularly when we know that many families on very low incomes are living on the urban fringe, right away from many services that are available in regional centres and the central business district. Access to services in such places is often possible for them only by car and, therefore, a licence is necessary. I thought the Court Government was quite heartless when it brought in this measure last year. If I am misreading it, will the Minister make it clear? If I am not misreading it, the Opposition will pursue the amendment it has tabled.

Apart from that, we are not against streamlining administrative arrangements and making complex provisions more suitable, efficient and time saving. For that reason we will not oppose the Bill at the second reading stage but, as I have indicated, we expect greater debate at the Committee stage. I want the Minister, in spite of interjections earlier by his colleagues, to treat the matter with the seriousness that I believe it deserves and provide the information that has been requested.

MR CATANIA (Balcatta) [5.47 pm]: If I may continue where my colleague the member for Armadale left off, she said that the Opposition supports the Bill with reservations. Without going into the reasons for the amendment, at the moment the stamp duty on motor vehicles cannot be recovered unless the transfer fee for the vehicle is paid. The Minister in his second reading speech stated that some $100 000 in transfer fees and $1.1m in stamp duty were lost and that the whole process had to go through the court system, involving resources of the Department of Transport and the State Taxation Department. If we had to go through the court process to ensure that people paid stamp duty, we would have to be more heavily taxed. The Minister is suggesting that in order to recover stamp duty and fees on motor vehicles an infringement notice will be issued and the money will be recovered under the fines enforcement scheme. In debate only last week we saw remedial amendments to the fines enforcement scheme, because it had caused a lot of trauma. The scheme had suspended the licences of many people without their knowing, and had caused many people to drive without licences, as a result of which some people ended up going to gaol. Under the current fines infringement scheme there are 40 000 outstanding warrants, which is the figure given to me. The process of recovering stamp duties and outstanding warrants already in the fines enforcement scheme is adding to the problem. The problem with increasing the number of warrants does not warrant - if members will excuse the pun - putting the stamp duty collection into the fines and infringement notices scheme because it will only add to the list of warrants outstanding. It also will add to the trauma of the suspension of a licence if people cannot afford to pay their stamp duty. Cars are not always purchased to be driven; they may be purchased for their parts or, in the case of an antique vehicle, to be restored. Eventually transfer is effected and stamp duty is paid. A person may have purchased the vehicle in a backyard sale for a couple of hundred dollars or a couple of thousand dollars, depending on the value of that vehicle, and then taken some time to repair it and pay the stamp duty. If the process is included in the fines enforcement scheme, eventually if the person does not pay that stamp duty and transfer fee, his licence will be suspended - for no good reason.

The Opposition does not say that people with the responsibility for paying stamp duty and transfer fees should not pay those fees. If one purchases a vehicle for the purpose of driving it, the transfer fees and stamp duty should be paid. However, if the stamp duty and transfer fees are not paid for the reasons I have mentioned, it is unfair automatically to put those people into the process of eventually having their licence suspended, or even having goods repossessed, particularly those in the lower income bracket who will suffer a great deal of trauma. Members on this side of the House have a philosophical objection

to the Fines, Penalties and Infringement Notices Enforcement Act because it puts the greatest impost on that section of the population that can least afford to pay. All it does is add another fine and add an impost to that fine that will make it even more difficult for that person to pay. In various parts of Australia, because the courts are clogged up, there has been a push to remove minor infringements from the court process, and to not gaol people for those minor offences. The Opposition supports that notion. However, a buffer should be established so that people who cannot afford to pay do not automatically have their licence suspended. By not including the system in the fines infringement scheme, that buffer will be provided.

The Australian Institute of Criminology investigated infringement notices and made various suggestions. It stated that in many cases infringement notices offer a more appropriate response to a minor wrongdoing than a hearing in an open court; it thought issuing an infringement notice was the right way to go. However, by putting that infringement notice into the process under the draconian legislation passed by this Government, the problem starts. People are either not notified or do not receive notification of their suspension of licence, and they drive without a licence. As I have said on two separate occasions, many people need their licence to earn a living. If they do not have their licence, they lose their mode of transport and their job, and they go into that cycle of breaking the law and eventually ending up in gaol.

As my colleague the member for Armadale stated, amendments should be made to this legislation to ensure that this process, with which the Opposition agrees, of issuing an infringement notice to recover transfer fees and stamp duty is not placed in the infringement notice scheme. Under that scheme people have ended up in gaol. The system is now clogged with in excess of 40 000 warrants that did not exist under the previous legislation. The Opposition supports this legislation with a certain amount of trepidation. The Opposition hopes that during Committee it can introduce an amendment that will satisfy members, because this Bill will place people in a system that has caused much trauma and an impost on that part of the community that cannot afford to pay.

MR LEWIS (Applecross - Minister for Planning) [5.56 pm]: I thank the Opposition for its in-principle support of the legislation. It seems that the only point in question is whether people who deliberately evade the payment of stamp duty should come under the fines enforcement scheme. That question is something of a nonsense. I make that point on the basis that people who deliberately go to extremes to evade stamp duty have just acquired a motor vehicle. To suggest that they are at death's door or are paupers and do not have the financial wherewithal to buy their groceries that week is nonsense, because they have just forked out money to buy a motor vehicle. If that were the case, how in the heck could they claim that they did not have money for food for their family?

Mrs Henderson interjected.

Mr LEWIS: Are members opposite saying that if people buy a motor vehicle in the full knowledge that they have a responsibility at law to pay licence transfer fees and stamp duty, but they evade that payment because they have found an anomaly in the law, they should not therefore be pursued for the payment of those fees? The argument the Opposition makes has no credibility. It is saying that people cannot afford to pay stamp duty. If they cannot afford to pay stamp duty, they should not be buying motor vehicles. That is the bottom line to the argument. The House will deal with the foreshadowed amendment at the appropriate time.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.00 to 7.30 pm

Committee

The Deputy Chairman of Committees (Dr Hames) in the Chair; Mr Lewis (Minister for Planning) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 102 amended -

Mrs HALLAHAN: I move -

Page 5, lines 14 to 25 - To delete all words after the word "licence,".

The Opposition has very serious concerns about clause 7. I will be interested in the Minister's response. I accept that he does not carry the portfolio responsibility for this legislation but, given that this matter was the subject of an amendment in the other place, I hope that he has acquainted himself with clause 7 and the Opposition's concerns that were outlined in the other place. Opposition members have had serious concern about the Fines, Penalties and Infringement Notices Enforcement Act; therefore I have moved an amendment to remove that Act being brought into play in regard to transfer fees and stamp duty.

It is wrong in principle to allow a fine enforcement measure to be used for revenue collecting. I would like a response from the Minister. As I have indicated, his response will determine our acceptance or rejection of the Bill. I warn him that the Opposition is not at all sympathetic with his earlier comments. He made a judgment about people purchasing a vehicle and then being unable to afford the transfer fee or stamp duty. In general terms, people take into account expenses associated with purchase.

Mr Lewis: They should.

Mrs HALLAHAN: In general, they should; however, there are times when many families are unable to meet their commitments. They might have entered into a contract to buy a vehicle but, for example, sickness in the family or other expenditure must take priority and they find themselves very short of money and unable to pay additional charges. I do not suggest that we should waive those charges, but the law must represent what happens in the community.

I was disturbed by the Minister's judgment that everybody should always have sufficient money available to cover what flows from their actions. That is clearly not what happens in life, otherwise we would not have the Fines, Penalties and Infringement Notices Enforcement Act. There are many situations in which people are unable to pay bills, fines and other things. Living in comfortable circumstances leads a person to make such unthinking assertions. I do not want to hear more of them in Committee. It does neither the Minister nor his party any good at all to say that. It just reinforces the view that all conservatives are very comfortably off and have no appreciation of the lot of other people in the community or of the circumstances that face many families.

I know many people who live in reasonably comfortable circumstances and who have found themselves most disadvantaged at times. The Minister's comment was unsatisfactory. Most people enter into agreements with a view to fulfilling their commitments, but circumstances sometimes change and prevent them from doing that. It is wrong in principle to use this fine enforcement measure for revenue collection.

Mr LEWIS: The Government will not accept the amendment. It is a simplistic suggestion. Any person who acquires a motor vehicle must accept his or her obligation at law to pay transfer fees and stamp duty. The Government is closing a loophole whereby people have been able to rort the system because of the procedures that must be gone through by law to recover stamp duty that has not been paid. I remind the member for Armadale that under federal tax law people who are found to have deliberately evaded the payment of tax must pay not only the full amount of tax, but also fines or penalties as a consequence of that evasion. As a result of the loophole in the existing legislation, some people are wilfully evading the payment of tax - I am sure the member for Armadale will accept that stamp duty is a tax. The Government cannot accept the proposition by the member for Armadale that it should condone this evasion by not prosecuting those who fail to register the transfer of ownership of a motor vehicle. I said in the second reading debate that such a proposition is nonsensical. People who buy a motor vehicle know that they must pay stamp duty. If they do not have enough money to pay for sustenance for their families, they should not buy a new motor vehicle. Surely, if they have enough money to acquire a new car, they have sufficient to pay for their day to

day needs. Some people are using this anomaly in the legislation wilfully to evade the payment of stamp duty which they know should be paid. The Government does not accept the proposition that those who deliberately rort the system should not be dealt with under the fines enforcement scheme.

Mrs HALLAHAN: I again make it clear that the Opposition does not oppose the entire Bill. The Opposition agrees that the administrative arrangements should be made simpler, less time consuming and less costly. However, I cannot accept the Minister's statement that it is a nonsense to suggest someone who buys a motor vehicle could find himself unable to pay the transfer and stamp duty fees. Stamp duty amounts to a sizeable sum, although the transfer fee is not too onerous. Certainly there has been a well publicised corporate scheme in which evaders of transfer and stamp duty fees were wilfully not paying that which they should have put into the community purse. However, the circumstances to which I refer are quite different. For example, a family living in the outer suburbs, where no public transport is available, may need a car for the breadwinner to get to his place of employment. Their previous car may have broken down and the purchase may be a necessity, even though they cannot really afford it. Only an insensitive, well-off, ignorant Minister of the Court Government could suggest this family could manage without purchasing another vehicle. Having purchased a new vehicle, other circumstances may occur which they had not anticipated and which put further strain on the family's budget. For example, a child could fall sick and additional expenditure might be required for health care. I am quite sure that all families would put the health of their child before the payment of stamp duty or transfer fees. A person in that circumstance could be subject to the fines enforcement legislation and, if the run of bad luck continued, could be without a driver's licence. The member for Balcatta indicated that if, for example, the bad luck went further, such a person could finish up in prison. How can the Minister justify that complicated chain of events - with more expense in public administration and a diabolically serious situation for the family involved - on the basis of providing a simpler system? I should not be surprised at the Minister's reaction, bearing in mind the record of the Court Government. I should expect punitive measures which could deprive people of their driver's licences and land them in prison all in the guise of making life simpler. For whom will it be simpler?

I do not mind the Government implementing punitive measures that will stop large corporations from running schemes which are rorts. However, I take offence at the Government's lack of understanding about individual family circumstances, in which people with the best intent in the world enter into an arrangement and then suffer some unanticipated financial problem. Under these provisions a person in the circumstances I have described could lose his licence and his job and, if tempted to drive without a licence, could be charged with a very serious offence. The Government is setting that in train. It is a serious matter and I have proposed the amendment for that reason. Given the attitude of the Minister, it is even more serious than I thought. I ask the Committee to support this amendment.

Mr CATANIA: The point made by my colleague must be repeated. As I stated during the second reading debate, the Opposition has no objection to people paying transfer fees and stamp duties and infringement notices being issued when the payment of those fees is avoided. However, the Opposition's objection to the Bill is that the infringement notice be placed within the "process". I call it the process because under the Fines, Penalties and Infringement Notices Enforcement Act it is a process. I have had people in my office seeking assistance because they have lost their licence as a result of being caught up in that process and being traumatised by it.

The amendment should be supported. The Opposition supports the Bill, but the amendment will improve it. The amendment will take the infringement notice out of that process. The people whom I have encountered in my office have shown signs of severe trauma. A plastering contractor, for example, who was dependent on his drivers' licence to ferry tools and workmen from once place to another, changed his address on two occasions during the preceding seven or eight months. He was not notified that his licence had been suspended and, out of necessity, was driving without a licence. He said

if he were caught he would end up in gaol and would lose the business he had built up. Every time he goes out to work in the morning he suffers trauma at the prospect of being caught driving without a licence. The present Act is causing a section of the population to drive without their licence. It is encouraging people to break the law.

During the second reading speech I pointed out that law reform bodies favoured on the spot fines for infringements so that people were not subject to the court system. The Opposition supports that principle. We are not saying that the Government's path is wrong. The Opposition has not only a philosophical objection to the fines being part of the "process" but also an objection to the consequences of people losing their licence, which in turn affects their ability to work and support their families, as was the case in the two cases that came to my office. I am certain that more people than I have received complaints about this draconian legislation. I urge the Minister to consider this amendment because it is a good amendment. I am sure the people who are caught up in the "process" would be relieved if it became part of this Bill.

Mr LEWIS: The point that is being missed by the Opposition is that the people faced with losing their drivers' licence at the end of the day knowingly evaded payment of stamp duty and registration when they purchased their motor vehicle. With this legislation they will know that if they break the law they may lose their driver's licence. It is as simple as that. We are talking about motor vehicles and infringements associated with motor vehicles. It necessarily follows and probably sits very comfortably within the equation that if someone buys a motor vehicle and drives it, and wilfully evades the payment of the transfer or registration and the stamp duty associated with it, he will incur an infringement. He deserves to lose his driver's licence; he has broken the law and he knows it. We are not talking about unfortunate people.

Mrs Hallahan: There can be such people.

Mr LEWIS: When we buy a motor vehicle we need money for a deposit. It is absolute nonsense for the Opposition to suggest that, when someone in that situation forgets about the stamp duty -

Mr Bloffwitch: Many people forget to pay the stamp duty.

Mr LEWIS: If someone wilfully evades the payment of that stamp duty, which is a tax, he must suffer the penalty associated with it. I cannot accept that society should go soft on him. He is rorting the system and avoiding paying tax.

Mr Catania: We agree that people should meet that responsibility.

Mr LEWIS: If people are not prepared to pay the stamp duty, they should not be able to drive a motor vehicle.

Mrs HALLAHAN: I have now decided that members opposite have hearts of stone and heads of wood. The Minister suggested that people "wilfully" do not pay their way after I made the case that people are obliged to pay. However, in some circumstances expenses unexpectedly occur and create huge difficulties. I am talking about families who live on very low incomes and have growing children and whose finances are stretched to the limit. Sadly, I did not hear any acknowledgment by the Minister that some families live in such circumstances. He has no compassion or understanding. I do not suppose he could have compassion for something he neither understands nor, apparently, has experienced.

Mr Catania: The Minister referred on occasions to people buying a motor vehicle. That may be the only way they can get out of a rut.

Mrs HALLAHAN: The member for Balcatta is absolutely right, and I tried to make that clear in my earlier comments on this amendment, but, as I said, they fell on very stony ground. The member for Geraldton, who I think sometimes has a bit more going for him than do other members of the Liberal Party, showed tonight that he is very callous and insensitive when he said by way of interjection that some people deliberately avoid -

Mr Bloffwitch: I can tell you they do.

Mrs HALLAHAN: I bet they are all supporters of the member for Geraldton's party! The fact of the matter is that I am making a case for the family on a low income which runs into unexpected expenditure.

Mr Lewis interjected.

Mrs HALLAHAN: I am not talking about the ones who avoid wilfully - who have the means but who do not pay. That is all members opposite know about; they do not know what it is like not to have the means to pay. We also had a silly interjection from the member for Roleystone that the Opposition is supporting tax avoidance. We agree that we should try to make this expensive process more simple, but we should not do it in a way that will add a greater burden to the administrative enforcement procedures and have catastrophic effects on individual families. Enough has been said. We have illustrated clearly that the Government does not understand that some people go through tough times and, with the best will in the world, find themselves out of pocket and unable to meet expenditures associated with the purchase of a vehicle. We will disagree, I expect, on this measure, but the Opposition believes that it is clearly a matter of principle and practicality to bring this amendment before the Chamber.

Amendment put and negatived.

Clause put and passed.

The DEPUTY CHAIRMAN (Dr Hames): The question is that clauses 8 and 9 stand as printed. Those of that opinion say Aye, to the contrary say No. The Ayes have it.

Clauses 8 and 9 thus passed.

Point of Order

Mrs HALLAHAN: No they do not.

The DEPUTY CHAIRMAN: I am afraid they do, member for Armadale. The member for Armadale did not indicate that she wished to speak on one of those clauses, and I have moved both of them together.

Mrs HALLAHAN: Mr Deputy Chairman, I was on my feet before you said that clause 9 had gone.

The DEPUTY CHAIRMAN: I moved clauses 8 and 9 together because no members indicated that they wished to speak.

Mrs HALLAHAN: I heard you move clause 8 but not clause 9.

The DEPUTY CHAIRMAN: I am afraid *Hansard* will tell the member for Armadale otherwise.

Mrs HALLAHAN: Will the Deputy Chairman insist that I get the tape from Hansard to hear what was actually said?

The DEPUTY CHAIRMAN: No. My ruling is that the clauses have been passed. The member for Armadale can move to dissent from my ruling, if she wishes.

Mrs HALLAHAN: I am dissenting.

The DEPUTY CHAIRMAN: The member for Armadale can speak on this clause at the third reading, if she wishes.

Mrs HALLAHAN: I want to get some answers, not that I expect to get any from this Minister.

Mr C.J. Barnett: At the third reading, you will get answers.

Mrs HALLAHAN: Will the Leader of the House give an undertaking that the Minister will get me the answers?

Mr C.J. Barnett: I am sure he will, and if he cannot do it on the spot, he will provide them in writing for you.

Mrs HALLAHAN: Is the Leader of the House giving an undertaking?

Mr C.J. Barnett: It is up to the Minister, but I am sure he will.

The DEPUTY CHAIRMAN: Member for Armadale, the clauses have been passed.

Mrs HALLAHAN: I dispute that. That is outrageous.

The DEPUTY CHAIRMAN: I did give the member for Armadale a reasonable time.

Mrs HALLAHAN: Why not take one clause at a time?

The DEPUTY CHAIRMAN: Because no members indicated when I asked that they wished to speak on a particular clause.

Mrs HALLAHAN: I got to my feet -

The DEPUTY CHAIRMAN: I do not expect the member for Armadale to argue with the Chair.

Mrs HALLAHAN: I have never heard such bolshie stuff!

The DEPUTY CHAIRMAN: Member for Armadale, come to order.

Committee Resumed

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR LEWIS (Applecross - Minister for Planning) [8.06 pm]: I move -

That the Bill be now read a third time.

MRS HALLAHAN (Armadale) [8.07 pm]: Mr Speaker, I was very disappointed with the conduct of the legislation in Committee. It was not given the consideration that it deserves. We had a situation in Committee where I had intended to speak to clause 9, but did not signify that fact. In my view, the Deputy Chairman of the Committee erred in the way in which he put the clauses of the Bill. He further erred in not allowing me to speak to clause 9. I stood and indicated that I wished to speak. The Deputy Chairman insisted that the clauses had already been put and the matter could be checked in *Hansard*. I will do that.

I would like to make some comments about clause 9(4), which seeks to insert proposed subsections (18) and (19). Proposed subsection (18) states -

> If under the *Road Traffic Act 1974* a licence is issued to a person and, within 15 months after the date of the issue, the Traffic Board or a specified person under that Act -
>
> (a) determines that the person did not have to pay the vehicle licence fee at the time of the issue; and
>
> (b) refunds the whole of that vehicle licence fee paid by the person,
>
> the Commissioner shall refund the whole of the duty paid by the person in respect of the issue of the licence.

Proposed subsection (19) states -

> If under the *Road Traffic Act 1974* a licence is transferred to a person and, within 15 months after the date of the transfer, the Traffic Board or a specified person under that Act determines that had the person applied for the issue or renewal of a licence at the date of the transfer, he -

And it is still in non-gender neutral language -

> - would not have had to pay a vehicle licence fee, the Commissioner shall refund the duty paid by the person in respect of the transfer.

That raises the question of the amount of revenue forgone, and these are the figures that I

would like. No doubt this request will be in *Hansard*, and the Leader of the House has indicated that the Minister may deem it appropriate to provide that information. I would very much like the information to be provided, because of the insensitive debate about the circumstances facing families in hardship who are unable to pay the transfer fee and the stamp duty that applies. The Opposition is not saying that it is desirable that people not pay these charges. The Opposition is saying that the Government should consider waiving these charges, particularly in certain family circumstances like childhood sickness - I am not talking about corporations that try to rort the system, which this legislation will in part overcome - where a family has a tough time and has entered into a contract and it is impossible to pay the transfer fee and the stamp duty.

Against the background of that debate, it would be interesting to know what revenue has been forgone under the clause that I quoted which will allow, I presume, not only government departments, but also individuals eligible for a free licence to have the transfer fee and stamp duty refunded. How many, and which government departments applied for a refund in the past 12 months? Was it a factor of inefficient administration that led to their paying a fee which they later discovered they did not have to pay? How many individuals have found after the event that they were eligible for a so-called free licence and therefore did not have to pay the fees applicable, and to which categories do those individuals belong? Were they all recipients of veterans' affairs benefits, or were there any other categories of eligible individuals? Of course, it is possible that the Minister does not know the answer to the questions that I am posing. The Government seems to resent the fact that the Opposition decided to debate in any way the measures in this Bill. That indicates that this Minister is not prepared: He neither has the information that is required, nor has sought to have departmental officers available to provide those answers. These were pertinent questions for debate on the Opposition's amendment, and I would like the Minister to provide that information.

Given that the second reading speech states that about $100 000 in transfer fees and $1.1m in stamp duty has not been collected, I presume there has been an analysis of the number of vehicles that are eligible for these so-called free licences, and therefore are free of the liability to pay transfer fees. If that is the case, how much does that amount to? In this age of user pays and privatisation, and everything else that this Government stands for, these government departments receive an indirect subsidy which individuals in the community do not enjoy. The Government says there must be clarity, although one cannot get clarity about tender processes. Nevertheless, the Opposition wants to pursue this philosophical confusion resulting from the Government's racket of throwing contracts out to the private sector and not being transparently accountable to the community. I suspect we will have a similar response to my questions on this Bill as we had on previous Bills. How many government departments have benefited from this arrangement? In what way did that arrangement benefit the services that they provide? Why are those government departments not caught by this philosophical madness of user pays that the Court Government pursues to the detriment of the community? Why are those government departments not paying those charges? It may be that I am wrong and all government departments are paying; however, from what I can read and from the information that has been provided, that is not the case.

Mr Speaker, I am sure if you had been in charge of the debate I would have been accorded an opportunity to explore these matters in what could have been a short debate on this Bill. I am angry about this situation. Apparently there has been an administrative arrangement for transfer fees and stamp duty to be refunded up to a period of 12 months if it is discovered that a government department, some other corporation, and we do not know which corporation, or individuals have found they were eligible to be free of that liability. This Bill extends that period from 12 months to 15 months. That will be embedded in legislation, whereas previously it was an administrative arrangement. This was done without any analysis or information being provided to the Committee on the effect on revenue of people not paying their stamp duty and transfer fees.

We had a callous debate about another issue in which the Government was not concerned about the effect on people who are in vulnerable situations. Again, that is a hallmark of

the Court Government. It is an indictment of the Government that it was a Court Government backbench member who was in the Chair at the time, and would not recant on the fact that he apparently said that clause 9 had passed, thus preventing an opportunity for a short and, I hope, informed interaction on the clause. However, when one considers the way debate on the Bill has been handled, one realises no more information would have been forthcoming, because this Government is not interested in providing information in an open and accountable way. It is about distorting debate, and hiding as much information from the public as it possibly can on every conceivable occasion. This Bill has proved to be no exception. This time the Government was aided from the Chair, by a Deputy Chairman of Committees. It is poor indeed; I resent it and I am angry about it. This is typical of the way that the Court Government treats everybody in the community except its supporters and the people who assist with its funding. Those people enjoy huge benefits and concessions, and are appointed to boards and committees and receive all the emoluments that go with that. This State does not enjoy this very distorted government.

While sticking to his guns about the end point of the legislation, the Minister could have handled the debate in a way that was a little more sensitive to people in the community who do not enjoy the benefits that he enjoys. That factor alone would be enough to vote the Government out at the next election, and I must set about trying to persuade other people to that point of view by holding up to them as many examples as I can of the lack of experience that this Government has with the life experiences which face the majority of families in Western Australia. Members opposite represent the privileged elite and they have no concept of the problems facing ordinary families. The Government has no concept of governing for all the community. The Government governs for the well off.

Mr Bloffwitch interjected.

Mrs HALLAHAN: I am glad that the member for Geraldton is interjecting in an attempt to defend the indefensible. The Government comprises a very shoddy lot. God alone knows why government backbenchers want to defend their Ministers. Quite frankly, some government backbenchers should get busy in their party room and try to influence the legislation which the Government is introducing. If they cannot do that, they should at least ensure that Ministers are well enough versed with the legislation that they can argue for the measures which they are introducing.

The Opposition came to the Chamber with concerns about the measure which I wanted to delete. However, we realised that we did not have the numbers and that the Government would insist on it. However, I did not expect it to be such a heartless debate conducted in such an incompetent way.

Mr Lewis: I thought I demolished your argument pretty well.

Mrs HALLAHAN: Was that the heart of stone, wooden headed debate? That was really well handled! Unless government backbenchers have hearts of stone and heads of wood and do not care about the people in their electorates, they should stop interjecting and become active in their party room.

There must be many people in the member for Helena's electorate who would have difficulties of the kind that I outlined earlier in Committee. However, I do not think that she understands the legislation. Members would be wise not to interject in a debate unless they understand the legislation because one day people will hold members responsible for their words in this place.

Mr Lewis: You should take note of that.

Mrs HALLAHAN: Absolutely. I intend to make more comments which people should take account of. If the Government does not want to cooperate in the smallest way with the Opposition in the legislative program, it should continue in this way. More angry opposition members will make their points at greater length than they have been making them. If the Government wants to sit here for long hours, apparently bent on efficiency, but really wanting to keep the Hansard staff, the House staff and the housekeeping and catering staff here, if it believes that leads to efficiencies and lower costs for state

administration, the Government must comprise mindless people. As well as being mindless, they are heartless. The people in the community to whom I have referred need a Government which is at least a little sensitive and compassionate and which brings in measures which do not impart body blows on their standard of living and quality of life.

On several occasions during this debate, the Opposition has said that it supports the Government if it wants to make things more practical and streamlined, less time consuming and with less necessity to go to court to resolve matters. However, we do not support people being deprived of their driver's licences and, as the member for Balcatta said, people actually going to prison further down the track. We cannot support that.

Question put and passed.

Bill read a third time and passed.

BUSINESS LICENSING AMENDMENT BILL

Second Reading

Resumed from 1 November.

MRS HENDERSON (Thornlie) [8.24 pm]: The Opposition supports the Bill, which provides the machinery to change the licensing period and the period for renewal of licences for a range of different kinds of occupations. It amends eight distinct pieces of legislation and introduces a triennial licensing system. It also provides a 28 day period of grace in which people can renew their licences if they neglect to do so.

We support the notion of triennial licensing and we certainly support the streamlining of the process by which people gain licences. I will dwell briefly on only one issue. One of the reasons the Minister gave for the legislation in his second reading speech was that it would free up resources which could be directed towards areas such as compliance and education. If that is the case, we strongly support that move. I am aware that the Attorney General is representing the Minister for Fair Trading, but I would like her to obtain for me an undertaking about the extent of the resources which will be allocated to enforcement. For example, most members will have received complaints about the conduct of real estate agents. Where those matters are referred to the board for consideration, the board generally does not have great resources to investigate them. The ultimate penalty for a real estate agent who might have breached the code of conduct in conducting his duties would be to lose his licence. Most people would say that that is a fairly harsh penalty and that a suspension would be adequate in most cases. Almost all the complaints I have heard, which have been referred to the board, have not been dealt with in a manner that the constituent considered adequate. I am sure that that is because the board lacks the resources to conduct a proper investigation.

Used car dealers are involved in the other big area of complaint. In that regard, the board seems to be doing an outstanding job. Where people have complained to the board, they have been able to appear before it to put their case and the board has subsequently called up the car dealer and has questioned him or her thoroughly about the issues that were raised. I was quite impressed by that board's work.

While I know that bodies like the Real Estate Institute of Western Australia (Inc.) would prefer our constituents to direct their complaints to the industry body, many of them prefer to go to an independent body such as one of these licensing boards. I do not expect the Attorney to have this information with her tonight. However, I would like to know how much money will be freed up by the triennial licensing system to be made available for investigation and compliance. I would like to know whether additional officers will be appointed to be attached to those boards to allow them to investigate complaints.

There is no doubt that those boards labour under the misapprehension that they are industry dominated. There are consumer representatives on those boards and many of the industry people elected to them behave very professionally. They aim to ensure the integrity of the industry. Many of them have performed outstanding work on those

boards. However, the boards have been under-resourced. If the legislation frees up resources, which makes the boards work better, I will support that. The idea of triennial licensing was canvassed in the review of licensing provisions conducted four or five years ago. We supported that provision and we support the legislation.

MRS EDWARDES (Kingsley - Attorney General) [8.30 pm]: I thank the member for her comments. I will certainly pass them on the Minister. Of course, I am well aware of the member's very keen interest in and work towards some of the matters provided for in this Bill. I refer particularly to the triennial licence. I will raise with the Minister the extent of resources relating to enforcement, compliance and education, and ask him to provide the information directly to the member.

Question put and passed.

Bill read a second time, proceeded through remaining stages and passed.

LOAN BILL

Second Reading

Resumed from 30 November.

MR MARSHALL (Murray) [8.31 pm]: Recent Electoral Commission figures indicate that between April 1988 and November 1995 the seat of Murray had an amazing 116.76 per cent growth in enrolments.

Mr Bloffwitch: That is only because of the good local member.

Mr MARSHALL: I would like to tell the member more about those numbers. They have gone from 9 193 in 1988 to 10 595 in 1989, 15 646 in 1993, and 17 455 in 1994. It certainly makes one want to buy some property and live in the area. Now, in 1995 the figure is a staggering 19 927. These figures indicate that not only has Murray the greatest number of electors in any Western Australian country electorate but also the number is nearly double that of all the other 22 country electorates in our State. Apart from Greenough and Mitchell, which have about 14 000 electors, Ashburton, which has 7 900, and Pilbara, which has about 9 000, all the other country electorates have about 11 500 electors. This explosive growth in the Murray has certainly kept planners busy, but it has also meant that the Peel region has seen more action and completed more projects in the past three years than in the history of the area. The opening of the Port Bouvard Bridge and the Dawesville Channel, the North Dandalup Dam, the Riverside Primary School and Halls Head Primary School are all old hat now, as is the launch of the TAFE Murdoch University at Gordon Road and the new $16m cultural centre.

I would like to bring members up to date with recent projects. These will certainly improve the quality of life for the people in my electorate. Next month marks the 35th anniversary of the worst bushfires to plague Western Australia. The Acting Speaker (Mr Day) would know all about that. The Dwellingup fires of 1961 raged for four days and left behind the charred memories of mill towns such as Nanga, Banksiadale, Marrinup and Holyoake. About eight weeks ago a fire museum in conjunction with a new tourist information centre was opened at Dwellingup. In that short time the number of people visiting the area has increased from about 150 a week to more than 1 000. Only last weekend the Premier of Western Australia officially opened the heritage listed Marrinup Prisoner of War Camp. At the same time he opened the exciting new forest heritage centre.

A prisoner of war camp was established in Western Australia in 1943 and operated until 1946. It was the only POW camp in the State. It has great historical and cultural significance and is sure to become a major tourist attraction. The new forest heritage centre has been designed to blend in with the environment. It is a fantastic centre and has been built in the shape of three leaflike components with a structure of rammed earth representing a giant jarrah bough. The largest leaf will be home to the School of Wood. This facility will be able to provide students who have completed a two year course with an Associate Diploma of Arts in Wood Design. In another component, fine wood products will be exhibited and sold, while the other leaf component houses a display area

where visitors can learn about forest ecology. The boardwalk to the entrance blends beautifully with the environment, while the 11 metre high walkway through the trees provides an exhilarating experience with nature. I recommend that all members enjoy this experience. CALM Director Syd Shea must be congratulated on his vision and also for bringing this masterpiece to fruition. Dwellingup is all the richer for his foresight. The small timber town already has its Lane Poole Reserve, Hotham Valley Railway and Nanga bush camps. It now has the POW camp, the fine woods centre and the fire museum, and a caravan park is on the drawing board with the Murray Shire. Dwellingup is set to become a tourist jewel.

What was regarded simply as "all talk" when a new Peel regional hospital was mooted just two years ago is now certain to become a reality. The Peel health services have been stretched to the limit over the past few years and I am excited and very proud to say that I believe a decision will be made by Cabinet soon to establish a new multimillion dollar facility to provide better care and the best treatment for the people of Mandurah and Murray. Members should take note of the list of services and facilities that I understand this new hospital will provide. There will be 100 public beds; up to 30 private beds; emergency services; an intensive care unit; specialists; full time doctors; chemotherapy; obstetrics; occupational therapy; expanded services; and full day surgery facilities. This may sound boring, but when one has been waiting for 15 years to get something to be proud of, members will understand why I want to go on with the list. We will be provided with paediatrics; oncology; mental health; community health; aged care assessment - a vital contribution to our hospital; room for visitors to patients in intensive care; greater range of coronial care; improved diagnostic services; pathology, radiology; retail shops and a coffee lounge to bring us up to standard with other hospitals. I have no doubt that this hospital will give local residents peace of mind with regard to their health.

Dr Edwards: Are you going to start killing them off? You referred to increased "coronial" care.

Mr MARSHALL: Unfortunately the member was not here when I started my contribution.

Mrs van de Klashorst: He meant "coronary" care.

Mr MARSHALL: Given the member's profession, she will know that what I said was just to keep her awake! I listed those services because of the increasing requirements of the Murray electorate, which is the largest country electorate in Western Australia. The member was a little late coming in and missed the introduction.

Having gained a hospital, which is a major project for everyone in our area, I would like to inform members of the situation in relation to our waterways. Members may not be aware that the waterways of the Peel area are 2.5 times the size of the Swan River waterways. Despite the fact that these waterways are one of the major attractions in the Peel region, there is no ocean marina in our area. Since 1977, various state government agencies and the Mandurah Council have seen the need for a marina at the ocean entrance to the Peel-Harvey Estuary, but nothing has eventuated. What a challenge! The need is great and nothing has happened since 1977. Why is the Government not doing something about it? A recent study identified that a marina would attract not only the usual maritime services industry, but also a four star tourist hotel as well as a mix of short-stay and permanent resident facilities. It would provide tremendous employment for the area. A marina in Mandurah is vital and I intend to energetically pursue this project until it becomes a reality.

The recent announcement of a direct bus route between Mandurah and Perth commencing on 11 December is a major victory to the people of my electorate. What was regarded by the previous Government as an impossible request has been made a reality by the Minister for Transport, Hon Eric Charlton. Air-conditioned coaches will operate three times a day and the service will definitely close the gap between Mandurah and the metropolitan area. The service will improve employment opportunities for the people in my electorate. It will encourage frequent visits between friends and relatives, enable people to access facilities such as the theatre and shopping complexes and make

visits to specialist services much easier as well as make Mandurah more accessible to people in the city. All in all, it is a wonderful step for the people in the Murray electorate.

While on the subject of bus transportation, I advise members that a decision was recently made to transfer the control of school buses from the Education Department to the Department of Transport. It has proved a bonanza for my electorate. In the past there were no transport facilities for people wanting to travel between Pinjarra and Mandurah. The people from Pinjarra who do not have private transport were unable to access the shopping centres and hospitals or visit their friends in Mandurah. This occurred even though the school bus was leaving Mandurah at 8.00 am, picking up children at Barragup, Furnissdale, Ravenswood and Yunderup and completing its journey at Pinjarra. At 9.00 am it would return empty to Mandurah. The reverse would happen at 3.00 pm. The bus would travel to Pinjarra empty and return to Mandurah full of students. A proposal for the public to use the school bus was put to the Department of Transport and its answer was that this bus was under the control of the Education Department. The Government has changed the situation and school buses now come under the control of the Department of Transport. A trial is now in place for the school bus to be used by the public when it is empty. For the trial to be viable, six passengers were required to use the bus. In the first month the bus carried 165 passengers, averaging 19 passengers each way. Last Friday 53 passengers used the service, and that illustrates the demand for this service and justifies the change in the departmental control of school buses. This trial will open up opportunities for country electorates throughout Western Australia. The Government is watching the trial very closely and I am sure it will be a great success.

I remind members that some time ago I suggested in this House that the first country football side to be admitted to the Western Australian Football League should come from the Peel region. Only recently the Western Australian Football Commission, in its great wisdom, announced that in 1997 an extra team will be added to the historic eight sides which play in the WAFL competition. The presidents from the eight teams met and with one swinging vote it was decided that football at the WAFL level needed some inspiration and life generated into it and the extra side would be the best way to achieve that. Two areas have been invited to present a submission to determine from which area the team should come. One of the areas under consideration is the south east corridor which is the Armadale and Kelmscott area. A lot of football is played in this area and any growth would be welcome. The year 2000 report stated that for football to grow in popularity in Western Australia an additional WAFL team should come from the country. I am very pleased that the Peel region is the second area invited to make a submission. The successful licence holder must comply with certain criteria. The first criterion is that to be admitted to the WAFL the successful team must have high quality leadership, managerial and marketing skills. I do not know what skills Armadale and Kelmscott have, but within the Peel region are two of the best football administrators in Western Australia. Harold Harper, a former South Fremantle player and manager, runs the Mandurah Football Club (Inc), and Hayden Bunton was the coach of the team in that club which won the recent competition in the Peel region. Hayden Bunton is a football legend in Western Australia, if not nationally.

The second criterion is strong regional support from spectators, football clubs and associations. I am proud to announce that the Peel Football League has been resurrected in the past few years. Of the eight teams in the competition, six have coaches who are ex-league football players and they have brought a wealth of knowledge to the area. Many former league footballers play in that competition. The playing strength is immense and the young players coming through are getting guidance from these players. The region certainly meets that criterion.

The third criterion is to demonstrate commitment and support to the relevant local authority. I guess the member for Pilbara does not know very much about the WAFL, but many members are aware that the Town of Claremont receives a fair amount of advertising from the achievements of the Claremont Football Club. The East Fremantle Football Club is in the second smallest municipality in Western Australia, encompassing

an area of one square mile. That local authority has within it the most outstanding football club in the history of this nation. The football club has certainly put the council on the map. It is important for a local authority to have a football club in its area. The Mandurah City Council is aware of the importance of having a team in the WAFL. Tourism will be enhanced simply because of the press coverage that will come from it.

I know members watch the weather report on television every night and it would not be the same if they did not hear, for example, that the temperature in the metropolitan area was expected to be 30 degrees and in Mandurah 27 degrees. Mandurah is mentioned on the news every night and it will be mentioned more frequently if it has a team in the WAFL competition.

Another criterion is adequate training, spectator and playing facilities. The Mandurah Football Club has all the facilities which are required and they have been checked by representatives from the WAFL clubs. The changing facilities will need improving to meet that criterion, but that can easily be achieved.

Another criterion is the capacity to provide strong leadership and football development. Unbeknown to the other WAFL clubs, the junior development program in Mandurah has twice the number of players as football clubs like Claremont and Subiaco. Two of the state under-16 players came from Mandurah this year. Members are aware that as soon as an under-16-year-old player is involved in the Australian Football League, money is generated to the club. For example, it could receive $25 000 to sign up a player and $50 000 after he has played 10 games. Many of the Claremont Football Club's players were taken by the Dockers and, in return the Dockers, with its AFL qualifications, had to hand over money to Claremont. As a result the Claremont club is now free of debt. The junior development in the Mandurah area will definitely boost the 18-year-old teams.

Another criterion is strong membership potential. How can one say that a country town will have strong membership potential? Mandurah is a suburb of Fremantle and when the Dockers started in the AFL this year, its membership exploded because of Fremantle loyalty. People stick with their area. I anticipate that when a Peel club, centred in Mandurah, is registered by the WAFL, its membership will explode in the same way as the Dockers' membership exploded.

Another criterion is strong sponsorship. When the West Perth Football Club moved to Joondalup it was supported by 60-odd individual sponsors and 45 of those came from the new area. It is a tough fight for sponsorship in this State. There is a lot of competition with football, not only from cricket but also rugby and baseball. Those sports all now seek some form of sponsorship, and it is a very difficult area. Our area is untouched. We could have sponsorship from Alcoa, one of the biggest mining companies in the world, with 25 per cent of the world's bauxite coming from Pinjarra. We hope that such firms will get behind a new Peel Western Australian Football League club. We also need a strong financial base to enable a licence holder to enter the WAFL. Our committee was a little surprised to discover that it takes in the vicinity of $400 000 a year to maintain a WAFL club. That is a big requirement for any country team. We brought in consultants who believe that to run a club with around $600 000 is not out of the question.

A Peel football club would be the logical choice as a new WAFL side. Talking about the WAFL, members may think I have been waffling on. However, in a growing community, the largest country electorate in Western Australia, the infrastructure needs are immense. We are living up to those needs. This Government is answering every question, and it is applying itself to every need. I am proud of the support that I am receiving. Members may appreciate that there is never a dull moment in the electorate of Murray. I look forward to giving a further update on progress in 1996.

MS WARNOCK (Perth) [8.52 pm]: There he goes again, making his play for the tourism portfolio. Unlike the member for Murray, the Minister for Transport is not one of my personal heroes. However, neither can I be as unreservedly enthusiastic about everything that has happened in the electorate of Perth as was the member for Murray regarding everything happening in his electorate. Fond as I am of being in Perth, the member for Murray has almost tempted me to travel down his way.

I cannot miss this opportunity during what may be the last sitting of this year of the lower House to speak about some of my favourite subjects. Before I speak of things about which I am critical, I should turn to one or two things of which I am supportive - although not as many as the member for Murray. I went to the opening of the King Street precinct recently. I am a great enthusiast for that, as I have been for all the other inner city developments. Although I do not need to, I remind the Government that the project was started by the previous state Labor Government, funded partly by the federal Labor Government. Those plans have been carried on very ably by the present Government. Those who like to come to the inner city, and are lucky enough to live in the inner city, can only applaud those plans. However, I cannot be as unreservedly enthusiastic about everything happening in the electorate of Perth, as was the member for Murray about his electorate. The reasons are simple: The Minister for Planning on several occasions has accused this side of the House of lacking vision and of failing to accept the beauty of his concept for a lidded trench through Northbridge and a freeway through what amounts to the heart of a modern city. He has spoken frequently of the need for this big road, and its importance for relieving traffic congestion on the south east side of the river. As I indicated on many occasions, I do not agree with his solution. I agree that we need another bridge across the Swan River from east to west. I support the building of that bridge but I do not agree that we need a freeway on either side. I will return to that point later.

Mr Bloffwitch: Where is the traffic to go?

Ms WARNOCK: I will explain in a moment. I do not agree with the Minister's or Main Roads' traffic projections for the year 2020. I have been critical of the so-called tunnel, first, because of the cost. That is the main objection, even if it is only $335m, as the Minister said, rather than $400m that some people say it will cost. My second objection is the environmental effect, to which a number of people have drawn attention recently; the added air pollution from more cars passing through the city, even underground; the surface effects on the area - the residents and businesses - during the long, drawn out construction phase. I object also to the destruction of areas such as Weld Square, half of which will go, and the wrong priorities that are represented by using this large amount of money on a contentious road when there are so many other projects crying out for money. I am sure the Government knows many of them. The older schools in my area need doing up, and I refer also to the many needs of the health system. This week I received a call from someone at Royal Perth Hospital talking about yet another department there which needs some help.

Among the many critics of the so-called tunnel - and I object to the term tunnel when it is really a lidded trench - is the federal member for Moore, Paul Filing. I have the latest edition of his *New Independent* in which he calls on the State Government to slow down its plans for a $300m tunnel under Northbridge. I believe that he has underestimated the cost. He says that the Government should slow down the project under Northbridge and divert the funds to the extension of the freeway to the northern suburbs. He details why he believes that is necessary. Environmentalists of all kinds are vigorously and increasingly opposing the tunnel. Some of those objections are on the grounds of increased air pollution. The Environmental Protection Authority says - as my colleagues the members for Maylands and Nollamara said recently -

Mr Lewis: That is not a fact. You said that the EPA has given the thumbs down to that road proposal.

Ms WARNOCK: I said it has drawn attention to the problem of air pollution -

Mr Lewis: You are fabricating this.

Ms WARNOCK: The EPA said that air pollution is caused largely by cars, which we are trying to increase -

Mr Lewis: Don't you understand that by moving the traffic in a third of the time it will reduce air pollution?

Ms WARNOCK: Rubbish! I cannot believe that the Minister believes that.

Others have drawn attention to the environmental problems on the grounds that the water table in the area will make the tunnel both risky and costly. Other people are concerned about the destruction of the inner city heritage area. I am not talking about the colonial or federation heritage represented by grand buildings such as the old Town Hall, but the small scale migrant houses and the old shops which would benefit from being done up rather than being pulled down.

There are other objections. Here I refer to the retired scientist, Brian Fleay, who has not only made some very telling points about the problems of the water table, because he used to work with the Water Authority, but also has put out a very well received paper on the looming fuel crisis. That is a particular interest for him. He has also referred to the questionable sense of building more freeways which always draw more cars. Everyone knows about that fact. We should be doing what people in Britain and America have done. They have tried to cut down on car travel and have tried to persuade people to use alternatives such as public transport. That is an important point. This is the area where I differ from the Minister when he talks about his futuristic thinking and people on this side of the House lacking vision. Far from being futuristic, his thinking is limited to the immediate past when building freeways was all the go. I wonder how pollution will decrease by putting traffic underground and pumping the fumes to the surface.

This seems to be what the Government is suggesting by trumpeting how much cleaner it is to have the tunnel than a low key treatment on the surface. It is a nonsense. Any transport academic can tell us that attracting more cars - building a good quality road always does that - even if people are travelling underground for part of the way, will bring more pollution to the city. All the environmental evidence I have seen - even that from the Environmental Protection Authority - is that Perth's pollution problem is dramatically increasing.

I have mentioned in this House before that all major cities around the world are now trying to make it difficult for private cars to come into built-up areas. Oxford Street in London has been narrowed and now is largely used by buses and taxis. Manchester has reintroduced trams, having got rid of them a few years ago. I refer to an article in the publication "Oxford To-Day" in 1995 which refers to the future of roads in Britain. In a debate at a conference held in Oxford recently, speakers agreed that car use would have to be restrained and that a combination of regulation, road pricing and improved public transport would be needed. One speaker stated that the love affair with the car was still a powerful image in advertising but in real life the honeymoon was over. A strongly worded criticism of Britain's failure to address the problem seriously was delivered by a German transport economist who said that Britain was at least a decade behind the rest of Europe in handling pedestrians, cyclists and traffic, and there was general agreement that radical action was urgently needed to avoid gridlock on Britain's roads in the near future. This transport economist from Germany sees Britain as being behind the rest of Europe, but there is no doubt Australia is behind Britain and the rest of the world in that regard.

Mr Lewis: That is only one person's opinion.

Ms WARNOCK: Of course it is, and I am passing on another view. The Minister is also getting one more view from another person on the other side of the Chamber. If we do go ahead with the tunnel, more traffic will be drawn through an intercity area, causing much more congestion on the Mitchell Freeway. Harry Morris, a former engineer who worked on the original freeway, has drawn this to my attention.

Mr C.J. Barnett: Is that the Harry Morris of The Avenue in Nedlands?

Ms WARNOCK: Yes.

Mr C.J. Barnett: He built the first suburban swimming pool. I used to swim in it. I thought you would be interested to know that.

Ms WARNOCK: He has many interesting things to say. He calls the suggested bypass a moat. He does not seem to be slightly enthusiastic about it. The Minister will probably say that that is one person's opinion. If we decided to use a low key traffic solution off the proposed Burswood bridge, while at the same time determining to improve public

transport and encouraging people to use the existing bypass - that is, the Tonkin and Reid Highways - we may never need this freeway and the community would save a heap of money.

Lest members think only others on this side of the Chamber are opposing the freeway, just for the sake of argument, let us look at some Liberal supporters who oppose it. I mention a very well-known person in the Liberal Party, John Harper-Nelson and his wife, Helen Weller. They are utterly opposed to it. Their business and house are right in the path of the freeway, and they have good reason to be opposed to it. I would be very strongly opposed to it even more than I am at the moment if I were in their situation. A recent story in the *Sunday Times* tells us that they have already been invaded by contractors of Main Roads Western Australia who turned up with a drilling rig, and, having dug up Mr Harper-Nelson's back garden, it turned out they had been digging on the wrong block. However, his place of residence and business is directly in the path of the tunnel and naturally he is extremely upset about the whole idea. He shares my views and recently has spoken very freely and frequently about his opposition to the tunnel. He also knows of a lot of other well-known Liberals who are opposed to this freeway, no doubt for entirely different reasons. I have recently read a paper that talks about demand management. Perhaps we should be looking at that phrase.

Mr Lewis: Tell us your solution.

Ms WARNOCK: I have told members about my solution 1 000 times. The Minister is not enthusiastic about my solution, any more than I am about his. It is a very good solution.

Mr Lewis: You do not have a solution. Your solution is to do nothing.

Ms WARNOCK: No; my solution is to put a bridge there and have low key traffic management on either side with a one-way pair.

Mr Minson: That is no solution at all.

Mr Lewis: Why would you build a bridge?

Ms WARNOCK: A number of traffic engineers think it is a good idea; they do not think we will need this immense road to carry this huge amount of traffic that has been projected for the year 2020. It has all been done on computer. We have no destination studies to tell us whether it would be bypass traffic or traffic that needs to go through the centre of the city. We need to give some attention to demand management. We should not be overfeeding and creating a massive demand for another freeway through the heart of the city. That is exactly what we are doing in this project. We should consider how to manage traffic in a low key way from the southeast side of the city to the west. A one-way pair like Hay Street and Roberts Road seems to be a quite reasonable solution. Despite the Minister's insistence that it is no solution, I do not agree with him. I do not believe the tunnel is necessary. We could have a perfectly reasonable traffic solution which would not attract as much traffic to the city as would an enormous freeway thereby adding to air pollution. We should abandon this hugely expense plan which will create more air pollution in the city of Perth.

MR M. BARNETT (Rockingham) [9.06 pm]: I take this opportunity to remind members of a speech I made some weeks ago in this place about prison officer Debbie Staveley and her husband, Phil, who was also a prison officer and who, as a consequence of actions taken by the Department of Corrective Services, in my view in an entirely improper way, took his life. Prison officer Debbie Staveley has been on workers' compensation stress leave for some time as a consequence of the actions taken by serving officers within the Department of Corrective Services. Of course, she is extremely distressed by the death of her husband which she, and now I, believe was directly caused by the misuse of power by certain prison officers.

Unfortunately I have not had time to research in any great detail what I am about to say; however, I must take this opportunity to alert members of the House to certain facts in respect of the Brinsden report. I do so reluctantly because I am unable to do it real justice in view of the fact that Mrs Staveley has only today given me her response to the

Brinsden report which finally became available late last week. I take this opportunity, however short, to address a couple of the matters in some detail - there are many which I will address at a later stage - to show that the department and various officers within it, from Mr Grant down, have treated prison officer Debbie Staveley in a particularly callous and heinous way, leaving no doubt in my mind that her husband committed suicide as a direct result of the actions these people took against him and, more particularly, his wife.

I point out at this stage that the Brinsden report was called for by Mr Grant some time ago and was touted in the newspaper as being a judicial investigation which would clear up all the allegations by Mrs Deborah Staveley who, I remind members, had been sexually assaulted on a number of occasions by prison officers in the prison. How seriously did the Department of Corrective Services consider that? It took quite some time and a good number of complaints by prison officer Deborah Staveley to get any inquiry at all. Ultimately she did get an inquiry into one of those sexual assaults, of which I understand there were three; yet look how quickly the Department of Corrective Services and the Police Department, in particular, through the Director of Public Prosecutions sprang into action when they had a complaint of an assault by three prison officers on a male prisoner. Charges have been laid against those people. However, here is a small, slim woman who is probably about 100 lbs wringing wet, assaulted by three prison officers in the prison when trying to do her job, and who cannot get any inquiry off the ground until her husband of many years standing comes in to save her and demands such an inquiry. This inquiry, I want to stress, resulted in the Brinsden report, which I mentioned a few moments ago. It is touted as the be all and end all of a judicial inquiry which will get to the bottom of not only those three sexual assault complaints but also other complaints throughout the Department of Corrective Services that the persons complained of over a long period of time.

Mr Grant is quoted in *The West Australian* as having said that this is a full and complete inquiry. However, I now have a letter from Mr Grant to the solicitors for Mrs Deborah Staveley. Three or four lines of it read -

> I emphasised that my request was for advice to me and was not a formal investigation or inquiry.
>
> Mr Brinsden was not required to address the myriad of complex underlying factual issues. As you would be aware such issues have been and still are the subject of formal proceedings . . .

One sees there yet another misleading statement. I would love to use the word "lie", but I cannot in this place. Not being able to call it a lie, I will say that it is another misleading statement by Mr Grant and the Department of Corrective Services. Members will recall that ultimately the Brinsden report was concluded. Members may recall that I asked questions in this House and asked for copies of it. I was told and the House was told that it was not available. Therefore, a freedom of information request was made by Mrs Staveley for that document. I became aware on the last day that that freedom of information request had to be addressed, that the report was to be tabled in this House and that, because it had adverse findings against Mrs Deborah Staveley and because she was distressed in respect of various matters addressed in it, including the death/suicide of her husband, the report would be made available to her at the same time as it was tabled in this House. That was the instruction from the Minister for Justice, Mr Minson, but that was not to be the case.

The report was tabled in this House and Mrs Staveley took a telephone call at the same time in which she was told by a senior officer at the Department of Corrective Services that the report was being tabled in the House but it was not intended to provide her with a copy of it. That is entirely contrary to Minister Minson's request or order. The senior officer went on to say that if Parliament decided she could have a copy, a copy would be forwarded to her in due course. Some time later that report had not been given to Mrs Staveley, even though I reported the fact to the Minister. The only way Mrs Staveley received a copy of that report about herself is because I gave her one. I find that absolutely unacceptable. This woman had been sexually assaulted three times in the

prison, at least once in a very terrible way. The Department of Corrective Services is treating her in a totally unacceptable, disgusting and unsatisfactory way. I have the letter that the Ministry of Justice wrote to her after the Minister directed that she be given a copy of the report. It reads -

> I refer to your request for access to the report prepared by Mr Justice Brinsden in August, 1995.
>
> I have been advised that the report has been tabled in the WA Parliament. Consequently, the report is a document which is available for purchase or free distribution to the public and under section 6 of the Freedom of Information Act, the access and appeals provisions of the FOI Act do not apply.
>
> I note, however, that in order that you should receive access to the report as soon as practicable, a copy has in fact been provided to you through Mr P Moore.

That is not true. It is another one of those statements that I am not allowed in this place to call a lie. Because I have not had time to research the document properly, I want to address only some parts of the Brinsden report. I refer to page 1. Members may say that I am being pedantic in referring to the incorrect dates being quoted by Mr Justice Brinsden, but he is a highly learned and supposedly competent judge. I thought he would have got his facts right, and that if his facts were not right on every single occasion, the conclusions not only would be able to be challenged but also would be found by most people to be highly dubious.

Mr Prince: He is a very fine judge.

Mr M. BARNETT: I do not dispute that for one moment. I think the department has provided this learned judge with incorrect information, and based on that incorrect information he has produced a report, which has been tabled in this Parliament, and which is improper in the extreme. An extract from page 1 of the Brinsden report states -

> By way of background Deborah and Philip Staveley were appointed to the then Department of Corrective Services on 1 October 1990 and 4 April 1990 respectively.

I repeat those dates - 1 October 1990 and 4 April 1990 respectively. This is the basic background this man was given. Members will be aware that I mentioned earlier that I gave a copy of the report to Deborah Staveley. I have not had a chance to read her response fully because it arrived only this afternoon. In part at least she quotes the dates I have just quoted and says that this is incorrect: She commenced on 31 July 1990 and Philip on 26 September 1983. Members may say that is pedantic; that I have mentioned that already. However, it is not pedantic when one recognises that this is a learned judge - who the Minister for Housing said is a particularly good one - who on the first page has already made a substantial error of fact. That information must have been given to him by officers of the department. Later in Mr Brinsden's report he states on page 7 -

> In hindsight it is a pity that before embarking on the Section 9 enquiry Ms Staveley was not invited to raise any other issues occurring prior to 9 January which she felt to be unresolved and upon which she required some determination. Had such an enquiry taken place involving all the events from the beginning of Ms Staveley's employment as a prison officer including her probationary period up until the date of commencement of the enquiry then I have little doubt that a fair conclusion would have been -

Here are more operative words -

> that Ms Staveley was unfitted to be a prison officer by reason of her disposition and character. I will outline later why I come to that view of Ms Staveley.

Another operative part of this report - this is the penultimate one I will address - states -

> The disruption the Staveleys caused, more particularly Ms Staveley, has not only had an adverse cost effect but also interfered with the necessary management of prisoners, particularly I am advised at the Remand Centre ... In short, the

> sensible resolution of the impasse would have been her dismissal but the problem of effecting her dismissal was compounded by the legislation . . .

Mrs Staveley at that time was going through the appeal process, and all her convictions have been overturned. Mr Brinsden should have known that at that time. This man bases his conclusions on convictions that had already been overturned by appeal. He continues on page 17 as follows -

> It will be remembered that by reason of her convictions Ms Staveley was liable to dismissal. Mr Jennings elected not to order dismissal nor did the chief executive officer when the imposed penalty came up to him for confirmation.

This is from a learned judge and is based on the arrant nonsense provided to him throughout his report. He states on his last page -

> It is a pity, though understandably, that the opportunity was not seized upon to order her dismissal.

That is based on improper and incorrect charges brought against Mrs Staveley because she elected to complain about treatment she received at the hands of these prison officers. Members should remember the three major sexual assaults that occurred within the prison by her fellow prison officers - not prisoners. This woman had the audacity to complain! Judge Brinsden in page after page of his report is at great pains to show that this women is incompetent, should never have been employed as a prison officer, and certainly could not do her job. However, there was no evidence of that early in her working relationship with the prisons department. I am about to tell the House exactly what the prisons department thought about her before she started complaining about these sexual assaults. There was no evidence that she was incompetent. Yet this learned judge, who had two interviews with this woman and refused to take any of her documentation, made that decision for himself after interviewing nine people within the prisons department - the same nine who had victimised the woman day in and day out and caused her and her husband so much stress that he committed suicide and she was off work for months on stress leave. This famous, learned and very smart Judge Brinsden interviewed only those nine people - the same nine officers who caused all of that. He came to the conclusion as a result of those interviews that Mrs Staveley was not suitable as a prison officer and should have been dismissed as a result of the charges that were brought against her and the convictions she had. He paid no attention to the appeal process and the fact that she won her appeals and those convictions were overturned; nor did he pay any attention to the following two documents.

I will read them to members because these are two documents that portray this woman in her true light. Why am I able to say that? It is because they are formal documents from the prisons department. One is on Department of Corrective Services letterhead. It is signed by B. Hiscock, senior officer, and is dated 29 October 1991. I want members to listen carefully to this because this is the true Mrs Staveley. This is the Mrs Staveley who existed before being sexually assaulted and then not being given any comfort by her senior officers, but victimised by them, became stressed. It states -

> Officer D. Staveley is commended for the high standard of performance of duty during the closure of Fremantle Prison.
>
> Officer D. Staveley has demonstrated a pro active approach to all situations and has willingly performed all duties to a very high level of both quality and quantity of out put.
>
> A high degree of self motivation and the ability to co-ordinate and organise as well as to supervise the work of fellow officers has been consistently demonstrated.
>
> All of the above merits this commendation being recorded on officer D. Staveley personal file.

That is a commendation that shows what officer D. Staveley's true worth is and how highly she was regarded within the prison system before she started complaining about

sexual assaults and harassment of all sorts by other officers within the system - because she would not come to the party; because she would not accede to their disgusting requests for sexual favours. A uniformed staff appraisal performance record and interim feedback, again signed by B. Hiscock, states -

> Mrs Staveley has worked with me in the Cellular Divisions of Fremantle Prison during a very hectic time, running up to its closure. She has performed every task with enthusiasm and diligence. She has volunteered to assist and instruct officers - with much more experience than herself - in tasks that they have not previously performed.
>
> Mrs Staveley deserves to be commended for her efforts. She is an enthusiastic and conscientious officer who performs at a very high level consistently.
>
> An officer willing to listen and to act on advice given to her - a top officer.

They are not my words, they are the words in her formal report within the prisons department. In a prison system that is designed to look after male prisoners and male prison officers, how difficult is it for a woman to get such a report? It is next to impossible, so that woman must be extraordinary. Part three of her report states -

> Should be given every encouragement to seek to participate in any course or area which may enhance her promotional potential.
>
> She possessed very high potential for promotion and should be given every encouragement to this end.

That is what the prisons department thought of her before she was sexually harassed and had the audacity and temerity to complain about it. Why was Justice Brinsden, that learned judge who is so smart and so clever, unable to get hold of that report? How could he simply interview the nine people who have colluded to cause this situation and may be partially responsible for Philip Staveley's death? How is it that he cannot get hold of that information, and simply takes the word of those nine people and says that she is not responsible and that she is not a suitable person for the prisons department? What arrant nonsense.

When I get to the bottom of Debbie Staveley's report to me - 18 pages - and compare it with the Brinsden report, I will find an awful lot more evidence. As though the evidence is not conclusive enough already.

What is Mrs Debbie Staveley's position right now? The department is doing all in its power to make sure that she never goes back into the prisons system. That women was ideal for promotion. Not only will she not go back into the system, but the department is doing everything it can to shove her out as quickly and as cheaply as possible. "Let us shove her out because she is not suitable." Perhaps she is not suitable now, but there is ample medical and other evidence on her file to show that she was an ideal person before those stressful circumstances occurred.

What will the Government do about it? I will not allow the Government to shove that woman out of the system and say, "You are on a pension." That woman deserves to be commended. Her life has been destroyed. Her husband is dead as a direct consequence of his trying to help her. That woman was charged with disobeying a lawful order. Let us consider that lawful order.

After she had been sexually assaulted and she tried to get help within the system and that help was denied, she was called before two great big burly men. She was locked in an office with them, told to stand to attention, and told to tell them what the devil she thought she was doing. Because she objected to that and because she called her husband to get her out of that disgusting situation, she was put on a charge. She disobeyed a lawful order. It is perfectly all right for Officer So-and-so sexually to assault her but it is not all right for her to say, "I don't want to be in this situation with you two men after I have been sexually assaulted. I don't want to be locked in a room with you demanding that I answer questions. Why don't you put them in writing for me?" "Oh, that's another charge. We don't put things in writing."

That is the treatment that she received, and that is why I will not rest or allow the Government to shove her sideways with a part pension for the rest of her life. She has been treated in a disgusting manner by the prisons department, which has also hoodwinked Justice Brinsden. How happy will he be to read my speech? He says that she is not suitable, but he was not given the reports which state that she is not only suitable but likely to be promoted because she is so good. Debbie Staveley is told, "Don't you ever think about complaining that one of these officers has sexually assaulted you, because if you do, we will get you." They did - they got her husband. But that little 100 pound wringing wet woman will not give in, and I will not let her give in. The Government will pay that woman her due regard, and it will do so very quickly. I will not rest until it does.

MRS van de KLASHORST (Swan Hills) [9.35 pm]: I was absolutely appalled at a headline in *The West Australian* of 30 November which stated "How your school rates". I read that article and found that the rating of schools was based only on TEE scores. I do not undervalue TEE results or their usefulness - in an academic world, such scores are very useful - but that article contains a ranking list of schools based on TEE scores. If the world were inhabited only by academics, we could rate schools based on the percentage of children who reached the top 25 per cent of TEE scores which were mentioned in that article in *The West Australian*. That could be a useful guide to academic results, but to judge our schools and their results, teaching methodology and all the things that our schools do based only on TEE results is greatly flawed and an insult to most schools in Western Australia. Our community is not made up only of academics. We have a huge diversity of people, abilities and children's needs. The majority of our population work outside academia. Farmers produce the food that we eat. Truck drivers drive our food to market. Orchardists grow fruit. We have butchers, bakers and candlestick makers. We have the Army, Navy and Air Force. The list is endless. There are plumbers, carpenters, electricians and mechanics, all of whom are not in the academic stream. It is fundamentally flawed and wrong to judge people's worth according to their TEE results.

Let us consider schools and what they are for. I consulted the dictionary to ascertain the meaning of "to educate" as our schools are there to educate all children in Western Australia. My dictionary advises me that the word "educate" means "to bring up a child", "to train mentally and morally", and "to instruct for the development of mental powers and of character". The dictionary contains the word "educe", which is the transitive verb belonging to the word "educate", and it means to "bring out and to develop potential". Thus education draws out potential and develops a child or student to the best standard he or she is able to achieve. Let us relate that education in the broader sense to our high schools.

Discerning people know that the value of our schools relates to their full educational programs and the way this adds and contributes not only to the student, but to the all-round development of the student and society. It must be remembered that the level of each student is, and should be, individual. The educative program in which the student achieves is at an individual level and on the basis of that student's needs. High schools cannot be judged only by the number of students in the top 25 per cent of the tertiary entrance examination, which is but one examination throughout the course of the year. Diversity within schools is the key to quality education for all; schools must provide valued training for all pupils. Some pupils will move into the work force; some into vocational training; some into university, where the TEE scores are useful; some into apprenticeships; some to colleges of advanced education; some into TAFE; and some into scholarships with large companies. Any judgment of the success of a school on the basis of the number of students in the top 25 per cent of the TEE is completely flawed. When a school meets all these needs for all children, it is completing education in the full sense. This begs the question of how to judge and compare schools, and whether we should do so. I have a personal view that no judgment is correct because we often compare apples with pears when assessing schools in different areas of Western Australia but of course, the Western Australian taxpayers need to know whether each school is performing in the very best way for the abilities of its students.

One method of assessment could be to look at the level of placement when children leave school. For example, on Sunday morning I was speaking to a teacher from the Swan View Senior High School, who advised me that 94 per cent of the students who left in 1994 have found the placement they wanted after leaving high school. This applies to students from years 10, 11 and 12. Some went to TAFE, some to university, some into the work force, some into further education, and some into other areas such as apprenticeships. This type of result is a measure of success, not the number of students in the top 25 per cent in the TEE. I know how wonderful the teachers at that school must feel to know that 94 per cent of the students who went through the school managed to find what they wanted for the immediate future. The teachers at that school know their teaching skills have helped the students make these decisions and move towards the type of future they are looking for. We all know that in today's climate people will move through different levels of education at different times in their lives. It is important that schools teach to suit the needs of the school population. The hackneyed phrase today is customer focus and, obviously, Swan View Senior High School has had that customer focus because it has provided what the pupils want and need.

In summary, schools must be all things to all people; they cannot be judged only on the TEE academic performance. The many diverse and innovative educational courses presented by all high schools in Western Australia are to be commended. The parents and community in Western Australia should know this and must not be misled into believing the TEE results indicate that a school is the best or is better than any other school. That school is better only if one is looking at the academic achievements, rather than the full achievements of the pupils. Comparison of schools using this criterion gives only a comparison of TEE results. It is not a fair measure of overall school performance. I quote from a letter to the editor in today's *The West Australian* from Dr Ruth Shean of Subiaco, which sums up better than I can what is needed in our high schools -

> When my son completes school, I hope that he graduates with a fair degree of honesty and compassion, a healthy lifestyle, an enduring work ethic and a robust self-esteem balanced with a strong sense of community - qualities which start with the family and also benefit from school input.
>
> Academic achievement at secondary school is prized, in part, because of its correlation with higher education leading to better employment prospects.
>
> We need to keep in focus the other attributes which lead to our children becoming contributing members of society, regardless of whether or not tertiary education is on their agenda.

I feel so strongly about this that I wanted to speak on the subject. The article in *The West Australian* has devalued the teachers and schools in Western Australia by concentrating on only one aspect of education and not looking at the full picture.

MR LEAHY (Northern Rivers) [9.46 pm]: In speaking in this debate tonight, I choose a subject about which I know a little; that is, the retail sale of fuel and the actions of one of the major wholesalers at the moment, the Shell Company of Australia Ltd and its plan to go into multi-site franchising. A number of years ago the Federal Government was concerned about fuel companies becoming too involved in retailing fuel and their capacity to force up the price of fuel and limit the amount of competition in the retail market. The Federal Government introduced legislation that effectively restricted the number of sites major oil companies could operate in their own right. The oil companies got around that by offering franchises on sites they owned freehold and, by doing so, they managed to control those sites to a certain extent. They continued to manipulate the price of fuel in this State and around Australia. However, the companies found it was quite difficult because the sites they had franchised were normally in the hands of a single operator or a family, and those individuals tended to seek more market share and to compete with one another. Over a period those small business people were quite aggressive in their marketing and pricing of products, and the companies tended to lose control of the sites in the hands of the family businesses.

Shell has now worked up a scheme whereby it puts pressure on the families and small

business people holding those sites. Because they were given limited leases of, say, 10 years, most of which have run four to five years, Shell now is offering them a set price for the business, goodwill, plant and equipment, and is offering to buy their stock and their debtors. It wants to get them out of the sites and to convert its 71 sites in the metropolitan area to two multi-site operators, each controlling between 20 and 30 sites. Those small business people who rejected the offer have been put under increasing pressure. When rents were reviewed, the increases statewide ranged from 40 per cent to 100 per cent. Bearing in mind the last review took place three years ago, and inflation in this country during that period has been between 3 per cent and 5 per cent per annum, a 15 per cent inflation increase has resulted in rent increases equivalent to 100 per cent in some cases. It put increased pressure on them to hand over to the major oil company - in this case The Shell Company of Australia Ltd - a business they operated for many years. Other tactics have been used. In my electorate a small family operation is paid $9 000 a month by Shell in commission on sales of diesel. I think it was selling about 400 000 litres of diesel a month. It amounted to just over 2¢ a litre, which is quite a small margin in a country town. Unilaterally, without any discussion, Shell decided to reduce the commission from $9 000 to $2 000. As a result the owners said they would not sell diesel. They did not feel they could pay wages and electricity and take on the bad debts of people who pay by cheque while receiving less than 0.5¢ a litre for selling a product which Shell sells at the top range. Very little discount is given on this diesel. I am sure that Shell sells diesel in that remote Murchison town at a higher price than in many other sites in the State, especially sites on major highways, other than perhaps sites in very remote areas.

When the retailer said she would not cop that and that she would sell only petrol, she was told to read her lease. It said unequivocally that she had to sell diesel. That family business is worth conservatively about $600 000. Shell has asked the proprietors to accept about $200 000 for the site or it will increase their rent and reduce their commission, so that eventually Shell will get back the site anyway. That practice may affect only 70 or so small business people. However, I can assure all members that when Shell gets control of those sites - we are talking about the biggest volume sites in the area - there will be no competition in the marketplace but by agreement between the big oil companies the retail price of fuel will almost certainly increase. That agreement will not be done in the open. Agreement on prices is already happening in South Australia, in other areas of Australia and in areas in Perth where competition is lacking. It will be much more widespread if the intentions of Shell come to fruition whereby two operators in the metropolitan area control all the franchise sites.

We on this side of the House - and no doubt all members of Parliament - have had representations from the Motor Trade Association of Western Australia and from a group called Shell National Action Group Western Australia. Both these organisations represent small business people. They have both said categorically that they oppose the intentions of Shell to put so many high volume sites in the hands of two operators for not only the reasons I have outlined but also a number of other reasons, including reduction in employment. The people we are talking about now employ between 10 and 20 people a site. To put all the sites in the hands of a couple of people will almost certainly lead to a major reduction in the number of people employed. Some estimates are that up to 100 people in the metropolitan area will lose their jobs. There is also concern about whether the proponents are bona fide operators. The two companies which appear most likely to take over are controlled by a couple of businessmen. These businessmen have been recruited by Shell on a package of about $150 000 a year plus a substantial superannuation package including, I think, a vehicle. Their borrowings in the vicinity of a couple of million dollars which they need to get into 20 sites have been guaranteed by Shell.

I cannot understand how anyone could regard them as independent businessmen. They are not taking any risks with those sites; they are being backed by Shell to purchase the sites and they are being paid a substantial wage. I do not know what profit share is involved in the operation of the sites. I know there is no incentive for those two

businessmen to increase profits because they will earn $150 000 a year regardless of how things operate. Consequently they will be at the behest of Shell in following its pricing policies and operation of the sites. Effectively, Shell, a major company, has managed to thwart the intentions of the federal legislation to ensure adequate competition at a retail level in fuel prices in Australia. The multifranchising scheme has come into effect already in Queensland. There is pressure in the Eastern States to bring it in. Canberra has opted for legislation to put a moratorium on it. Other States are considering it. A select committee has been established in South Australia to consider the ramifications of multifranchising. A push is being made in our upper House to establish a select committee to examine what measures can be taken in Western Australia to ensure that multifranchising of sites in this State does not become a reality. If Shell gets its way, it will be only a matter of time before BP Oil follows suit.

As I said earlier, in no way will competition occur in the marketplace because the only people in a position to compete will be the smaller operators on freehold sites. The independent wholesalers of fuel products such as Gull Petroleum (WA) Pty Ltd are under increased pressure through site support for competing sites. As some people know, when there is a price war in the metropolitan area, which does not extend to country regions, the major oil companies extend to those sites which they agree should be selling under the wholesale margin, a site support scheme of up to about 8¢ a litre so that those sites can sell at a retail price less than the wholesale price. They extend that favour only to sites they choose. It is obvious how many sites in the metropolitan area have been targeted this way. If Shell wishes to push a proprietor out of the market, it excludes that operator from site support and lets it die. Proprietors must sell at a margin that makes a profit. If they are paying 74¢ for fuel, they must sell it at 77¢. Shell gives site support to the garage around the corner so he can sell at 69¢. It may take up to 12 months but eventually without site support that proprietor will be out of business, making it one less competitor in the marketplace. Shell has been doing that legally for the past three or four years. It is easy to see from the many closed sites in the metropolitan area how successful they have been. The situation has changed from a price war every couple of weeks to one every couple of months. In future, competition will not be available, and the major oil companies will determine the price we pay for our fuel. I assure members that the price we pay for our fuel will increase by 5¢ or 6¢ a litre. The price of fuel will not decrease.

The oil companies have continually said that they do not get an adequate return on their investments. Their assets are such that they receive only 2 per cent or 3 per cent return despite a margin considerably higher for wholesale than retail. The major oil companies operate with a margin of 7.1¢ for marketing and promotion on top of production costs at refineries, and the wholesale margin on top of the distribution margin. A good service station in Perth would be lucky to get a margin of 3¢ a litre. It is the only commodity where the wholesaler gets a higher return than the retailer. That return will increase as oil companies have more control over the high volume sites in the metropolitan area. I strongly urge every member in this House to become aware of the facts, to read thoroughly the submissions given to them by the Motor Trade Association and the Shell National Action Group and take what action they can within their parties to ensure that multifranchising within Western Australia comes to an end and is not allowed to progress further than it has now.

Debate adjourned, on motion by Mr C.J. Barnett (Leader of the House).

CORONERS BILL

Committee

Resumed from 30 November. The Deputy Chairman of Committees (Mr Ainsworth) in the Chair; Mrs Edwardes (Attorney General) in charge of the Bill.

Clause 19: Information to be provided to next of kin -

Progress was reported after the following amendments had been moved -

Page 13, after line 18 - To insert the following -

(c) that there is a right under section 35 to request that a doctor chosen by the senior next of kin be present at the post mortem examination;

(d) that if tissue is to be removed from the body under section 34(3)(b), then there is a right to view the written permission of the deceased;

(e) that while the body is under the control of the coroner investigating the death, it may be viewed by any of the deceased person's next of kin under section 37(5);

Page 13, line 19 - To delete "the Act" and substitute "section 37".

Page 13, line 20 - To insert after "right" the passage "under section 36".

Dr WATSON: There is bipartisan support for these amendments, but we must surely ask ourselves what sort of culture we have when we need to legislate to permit people to touch the body of someone whom they love. I hope that in 20 or 50 years, students of the history of coroners and forensic legislation will ask themselves why we believed it was necessary to amend this legislation to permit people to touch the body of someone whom they love. However, be that as it may, it is more a comment on our culture and our responses to death, dying and grief, than a matter for one political party or the other.

The objective of the amendments that I propose to clause 19 is to establish a protocol or set of procedures that will establish the rights, responsibilities and obligations of all parties once the coroner assumes control of the body and once the deceased person's next of kin come into contact with the coronial system. I have left that deliberately vague because I want to cover all the different sets of circumstances which may occur. It is a shame that the logic of my proposals is broken up, but, by the same token, I thank the Attorney for taking into account my amendments that the senior next of kin have a right to have a doctor of their choice present at the post mortem examination, and also that the senior next of kin have a right to view the written permission of the deceased person that his or her organs may be taken for research if for some reason that deceased person comes under the jurisdiction of the coroner. We have also made the amendment to both this clause and clause 33 that while the body is under the control of the coroner investigating the death, it may be viewed and touched by any of the deceased person's next of kin. While not all the amendments that I had hoped would be included in this protocol are included, there has certainly been an improvement to assist people who come into contact with the coronial system to come to terms with their grief. However, the part that continues to be missed in this set of procedures is the right to written information.

Mrs Edwardes: Is that the amendment at the top of page 15 of the Notice Paper?

Dr WATSON: Yes, and I will speak to that later. Is written informed consent of the senior next of kin now an amendment to clause 33(3)(c)?

Mrs Edwardes: Yes.

Dr WATSON: I would like the record to show that written and informed consent relates not only to this clause, but also is connected with the clause relating to scientific research.

What benefit is there in the Attorney General's amendment on page 13, line 19 to delete "the Act" and substitute "section 37"?

Mrs EDWARDES: It is my recollection that that amendment arose from discussions with the member for Kenwick.

Dr Watson: I imagine that it would not make much difference.

Mrs EDWARDES: It allows people to be referred specifically to the section, rather than the Act generally.

Dr WATSON: I want to be clear that the protocol is that the coroner informs the person that the body is under his or her control, and that a post mortem examination is likely to be performed. Proposed new paragraphs (c), (d), and (e) will enable that process.

Mrs Edwardes: Yes, in addition to the amendment that was moved last week.

Dr WATSON: Paragraph (c) will be renumbered and become paragraph (f). That refers to section 33, to which we have provided an amendment to ensure informed consent is obtained, and section 35 provides that a counselling service is available. That is a good start, Attorney.

Amendments put and passed.

Dr WATSON: I will not move the two amendments to page 13, line 21 standing in my name on the Notice Paper. I move -

Page 13, after line 28 - To insert the following -

(g) that where the deceased is a person of Aboriginal descent and died while being a person held in care, the coroner must endeavour to ensure that a person of Aboriginal descent is available to convey to the deceased person's next of kin the information required under this section and any other section of this Act.

This amendment touches on three recommendations of the Royal Commission into Aboriginal Deaths in Custody. In recommendation 8 the commissioner recommended that all coroners - state coroners and all those magistrates who are delegated a coronial function - establish protocols. It is important not only for Aboriginal people, and that is the intention of my amendment to this clause, but also all other people, to have a tight set of protocols written into the Statute. Recommendation 19 of the royal commission states that immediate notification of death of an Aboriginal person be given to the family of the deceased, and if others were nominated by the deceased as persons to be contacted in the event of emergency, to such persons so nominated. It states that notification should be the responsibility of the custodial institution in which the death occurred, and notification wherever possible should be made in person, preferably by an Aboriginal person known to those being notified.

Recommendation 19 should stand for everybody. It also states that at all times notification should be given in a sensitive manner respecting the culture and interests of the persons being notified and the entitlement of such persons to full and frank reporting of such circumstances of the death as are known. Recommendation 22 of the royal commission should be picked up for all people. It states that no inquest should proceed in the absence of appearance for or on behalf of the family of the deceased unless the coroner is satisfied that the family has been notified of the hearing in good time and that the family does not wish to appear in person or by a representative.

A number of recommendations of the royal commission impinge on the direct experiences of everybody bereaved and confronting the coronial system. An amendment is required to this clause to establish protocols about what happens, and in particular, when an Aboriginal person comes into the coronial system.

Mrs EDWARDES: The points that the member for Kenwick has made are desirable. The next amendment that I will move encompasses the issue and extends it to other ethnic people. It will apply not only to people from the Aboriginal race. The information provided must be in writing where practicable and in a language and form likely to be understood by the person to whom it is provided. That will broaden the provision beyond people of the Aboriginal race.

Dr WATSON: I am glad that the Attorney said that. However, with due respect, the Attorney's next amendment is derived from an amendment I had tabled. It does not address the direct issue about Aboriginal people and the three recommendations from the commission.

Mrs Edwardes: It can be dealt with far more specifically through the guidelines issued by the coroner. That is included in primary legislation. It states very clearly that the

information must be in a form likely to be understood by the person to whom it is provided.

Dr WATSON: As my colleagues and I said in the second reading debate, too much is left to regulations. Issues like this, particularly issues involving direct recommendations of the Honey report or the royal commission, should be incorporated in the legislation.

Mrs Edwardes: I disagree. Regulations are legislation.

Dr WATSON: The Attorney can disagree and we can move on. Many people do not have very high expectations that the recommendations of the royal commission will be included.

Amendment put and negatived.

Mrs EDWARDES: I move -

Page 13, after line 28 - To insert the following subclause -

(2) The information provided under subsection (1) must be in writing, where practicable, and in a language and form likely to be understood by the person to whom it is provided.

Dr WATSON: This very important amendment is derived from an amendment that I had included on the Notice Paper about the provision of information to the next of kin at the time the body is identified. The Attorney should not confuse the two.

This amendment should provide an instruction to the state officer at the place of the identification of the body so that it would be incumbent on that person to provide a brochure in clear language outlining the rights and obligations of all parties in relation to the investigation, including the information that the Attorney proposes should be provided under clause 19.

This is very important. We know of tragedies which have occurred, and we know that tragedies are waiting to happen, because of the mental state in which some people find themselves as a response to sudden death and the compounding circumstances which follow it of not having information or explanations, or not being informed about the rights and obligations of all parties. It is terribly important that people receive appropriate information. I acknowledge that there are amendments in the Attorney's name which provide for a code to be developed for this kind of information. That is similar to the issue involving identification of people of Aboriginal descent and the provision of information to those people. If we get it right at the beginning, we will avoid costs to the health system, to employers and to family interaction. Grief and bereavement are bad enough and we should understand that we can take certain steps in the Parliament to reduce the compounding effects of sudden death.

Mr D.L. SMITH: I would like an assurance from the Attorney that "where practicable" does not mean simply the balance of convenience and that information will be provided in writing only in rare and exceptional cases. I would like the Attorney to expand on how she interprets those words. I believe the information should be provided in writing in almost every case.

Mrs EDWARDES: The amendment arises from discussions between the member for Kenwick and my officers. The member for Kenwick and I have been very interested in the provision of information by way of pamphlets in several areas and how best that can be achieved. When the member for Kenwick was involved, in a ministerial capacity in women's interests, a great deal of work was carried out to provide information for women in pamphlets, in a form which they could readily understand through pictures and the like.

We will provide the information in writing. We propose to do that in a detailed brochure which is presently being worked on. It is based on a very successful model in South Australia. However, we are aware that some members of the community will not be able to read the brochure and that we must provide the information in a form they can understand. Where practicable, we will accommodate their needs.

Mr D.L. SMITH: In my view, the obligation should be to provide it in writing unless there is a very good reason not to do that. Where the person is illiterate, the information should be required in writing and an oral explanation should be provided of the document at the time it is handed over. The fact that someone is illiterate should not mean that that person does not receive written documentation. They should receive it and someone should take them through the document and explain it to them.

Mrs Edwardes: That may well be the case. I cannot give the member all the possibilities which may arise. I do not think that I should do that. However, the senior next of kin may not be the person to identify the body because that person, who has been advised of the information, may be in the Eastern States and need to know the information immediately. The issue could be followed up in writing in respect of the provision of information to the other family members in this State. There will always be special circumstances.

Mr D.L. SMITH: I would have preferred an assurance from the Attorney that it would occur only in rare and exceptional circumstances.

Mrs Edwardes: It will be in rare and exceptional circumstances. I was simply trying to provide examples to clarify the issue for the member.

Dr WATSON: I want the Attorney to put on record that this information will be provided at the time the person identifies the body. That is the key. We have learnt that from nearly 3 000 people.

Mrs EDWARDES: It will be provided to the senior next of kin at the first possible opportunity. If the senior next of kin identifies the body, he or she will be provided with the information at the time. If they do not identify the body but are informed of the events, they will be provided with the information at that time. We cannot stipulate that the information be provided at the time the body is identified. If the senior next of kin is identifying the body, he or she will get the information. What we are proposing to do, and what we currently do, is provide that if the police are the first point of contact, they will provide a detailed brochure and the funeral parlours will also have the brochure -

Dr Watson: But we cannot have too many.

Mrs EDWARDES: There were two views in relation to that. We tried it the limited way and it did not work. We are now stipulating that it should be provided at every opportunity and there has been some backlash in respect of that. We will keep monitoring it. Everyone is different.

Dr WATSON: I want to emphasise that it is important that the senior next of kin, even if they are in Queensland, get that information.

Mrs Edwardes: Absolutely.

Dr WATSON: But the person who identifies the body presumably will become immediately involved in making arrangements.

Mrs Edwardes: Not necessarily.

Dr WATSON: The person identifying the body obviously has some kind of connection. I want the Attorney to say on record that when the body is identified the person identifying the body will receive a copy of this information.

Mrs EDWARDES: Section 19 provides that the coroner who has the jurisdiction to investigate a death must, as soon as practicable after assuming that jurisdiction, provide the deceased person's next of kin with that information. We are including this subclause, which provides that that information must be in writing. The member is saying that she wants that information to be provided to the person identifying the body. The person identifying the body may not need that information; that is, it could be someone who worked with the deceased during the day - it could be a contractor - and that person may never have worked with the deceased person previously, and may not have any relationship with that person or any knowledge of the family. Once the police make contact, they will provide that information at the earliest time. We are saying that that

information should be provided as soon as possible to the family. The commitment is there.

Dr WATSON: There will certainly be a watching brief as there are many interested people in the community. The legislation will be assessed after 12 months. This is a very important step in the process.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 20: Directions by State Coroner -

Mr RIEBELING: I move -

Page 14, line 3 - To insert after "*Act 1957,*" the following -

and without reducing the independence of the investigators or the coroner,

Page 14, after line 8 - To insert the following subclauses -

(3) Where the State Coroner gives a direction to cease an investigation under subsection (2), he shall provide written reasons for that direction to the Minister responsible for administering this Act and the Minister shall cause copies of those written reasons to be tabled in both Houses of Parliament within 3 months from the date on which the State Coroner's direction to cease an investigation was made.

(4) If, within the expiration of the period referred to in subsection (3) either House is not sitting so that subsection (3) cannot be complied with, the Minister shall immediately on the expiration of that period -

(a) transmit copies of the State Coroner's written reasons to the Clerk of the Legislative Council and the Clerk of the Legislative Assembly; and

(b) make a copy of those reasons available to the public.

The ability to make a direction as contained in subclause (2), which allows the State Coroner to make a direction to a coroner to cease investigations into a particular death, is not in the public interest. One would expect that the coroner investigating a death has reasons for pursuing an investigation. Presuming that the coroner has the confidence of the State Coroner, at least initially when appointed to investigate the death, that independence should be maintained until that coroner comes to a determination.

In what circumstances does the Attorney believe it would be suitable to allow the State Coroner to direct a coroner to cease investigations? If the direction were to commence an investigation, I could understand it - or if the State Coroner considered that a regional coroner had not taken up the investigation that the State Coroner directed. However, it seems to cast doubts on the ability of coroners to allow the State Coroner to direct a regional coroner to cease an investigation. The independence of coroners should be paramount in this legislation. To detract from a coroner's ability to investigate independently weakens this Bill.

The Attorney General should either remove the ability to cease the investigation or accede to this amendment. If she insists on leaving in this legislation the ability for the State Coroner to issue a direction to a coroner to cease an investigation because a coroner is taking too much time, is on the wrong track, has a breakdown or something along those lines, there must be some sort of check on the reasons he made that decision. If the coroner - a magistrate as described earlier in the legislation - becomes incompetent this Chamber and the other place should be made aware of the State Coroner's concerns. The Attorney should have no problem tabling the reasons the State Coroner gave for his decision about the suitability of a coroner to investigate a particular death.

A similar direction appears in a number of clauses in this Bill. It is an attack on the independence of magistrates to perform their duties to the satisfaction of the public. The regional coroners must be given a degree of independence by the State Coroner. To

allow this type of direction to remain in this legislation weakens the entire Bill. Throughout this legislation the Bill provides for the State Coroner to direct coroners to do certain things which reduces their independence. It is a backward step and I am sure that the community will agree with me as soon as they become aware of the legislation. I hope the Attorney will either decide that this amendment is acceptable or remove from the Bill the ability of the State Coroner to direct the ceasing of an investigation into a death. Either way, this clause must be tidied up, perhaps not to the satisfaction of the legal fraternity or the police, but the general public who hope that this Bill which replaces a very old Act is satisfactory. This legislation will operate for 60 or more years and the public must have confidence in it. They must be sure that the investigations into deaths are carried out as quickly as possible and without interference from the State Coroner who may be thousands of miles away.

From my reading of this clause the State Coroner is not required to give any reasons for his request to cease the investigation. I cannot see anywhere in this clause where the State Coroner's decision shall be articulated in any way other than a direction to cease the investigation. I hope the Attorney will answer the questions I have raised.

Mrs EDWARDES: Subclause (1) does not derogate from the power of the coroner. It states that section 10 of the Stipendiary Magistrates Act is not relevant to the investigators. This clause does not in any way reduce the independence of the coroner. The advice which has been given to me and provided to the member at a briefing is that under subclause (2) it may be necessary for the State Coroner to take over the investigation. The member must bear in mind that the appointment of a State Coroner is a major step and he will ensure there is a better level of consistency and that guidelines are established. The magistrates who are acting as coroners in each region will come under the control of the State Coroner. It may be necessary for the State Coroner to take over an investigation because of the time delay before a regional coroner can hear an inquest. It is in the public interest to have the matter dealt with quickly.

The regional coroner might have to disqualify himself for personal reasons. He may lack the expertise to determine whether to investigate the circumstances of a death, to determine the medical cause of death or to refuse to hold an inquest when one would benefit the community. The State Coroner has a duty under this Bill to ensure that an inquest is held when one is desirable.

I do not have a problem with the points the member raised and I am sure the State Coroner would not have any problems with his reasons being made public. It is in the public interest to have the information readily available and I am sure it will be made available. I will undertake to look at how best that can be achieved. The State Coroner does not provide an annual report now, but under this legislation he will be obliged to do so. The information the member requested may be something the State Coroner will be required to provide. I will investigate the matter and advise the member before the legislation passes through the other place.

Mr RIEBELING: It appears that the Attorney misunderstood what I said. I do not have a problem with the State Coroner having the power to direct a coroner to investigate. Some of the reasons the Attorney gave appear to refer to a circumstance where the regional coroner is reluctant to investigate.

Mrs Edwardes: There could be a direction to cease the investigation and the State Coroner will take it over. Those reasons can be made public and I do not have difficulty with that because it is in the public interest. I will undertake to determine how best we can do that and come back to you.

Mr RIEBELING: I understand what the Attorney is saying. I am concerned only about a situation where the State Coroner directs a coroner to cease an investigation. Is the Attorney telling the Committee that the only circumstance where that is likely to occur is when the State Coroner has directed that the investigation cease and then he changes his mind and says that he will conduct the coronial inquiry?

Mrs Edwardes: There may not be a change of mind. Circumstances may arise.

Mr RIEBELING: From my understanding of the Bill there will not be a need to instruct someone to cease an investigation when he is not investigating.

Mrs Edwardes: It could be purely an administrative process. I will undertake to follow this matter through and get back to you.

Mr RIEBELING: Will that be before the Bill passes through the other place?

Mrs Edwardes: Yes.

Amendments put and negatived.

Clause put and passed.

Clause 21: Jurisdiction of coroner to hold inquest into a death -

Dr WATSON: I refer the Attorney General to subclause (1)(d) and ask her to provide an example of where the Attorney would direct that an inquest be held into a death.

Mr RIEBELING: Subclause (2) states that a coroner who has jurisdiction to investigate a death may hold an inquest if the coroner believes it is desirable. I am concerned about the use of the word "desirable". It is a strange word to use in that context. I suggest the wording "the coroner believes it is required". The word "desirable" leads one to believe that an opinion or a choice is required whether the coroner should hold an inquest.

Mrs EDWARDES: The power under paragraph (d) is similar to the power I currently have. Often that power is used when people are dissatisfied because an inquest is not being held. I used that power recently when a woman went missing off Rottnest Island. The member will be aware of several instances in his electorate.

Dr Watson: Can you direct inquests into deaths by suicide, raised by the member for Morley?

Mrs EDWARDES: I follow the guidelines. I do not have them with me, but I am happy to go through the guidelines with the member and refer to the precedents.

Dr Watson: The guidelines are not in the Statute?

Mrs EDWARDES: No.

Dr Watson: They are prescribed by tradition.

Mrs EDWARDES: It has always been open to legal advice from the Crown Solicitor. Each case is handled separately. I could go through some of the reasons.

Dr Watson: This provision will give the Attorney power to direct investigations into the 20 deaths by suicide.

Mrs EDWARDES: I do not know whether the member was present when we debated that. We do not have the information. We have asked for it. It is all very fine for the member for Morley to say that we should go away and do all the work, and so on. We are looking at some of those aspects.

Dr Watson: They would be the circumstances in which you can direct.

Mrs EDWARDES: Yes. As to the queries by the member for Ashburton, the qualification of "the death was caused" is in the word "appears". That is, a coroner who has jurisdiction to investigate a death must hold an inquest if the death appears to be a Western Australian death, and it appears that the death was caused, and so on. An example offered in the briefing was that that would include a death arising during a police chase in a motor vehicle.

Mr RIEBELING: I stated that the word "desirable" is inappropriate in the context of subclause (2). The word is wishy-washy, because the coroner may be able to say that he does not need to hold an inquest. The word is not suitable.

Mrs EDWARDES: I missed the member's point. The word "desirable" in subclause (2) means it is desirable in the public interest, and so on. It is wider than all the other types of matters, about which the coroner must hold an inquest. A suicide could be an example of such a circumstance.

Clause put and passed.

Clause 22: Investigation of suspected deaths -

Mr RIEBELING: Is subclause (2) a method of obtaining a death certificate for the management of a person's estate, for example? If that is the case, should a time frame not be prescribed to allow a quick resolution of the problems that may arise in the handling of a person's estate?

Mrs EDWARDES: The clause relates to missing persons; therefore, if a death occurs, the coroner can issue a death certificate.

Mr RIEBELING: Would it not be sensible to include a time frame for the provision? Given the reason for the subclause, perhaps the words "it is deemed to be" may result in the quick resolution of an estate which may be causing a great deal of grief for the people adversely affected by an inability to process the estate.

Mrs EDWARDES: The difficulty is that when somebody goes missing the circumstances of that person's death may not always be available. We may know there are suspicious circumstances. In every instance they may not be known. In fact, they may not be known for years.

Mr Riebeling: Like suicides?

Mrs EDWARDES: Suicides are different. That information would not be known. It would be very difficult to raise it. This is one of the areas where I have been contacted in my role to order an inquest where persons have been missing.

Mr Riebeling: Would it be the intention if a family approached you with a certain set of circumstances?

Mrs EDWARDES: More often than not it occurs in shipping incidents. Often we can look at that sort of thing and order an inquest. It allows for the coroner to do so.

Clause put and passed.

Clause 23 put and passed.

Clause 24: Findings and comments of coroner -

Dr WATSON: I withdraw the amendments standing in my name because the Attorney General has had the good sense to include them within this clause.

Mrs EDWARDES: I move -

> Page 16, line 6 - To insert the following subclauses -
>
> (3) Where the death is of a person held in care, a coroner must comment on the quality of the supervision, treatment and care of the person while in that care.
>
> (4) Where a post mortem examination is held as part of the investigation of a death and a finding has not been made within 21 days after that post mortem examination, then the coroner must provide written information on that examination to any of the next of kin under section 37(5), unless it is not practicable to do so.

Dr WATSON: Subclause (3) subsumes recommendations 12 and 13 from the Royal Commission into Aboriginal Deaths In Custody report. Where the death occurs of any person held in care, it is incumbent on the coroner to comment on the quality of supervision, treatment and care of that person prior to his or her death. This is a sensible recommendation. It is needed for people not only in custody but also in any kind of care as defined in the interpretation clause in part 1 of the Bill. We are pleased to support subclause (3). I refer to subclause (4) which picks up another amendment about providing information within 21 days to the next of kin. I ask the Attorney General to provide an explanation for those circumstances where it would not be practicable to do so. That is a qualification at the end of this subclause.

Mrs EDWARDES: It relates to suspicious circumstances when the police have not

completed their investigations or the information is not available to the senior next of kin. The next of kin can receive some advice about the situation so that they are not left waiting.

Dr Watson: It does not say "senior next of kin"; it says "next of kin".

Mrs EDWARDES: It provides a level of flexibility for the coroner to write to the next of kin. The senior next of kin may very well be the subject of the suspicious circumstances.

Mr RIEBELING: It appears to be quite specific that the coroner is not to suggest that a person is guilty of an offence. In fact, this clause does not appear to provide the ability to commit a person for trial on the findings of the coroner, as was the case previously. It appears that that now occurs through a process of a report to the Director of Public Prosecutions. I am concerned about the ability of the coroner to put across what he wishes to the DPP, who might be somewhat inhibited if the coroner could not suggest that a person was guilty of an offence. If the coroner directs a report to the DPP for consideration of a possible indictment of a person for an offence, the coroner must indicate that in his opinion the person is guilty of some sort of offence, at least in prima facie proceedings. This clause - I hope the Attorney General will correct me if I am wrong - restricts what the coroner can put into the report, if that method is now to be used for taking a person from the coroner's jurisdiction into the criminal system for an offence against the Criminal Code.

I ask the Attorney General to explain the limitations that will be placed on a coroner's findings and comments, especially in relation to clause 26, which apply to the report to the DPP if the findings referred to under clause 22 and the report are public documents. Can the Attorney General explain how the public or a relative will get to know of the content of a report as mentioned under clause 26, especially if the DPP decides not to pursue the matter through criminal prosecution?

Mrs EDWARDES: There is no limitation on what the coroner can do by way of reporting to the DPP, and it is not intended to do so. Clause 26(4) does not limit the coroner's report where he believes an offence has been committed. In that sense, a finding or comment is taken to be published.

Mr Riebeling: Is it a published document?

Mrs EDWARDES: It does not limit or restrict clause 26(4).

Amendment put and passed.

Dr WATSON: I move -

> Page 16, after line 9 - To insert the following subclause -
>
> (4) Not withstanding subsection (3), a coroner may recommend that matters of civil or criminal liability be further investigated.

My colleague the member for Ashburton has touched on this. Will the Attorney indicate to me where those amendments are that provide that a coroner can make those recommendations?

Mrs Edwardes: Page 18 of the Notice Paper.

Dr WATSON: I will withdraw my amendment.

Amendment, by leave, withdrawn.

Mr RIEBELING: If the findings of a coroner are restricted, as it appears they are, how is the next of kin, the Press or any interested group to know the contents of the report when in the published comments, despite what the Attorney General said, the coroner is restricted from making adverse findings about a person's guilt of an offence? I cannot work out why this restriction on the finding is in this clause. If the coroner decides that an adverse report is to go in under clause 26, how is that transmitted to the interested parties under clause 24? I thought that clause 24(3) specifically restricted the coroner from making an adverse finding on questions of civil liability or guilt of a person of any offence.

Mrs EDWARDES: There is a difference in the compelling of giving evidence between the Bill and the existing Act. The existing Act does not contain such a provision, but this Bill does. The member asked how the family members would be aware of the report going to the Director of Public Prosecutions; that is a valid point. I will go through in more detail how family members would be aware of any recommendation or report which may not infringe clause 24(3) and get back to the member.

Clause, as amended, put and passed.

Clause 25: Record of findings and comments -

Mr RIEBELING: I assume that under subclause (1) a copy of the report could be given to the next of kin but could not be used in any other court. Is that because the rules of evidence will not be as if it were a civil case?

Mrs Edwardes: That is my understanding.

Mr RIEBELING: My understanding of the old inquest system is that it was exactly the same and that the coroner could adduce evidence in any manner he saw fit.

Mrs Edwardes: They did not have to give evidence. I am sure the member will remember the renowned inquest which had several goes at dealing with police officers.

Mr RIEBELING: I remember a couple in my area that caused a great deal of concern. The only reason is that the evidence will not be sworn and, therefore, it cannot be relied on in another court. Is that prohibited from being used in perjury trial or civil case?

Mrs Edwardes: Clause 45 (3) of the Bill provides that it is not admissible except for prosecutions for perjury.

Mr RIEBELING: That clause refers to the granting of a certificate. Where perhaps vital evidence has been adduced by the coroner, other courts may wish to access the documents. Can the Attorney tell me why those documents cannot be used in evidence to prove a point in perhaps a civil case?

Mrs EDWARDES: I am sure that if the member reflected on what occurred several years ago he would remember that what would happen is that although the evidence given before a coroner's court cannot not be used as evidence in another court, the subject matter can be adduced under the laws of evidence in the other court and, therefore, it would again be adduced. It cannot be just accepted.

Mr RIEBELING: Can a copy of the evidence be used in court as a reference to the evidence?

Mrs Edwardes: No.

Mr RIEBELING: A solicitor could not say, "In the Coroner's Court on such and such a date you said this"?

Mrs Edwardes: No, absolutely not.

Mr RIEBELING: Even if it were said under oath?

Mrs Edwardes: This is the purpose of allowing the coroner a greater role in investigating and determining.

Mrs EDWARDES: I move -

> Page 16, after line 14 - To insert the following subclause -
>
> > (3) Where the senior next of kin of the deceased asks a coroner for a copy of any part of the record of the investigation into the death of the deceased, including any evidence, the coroner is to provide that person with a copy of the information requested, unless the coroner believes it is not desirable or practicable to do so.

Dr WATSON: This amendment picks up some of the content of the amendment to clause 27 standing in my name. Will this information be free? The Opposition feels strongly that for family members, those who have an attachment to the person who is the

subject of the inquest, there should be no fee for this service. People should have access to a copy of the whole record or part of the record of the investigation into the death of the deceased. The Opposition considers this an important component of services to be provided by a coroner's office. I can understand that the Attorney General may think that it is not appropriate, desirable or practicable to provide information to someone who may be the subject of investigation for homicide or who has some kind of relationship with that death. The Opposition needs assurance that this kind of service will be free of charge to the person seeking it.

Mrs EDWARDES: That has not been the case up to date. The transcript and so on have generally been provided at a cost. However, it is definitely the case that coroners' findings are provided free of charge, and that will continue to be so. Because the copyright rests with the Crown, requests for transcripts can be made to the Attorney General in certain circumstances. I may waive or reduce the fee depending upon the circumstances - and I have done so.

Dr WATSON: The Opposition opposes in principle fees for services of this kind. We would like an indication on the parliamentary record, if not in the legislation, that it is not a desirable means of raising revenue for the State.

Mrs EDWARDES: It is not raising revenue. The member will be aware that it would not even cover costs.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 26: Reports -

Mrs EDWARDES: I move -

Page 16, line 18 - To insert after "year" the following -

, including a specific report on the death of each person held in care

Amendment put and passed.

Dr WATSON: I move -

Page 16, after line 18 - To insert the following subclause -

(2) Where information is provided by a government agency in relation to the death of a person held in care, the State Coroner shall include such information in the annual report to the Attorney General required under subsection (1).

This amendment goes somewhat further than the previous amendment, but it relates to information provided by the agency rather than the coroner's findings about the death of a person held in care. Clearly, the coroner would have to take into account matters of confidentiality, confidential information and, in some cases, anonymity.

Mrs Edwardes: How do you propose that be done?

Dr WATSON: I think it is clear in the amendment. We have focused a lot on deaths in custody; however, it might be a death in an operating theatre or the death of a foster child - those people held in care. The government agency - the hospital or the Department of Family and Children's Services - would submit a report to the coroner about the quality of care and the way that care was supervised prior to the person's death. That kind of information should be included in that report of the coroner to the Attorney General.

Mrs Edwardes: That is the amendment the Government just moved for the specific report.

Dr WATSON: A more specific amendment has been moved; that is, the coroner would include in his annual report on deaths every death of a person in care that was being investigated. He might say that there had been three deaths in prisons. Further to that, the information provided by the agency on the death of that person would also be

provided in the annual report. In the end we are looking at how to prevent deaths. We are looking at collecting as much information as possible. Let us say that a death on the Royal Perth Hospital operating table was due to the failure of a certain anaesthetic machine. One would then imagine that all hospitals using similar machines or providing a similar kind of treatment to the patients -

Mrs Edwardes: You wouldn't want that to wait until the annual report.

Dr WATSON: No, but we would want to know in the annual report about the cause of death. It is a way of expanding the information provided in the first amendment.

Mrs EDWARDES: The member for Kenwick has commented on the death of a person held in care. The amendments that I have moved include a specific report on the death of each person. That is more than just three deaths at Royal Perth Hospital. That is why there is a new reference.

As for information provided by a government agency, if the coroner were providing that holus bolus in an annual report, it may include information that a family might not wish to have in a public annual report. For instance, it might have been a suicide and the family might not want that fact to be identified.

Dr Watson: I said in my qualifying words that -

Mrs EDWARDES: I know, but that is not in the amendment. Also, in terms of machinery, equipment and the like - I have said that one would not want to wait for an annual report - the coroner can make that matter public when he talks about health, safety, public interest and so on. Again, it will not be hidden. It is in the public interest to be notified.

Amendment put and negatived.

Mrs EDWARDES: I move -

Page 16, after line 26 - To insert the following subclause -

(4) Where a recommendation made under subsection (3) regarding a death of a person held in care is relevant to the operation of an agency, the State Coroner must inform that agency in writing of the recommendation.

Page 17, lines 1 to 4 - To delete "to the Director of Public Prosecutions if the coroner believes that an indictable offence has been committed in connection with a death which the coroner investigated." and substitute the following -

to -

(a) the Director of Public Prosecutions if the coroner believes that an indictable offence has been committed in connection with a death which the coroner investigated; or

(b) to the Commissioner of Police if the coroner believes that a simple offence has been committed in connection with a death which the coroner investigated.

Dr WATSON: Again, I thank the Attorney General for rewording my amendment, which becomes subclause (4). It relates to recommendations under clause 26(3). Where a recommendation regarding the death of a person held in care is relevant to the operation of an agency, the State Coroner must inform that agency of the recommendations in writing. I thank the Attorney General for including that amendment, albeit in her form of words. It is important to a range of public institutions. It might be about suicide-proof cells in prisons and in police lockups. It might be about anaesthetic machines. It might be about a range of areas where people defined in part 1 may be in state care. It is most important that there be some follow up to prevent other deaths, mishaps or misdemeanours.In occupational health and safety practice, we used to say that it was as important to report the near misses as it was to report injuries and accidents because there are vital clues to the operation of a workplace in counting and recording the number of near misses or, as some would say, near hits. It is just as important for the State Coroner

to report back in writing to the agency about its operations to make sure that his recommendations are known to the agency and followed up.

I understand that the member for Ashburton was concerned about some of those issues. From its consultations, the Opposition believes that such matters are very important, particularly in relation to the infant known as the Telethon baby. Her death was investigated by the coroner. It is very difficult for people to come to terms with the fact that the coroner did not seem to have power to progress that case any further. I imagine that this clause can pick up the same reference to the Director of Public Prosecutions or to the Commissioner of Police.

Mrs Edwardes: It covers all criminal offences, not just indictable offences. I do not know off the top of my head the circumstances surrounding the matter to which the member for Kenwick refers. We amended the provision so that it covers any offences.

Dr WATSON: That is an improvement.

Amendments put and passed.

Clause, as amended, put and passed.

New clause -

Dr WATSON: I move -

> Page 17, after line 4 - To insert after clause 26 the following new clause to stand as clause 27 -
>
> **Reports to be provided to senior next of kin**
>
> 27. (1) The senior next of kin shall be entitled to a copy of -
>
> (a) the report of the investigation;
>
> (b) the record of finding; and
>
> (c) the record of evidence.
>
> (2) A copy of the report of the investigation provided under this section shall be directed to the senior next of kin free of any charge.
>
> (3) A copy of the record of finding or record of evidence provided under this section may be directed to the senior next of kin for a fee prescribed by regulation.
>
> (4) The senior next of kin shall be entitled to access and to view any of the documents identified in subsection (1).

Again, I must comment on the logic of the clause I am amending, having been disrupted by the way in which amendments have been inserted. Had the Attorney General not agreed to any of those recommendations for amendments by the Opposition, this would flow on quite well. I thanked her previously for accepting an amendment about access to records and copies of records or parts of records. Again, the Opposition has divided documentation into three categories; namely, the report of the investigation, the record of finding and the record of evidence. The Opposition believes the documentation should be provided free of charge. In fact, a copy of the record of finding and record of evidence may be directed to the senior next of kin for a fee prescribed by regulation. Even though the Attorney General has accepted the amendment which is not as strong as this one, it is important to make the point and have it on the official record.

Mrs EDWARDES: The member refers to section 25(3) which ostensibly addresses the proposed amendment. The findings and evidence are provided free of charge. There is a charge for transcripts, but it is at less than cost and people can write to me, as the copyright resides in the Crown, for that fee to be waived. That has been done. All next of kin have access to the file, although post mortem photographs have not been made available. That will continue.

Dr WATSON: I bring to the attention of the Attorney General a letter provided to me by a parent about this issue. It is very painful when a person must return to the coroner's

office because he or she has not been able to obtain documentation about the death or the circumstances. I referred to this letter in the second reading debate. Mr and Mrs Hazelden have given me permission to use this letter, which relates to the death of their son Travers Ronald Hazelden. The letter is written to the manager of the State Mortuary as follows -

> We have previously asked in writing for documentation of all information associated with transportation of tissue organs or material removed during the post mortem of our son Travers Ronald Hazelden at the State Mortuary and its direction to appropriate departments outside of the State Mortuary on the 13 of December 1991.

This matter is still unresolved, and it is now December 1995. The letter continues -

> The Coroners department do not hold this information or documents at 172 St Georges Terrace, Perth.
>
> 1. As the next of kin of Travers Ronald Hazelden, (parents) we request under the Freedom of Information Act the documentation regarding organs, tissue or any material removed during the autopsy conducted on the 12-13th June at the State Mortuary.
> 2. We have also been informed that photographs were taken before and during the post mortem at the State Mortuary at QEII of our son, Travers Ronald Hazelden. We request a copy of these photographs under the Freedom of Information Act and as next of kin.
> 3. We have also been informed that your department keep a record of all organs, tissue and material returned to the State Mortuary and request a copy of those records which relate to our son Travers Hazelden, under the Freedom of Information Act.
> 4. For your information our son Travers Ronald Hazelden is also known to your department as Lab#X91/672-1991.

This woman had no option other than to drive home the fact that if the department did not recognise her son by name, he could be identified by number. The letter continues -

> We are aware that costs may be incurred under the Freedom of Information Act and will accept any such charges.

These parents should not have to do this through freedom of information legislation. Other parents and spouses have had similar difficulties. They should not have to resort to freedom of information legislation. I want to be assured that they have access to information as of right.

Mrs EDWARDES: All next of kin now have full access to these files, except the post mortem photographs. I am advised, and I have no information to the contrary, that all information at the coroner's office has been provided to Mrs Hazelden. I am also advised that copies of all the medical information from the forensic pathology section have been provided, and I do not have information on any other matters which have not been provided. The Freedom of Information Act does not apply to the Coroners Act. However, the department provides, and will continue to provide, access to the files and information held at the coroner's office.

Dr Watson: People should not be left in that position. They should have access to information as of right through this legislation.

Mrs EDWARDES: I hope the system no longer exists that allowed that to occur.

Amendment put and negatived.

Clause 27: Notification of reported deaths to the Registrar General -

Dr WATSON: Until recently I was unaware that it does not cost to register a birth but it costs to register a death with the Registrar General. The Attorney General may not be aware of that either. Two women who lost their infants to sudden infant death syndrome

pointed out that they would much rather have paid to register their babies' birth than their babies' death. I would like the Attorney General's assurance that she will establish the protocols and requirements of registration of births and deaths. I am sure she will appreciate the sad irony of the circumstances in which a family is required to pay costs to register the death of their babies when they have registered their births free of charge.

Mrs EDWARDES: When this information was brought to my attention we immediately contacted the Registrar General's office. There is no cost by the Registrar General for registration of births or deaths. That information was incorrect. However, I have been informed that the funeral director, not the Registrar General, sometimes charges a late fee if a death is registered more than 14 days late. If any specific circumstances can be referred to, we can follow through. It is not a Registrar General charge; the service is free.

Clause put and passed.

Clause 28: Certificate of disposal of body -

Dr WATSON: I withdraw my amendment.

Mrs EDWARDES: I move -

> Page 17, line 24 - To insert after "disposal" the words "of the body or any parts of the body".

Dr WATSON: It is incredible that this amendment was missed in the drafting. Subclause (1) provides that a coroner investigating a death must issue as soon as reasonably possible a certificate in the prescribed form permitting burial, cremation or other disposal. I proposed and the Attorney General has taken it up, that "disposal of the body or any parts of the body" be added. It is incredible that some of the publicity that surrounded the drafting of this legislation did not have sufficient impact to ensure this was included in the original Bill. However, we are pleased it has now been included and it will be law that the Coroner must write a certificate which permits burial, cremation or other forms of disposal of not only the whole body but parts of the body. This is a terribly important amendment.

Mrs EDWARDES: It was implied, and the current practice is to issue certificates for the disposal of the body or body parts. However, the amendment makes it very much clearer for anyone reading the document.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 29 and 30 put and passed.

Clause 31: Restriction of access to area -

Mrs EDWARDES: I move -

> Page 19, line 8 - To delete "$500" and substitute "$2 000".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 32: Powers of entry, inspection and possession -

Mrs EDWARDES: I move -

> Page 20, line 19 - To delete "$500" and substitute "$2 000".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 33: Post mortem examinations -

Mrs EDWARDES: I move -

> Page 21, line 7 - To delete "permission" and substitute "informed consent, in the prescribed form,".

Page 21, line 23 - To delete "$5 000" and substitute "$10 000".

Page 22, line 2 - To insert after "removed" the words "and is given a chance to view the written permission of the deceased".

Amendments put and passed.

Clause, as amended, put and passed.

New clause -

Mrs EDWARDES: I move -

Page 22, line 3 - To insert after clause 33 the following new clause to stand as clause 34 -

Independent doctor at post mortem examination

34. If the senior next of kin of the deceased asks a coroner to allow a doctor chosen by the senior next of kin to be present at a post mortem examination, the coroner is to allow that doctor to be present and is to ensure that the doctor is informed as to the time and place that the examination is to take place.

New clause put and passed.

Clause 34 put and passed.

Clause 35: Objections to post mortem examinations -

Dr WATSON: I move -

Page 22, line 27 - To delete "2" and substitute "7".

Page 23, line 1 - To delete "2" and substitute "7".

Page 23, after line 6 - To insert the following subclause -

(5) Any costs incurred in an application to the Supreme Court under this section shall be borne by the Attorney General.

This is a very contentious clause. People may wish to object to a post mortem examination of their next of kin. I understand that in Victoria, where amendments were made to the Coroners Act some years ago to allow people to object to a post mortem examination, there have been very few objections. The point must be made that under this legislation, the senior next of kin has only two days within which to make an objection to the Supreme Court. This issue has been argued on radio by me and the Attorney, in newspapers, and in publications. People who are told that someone whom they love has met with sudden death are in no fit state to gather their wits and get to the Supreme Court within 48 hours to object to a post mortem examination. The Opposition believes that 7 days is a more realistic measure of how people function in that first stage of stunned disbelief when they are told about the sudden death of someone whom they love and can get themselves to the Supreme Court to object to a post mortem examination. I appeal to the Attorney General to consider replacing two days with seven days. I understand that mortuary technology now ensures that a body can be kept in the kind of condition in which a post mortem examination can be conducted after seven days if the Supreme Court judge, who I understand will sit alone, does not uphold the appeal. It is important for the Parliament to take into account the immediate circumstances in which people find themselves. My amendments also provide that any costs incurred shall be borne by the State and not by the individuals who have made an application to the Supreme Court.

Mrs EDWARDES: We are not talking about 48 hours after the death has occurred. If the next of kin are advised that there will be a post mortem examination and they say that they will object to that post mortem examination, the coroner must then advise the next of kin in writing. The next of kin then have 48 hours after the receipt of that written advice within which to lodge an appeal. Therefore, it is likely to be longer than 48 hours in any event. I have considered the extension very carefully, particularly in light of the

fact that the Honey report recommended 24 hours. We took into account some of the difficulties of remote and regional areas, and after considering all of the practicalities, we believe that 48 hours is adequate.

Mr D.L. SMITH: In my view, two days to make an application to the Supreme Court is inadequate, particularly where the coroner and the senior next of kin are in the country. The actual method of applying to the Supreme Court is not spelt out in this clause. Does the Attorney intend to prescribe or regulate the mode of application, or does she envisage that it will be dealt with under the Rules of the Supreme Court? Will the application need to be supported by affidavit or will oral evidence be sufficient?

I note that under subclause (4) the onus is on the person applying for an order that a post mortem not take place. That will mean it may take a few days to gather enough evidence to discharge that evidential burden. Although I take the Attorney's point about the process to be adopted - that is, the notification of the intention takes place - if the senior next of kin objects the coroner shall make a decision about whether he accepts that objection at that level, and, if not, he is required to give notice to the next of kin and then not proceed with the post mortem until a period after that notice is given. Under subclauses (2) and (3) the two day period is inadequate and it should be seven days. I am not happy at the onus being left to the coroner. I ask the Attorney to consider some rewording of the clause so that if the coroner decides to proceed immediately he should provide in writing his reasons for that. There would plenty of opportunity for a coroner who wants to be bloody-minded to legally proceed. In any event the amendments moved by the member for Kenwick seem to be eminently reasonable.

Some of these post mortems will take place in the country, and in general people will not be able to handle Supreme Court proceedings themselves. At best these applications would be by way of charge or summons. I hope that in due course those summons could be supported by oral evidence, rather than by affidavit and that upon written notice of a person refusing a post mortem he or she must satisfy the Supreme Court that it is advisable in the circumstances. Given that evidential burden there needs to be some opportunity for the person making the application to put that evidence together and call people who might be able to answer questions which the coroner feels need to be answered. In the end these issues will come down to a question of the coroner not being satisfied as to the cause of death and believing that a post mortem will assist in establishing the cause of death. If the senior next of kin forms the view that it is not necessary in a particular circumstance for an autopsy or a post mortem to take place, the coroner must then consider those reasons, and make a decision that he still wants the post mortem to take place. Giving people 48 hours to become involved in Supreme Court proceedings, whether they are in Chambers or by affidavit is insufficient time. It does not provide a real opportunity for most people to make that objection, and in the case of country people it makes it extremely difficult.

Mrs EDWARDES: The period in Victoria is 48 hours, and it has no recorded problem with that period. The method of appeal will be provided for under the rules of the Supreme Court. The rules committee is still working on the method of appeal, and I will advise the member for Mitchell of them as soon as we are informed by the judiciary. The aim is to make the process as simple and as quick as possible. The type of death which may require an immediate post mortem is a suspected homicide. The Supreme Court rules already provide that upon application a fee can be waived in certain circumstances.

Dr WATSON: Issues like fees should be up-front.

Mr Lee, who is an old man who has left Australia and gone home, wrote to me on this issue. He stated -

> For my part I want to see those people made accountable for the acts. There must be consultation and discussion with the next of kin prior to any interfering with remains of their loved ones. Certainly not as it is now to be told after the autopsy has been performed.

Mr Lee would have availed himself of objection proceedings. His daughter told me that

her mother had died about five o'clock on a Wednesday; she was aged 73. The local doctor did not sign the death certificate. We should have debated amendments about this issue. An autopsy was conducted on the next day. There was no consent and no discussion with the family. Mr Lee's daughter Suzanne had flown from interstate to be with her father. She telephoned the mortuary to say that the family did not want a post mortem to be conducted. However, this was the next day, and it had already been done. They removed organs including Mrs Lee's brain. The family was given a number of options about the funeral. One was to have the funeral without the woman's brain. This family did not see the body of Mrs Lee for 12 days. The old man did not see his wife of more than 40 years and her daughter did not see her mother's body for 12 days. This did not happen three or four years ago, but in September. People must have a longer period than two days within which to exercise their right to object.

Mr D.L. SMITH: I express my concerns at the procedures for these applications being left to the Supreme Court. Unfortunately, my view of the Supreme Court of recent years - notwithstanding my admiration for the Chief Justice - is that it tends to develop rules which are created to support the court, but are often inconvenient and costly for the department.

Mrs Edwardes: That is something in which I will take a keen interest.

Mr D.L. SMITH: I would prefer the applications to have been made according to rules prescribed in regulations under this legislation rather than according to Supreme Court rules.

Clause 35(4) seems to cast an onus on the applicant to satisfy the court that it is desirable in the circumstances for a post mortem examination not to take place. I believe the onus should be the other way around. We are talking about an intrusion into the remains of a deceased person which is being objected to by that person's next of kin. The law should be on the side of the next of kin in the first instance. That covers all situations, not just situations where there may be a suspicion that the next of kin is in some way involved in the death.

If there is to be an onus, which I do not believe should exist, on the next of kin to show that it is desirable that the post mortem examination should not take place, there must be a reasonable time for that person to obtain the evidence to support that claim. I have already said that I can imagine all sorts of situations in the country where it will be very difficult for country people to know what to do in that kind of situation. They will have difficulty instructing a lawyer to act on their behalf where necessary. It will be difficult for the lawyer to prepare any documentation which may be required to go before the Supreme Court. That would include the preparation of affidavits.

The Attorney may argue that it is only the application which must be filed within two days. However, that is not the case. The constraint in clause 35(2) is that the coroner can, without any reason, undertake a post mortem examination within two days. It is not just a question of filing the application and arranging the hearing date. They must be determined within two days because if they are not, the coroner is free to undertake a post mortem examination notwithstanding the fact that the application has been made. Under clause 35(2), the only constraint on the coroner relates to two days after the next of kin has been given that notice.

If we do not want the extension to seven days, we must consider clause 35(2) and insert after -

> . . . until 2 days after the senior next of kin has been given notice of the decision -

the words -

> or where the Supreme Court determines an application being made under subsection (3) or whichever is the later time.

If we do not include those words, the coroner will be able to carry out the post mortem examination notwithstanding the fact that the application has been made to the court. It is envisaged that the application will be made in the Supreme Court and it presumes that

the determination will be made within two days of the notification. That is not reasonable. Someone should reconsider this provision. The essence of most of the distress that people feel about the post mortem examination process derives from the fact that they have not been able to object to those examinations in a reasonable way. If the provision is left as it is, it will be an unsatisfactory method of objection. It will not act as a genuine constraint on the coroner in the way intended. Although I do not have any amendments to the issue that I can table now, the very least we can do is accept that the provision should be for seven days and not two days.

Mrs EDWARDES: I take note of the member's point and I will consider it. What he described is not what we intended under clause 35(2). We will reconsider the wording and ensure that it is tight enough to meet the requirements so that once notification has been given that an application has been made to the Supreme Court, no post mortem examination will take place until after the matter has been decided. That is clearly the intention. We will therefore look at the wording and tighten it up.

Progress

Progress reported and leave given to sit again, on motion by Mrs Edwardes (Attorney General).

House adjourned at 12.26 am (Wednesday)

QUESTIONS ON NOTICE

FAMILY AND CHILDREN'S SERVICES, DEPARTMENT FOR - FAMILY CRISIS PROGRAM

Financial Assistance Payments; Allocations

692. Mr BROWN to the Minister for Family and Children's Services:

(1) Between 1 July 1994 and 28 February 1995 how many people were provided with financial assistance under the Family Crisis Program?

(2) What was the total amount paid between 1 July 1994 and 28 February 1995?

(3) How much was allocated/approved from each office of the Department for Family and Children's Services?

Mr NICHOLLS replied:

(1) 11 630 applications approved.

(2) $1 152 619.

(3) I am not prepared to break the information down to each office. However, the figures for each region are -

Region	Applications	Expenditure
Metro	5 652	$607 899
North Country	1 008	$105 011
East Country	1 861	$166 834
South Country	3 109	$272 875

EAGLE AIRCRAFT - GOVERNMENT ASSISTANCE

1528. Dr EDWARDS to the Minister for Commerce and Trade:

(1) What assistance has been given to Eagle Aircraft in the past three years?

(2) Have any requests been denied?

Mr COWAN replied:

(1) The following assistance has been given to Eagle Aircraft and/or Composite Technology - Eagle Aircraft's predecessor - in the last three years - 1992 to date -

Subsidies under the National Industry Extension Service totalling $8 372;

Subsidies under the Export Market Support Scheme totalling $4 767, to attend trade exhibitions in Melbourne and Malaysia.

Non-financial support has also been provided on issues such as the identification of alternative expansion sites and the consideration of temporary lease of land at Henderson for use as a runway.

(2) Financial assistance is based on eligibility criteria being met and no requests for assistance have been denied in the past three years.

SELECT COMMITTEE ON ROAD SAFETY - FOURTH REPORT RECOMMENDATIONS

2354. Mr CATANIA to the Minister for Police:

(1) With reference to the fourth report of the Select Committee on Road Safety on regulations, penalties and the demerit point system, what action has the Minister taken on each of the following recommendations -

(a) recommendation No 1;

(b) recommendation No 2;

(c) recommendation No 3;

(d) recommendation No 4?

(2) For each of the above recommendations, if no action has been taken, why not?

Mr WIESE replied:

I have referred the fourth report to the Road Traffic Board and to the Commissioner of Police for their information and advice to me as to the appropriate action to take on each of the recommendations. As a result -

(1) (a) A review of the Road Traffic Act is being carried out. Which matters may or may not be dealt with by way of regulation is being considered as part of that review.

(b) This matter is being considered in line with the completion and implementation of national traffic code standards.

(c) The demerit point system will be retained and penalties and appropriate changes will be implemented where required as a result of the review of penalties currently being carried out.

(d) The recommendation will be considered with (c) above.

(2) Not applicable.

FAMILY AND CHILDREN'S SERVICES, DEPARTMENT FOR - PEOPLE ON LOW INCOMES ASSISTANCE

2394. Mr RIPPER to the Minister for Family and Children's Services:

(1) What was the total of State Government assistance to people on low incomes through concessions in 1994-95?

(2) How much of this assistance was made up of -

(a) consolidated fund revenue forgone;
(b) revenue forgone by government trading enterprises;
(c) direct payment?

(3) What was the total of any Federal Government financial assistance to support these concessions?

Mr NICHOLLS replied:

(1) Total state government assistance to people on low income through concessions was approximately $197.9m in 1993-94. This information is not available for 1994-95.

(2) This assistance comprised -

(a) $10.7m consolidated fund revenue forgone;

(b) $154.1m revenue forgone by government trading enterprises;

(c) $33.1m in direct payment to people on low incomes or as reimbursement to local government or private service providers.

(3) Commonwealth government assistance to support state government concessions for people on low income was $11 394 000 in 1994-95.

SEX DISCRIMINATION - LEGISLATION

3291. Ms WARNOCK to the Attorney General:

(1) Has the Attorney General received a letter from Hon Justice Michael Kirby AC CMG, Chairman of the International Commission of Jurists, in which he applauds the recommendations contained within the Equal Opportunity Commission's discussion paper No 3, and urges the WA Government to adopt the recommendations making discrimination on the basis of sexuality unlawful?

(2) Are Hon Justice Michael Kirby AC CMG and the International Commission of Jurists highly regarded as advocates for human rights and social justice?

(3) Is discrimination on the basis of sexuality a human rights and social justice issue?

Mrs EDWARDES replied:

(1) I and the Commissioner for Equal Opportunity received the same submission from Hon Justice Michael Kirby AC CMG, Chairman of the International Commission of Jurists, regarding the commissioner's discussion paper wherein he supports the recommendations contained.

(2) That is for the community to judge.

(3) Yes. However, community and other responses to that issue take a number of different forms and directions.

JUSTICE, MINISTRY OF - CRICHTON-BROWNE, NOEL, RESTRAINING ORDER FILE

Officer Charged with Breach of Public Service Management Act

3603. Mr BROWN to the Attorney General:

(1) Has a Ministry of Justice officer been charged under the Public Sector Management Act 1994 with providing Mr Ian Viner QC with a copy of the restraining order issued against Senator Noel Crichton-Browne?

(2) If so, when was the officer charged?

(3) What is the nature of the charge?

(4) Has the officer been suspended?

(5) On what date was the officer suspended?

(6) Is the officer suspended with or without pay?

(7) What is the total amount that has been paid to the officer since he has been on suspension?

(8) Has a date been set for the charge to be heard?

(9) If so, what date?

(10) If not, why not?

Mrs EDWARDES replied:

See response to question on notice 3602.

HOMESWEST - RENTAL DWELLINGS OCCUPIED

Rentals in Arrears; Dwellings not Tenanted

3746. Mr KOBELKE to the Minister for Housing:

(1) What were the total number of Homeswest properties leased to tenants as at 30 June 1994?

(2) What were the number of tenancies which at this stage were in arrears with their rent?

(3) How many Homeswest properties at the same date were not officially tenanted?

(4) What were the equivalent figures for 30 June 1993 and 30 June 1992?

Mr PRINCE replied:

(1) As at 30 June 1994, Homeswest had 34 558 occupied rental dwellings. This figure excludes externally managed dwellings, remote Aboriginal village units, crisis accommodation units, community housing units and joint venture units.

(2) As at 30 June 1994 there were 4 918 tenancies in arrears with their rent.

(3) As at 30 June 1994 there were 1 593 dwellings not tenanted. This figure includes externally managed dwellings.

(4) As at 30 June 1993 -

(a) There were 34 281 occupied rental dwellings. This figure excludes externally managed dwellings, remote Aboriginal village units, crisis accommodation units, community housing units and joint venture units.

(b) There were 5 183 tenancies in arrears with their rent.

(c) There were 1 497 dwellings not tenanted. This figure includes externally managed dwellings.

As at 30 June 1992 -

(a) There were 34 532 occupied rental dwellings. This figure excludes externally managed dwellings, remote Aboriginal village units, crisis accommodation units, community housing units and joint venture units.

(b) There were 6 269 tenancies in arrears with their rent.

(c) There were 999 dwellings not tenanted. This figure includes externally managed dwellings.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3766. Dr WATSON to the Minister for Resources Development; Energy:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mr C.J. BARNETT replied:

Office of Energy advise the following -

(1) Four.

(2) Thirty.

(3) Three.

(4) None.

AlintaGas advise the following -

(1) There are two women on the AlintaGas board. These women are also individually members of two board committees. There is one woman on the executive committee.

(2) There are four men on the AlintaGas board. These four men are also individually members of three board committees. There are nine men on the executive committee.

(3) Three women have been appointed since October 1994.

(4) None.

Western Power advise the following -

(1) One.

(2) Six.

(3) One.

(4) None.

Department of Resources Development advise the following -

(1) Eleven.

(2) Eight-four.

(3) Six.

(4) None.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3768. Dr WATSON to the Minister representing the Minister for Mines:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mr C.J. BARNETT replied:

The Minister for Mines has provided the following response -

(1) Nine.

(2) 166.

(3) Seven.

(4) Nil.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3773. Dr WATSON to the Minister representing the Minister for the Environment:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

Department of Conservation and Land Management: The following statutory bodies were created under the CALM Act -

(1) There are three women on the National Parks and Nature Conservation Authority.

(2) National Parks and Nature Conservation Authority - 8
Lands and Forest Commission - 2
Forest Production Council - 7

Note: The above relates to appointed members only and does not include CALM ex officio members. There are currently five vacancies on the Forest Production Council.

(3) Two new appointments and one reappointment.

(4) None.

Department of Environmental Protection and Environmental Protection Authority -

(1) Six.

(2) Nineteen.

(3) Three.

(4) Zero.

Kings Park and Botanic Garden -

(1) Kings Park Board - two.
Kings Park Corporate Executive - one.

(2) Kings Park Board - five.
Kings Park Corporate Executive - four.
Centennial Enhancement Project Steering Committee - seven.

(3) One.

(4) Nil.

Waterways Commission and Swan River Trust -

(1) As of 16 October 1995 there are eight women on boards and committees of the Waterways Commission and Swan River Trust.

(2) As of 16 October 1995 there are 60 men on boards and committees of the Waterways Commission and Swan River Trust.

(3) Seven women have been either appointed or reappointed since October 1994.

(4) Three women members of the Swan River Trust whose appointments expired by October 1994 were not reappointed. One of the community members was replaced by a woman, one did not seek reappointment and the other was nominated representative of a body, who put up a different panel of names when the appointment expired. In the case of the Waterways Commission, the woman member whose appointment expired in 1994, resigned from the Peel Inlet Management Authority. She was replaced by a woman member.

Perth Zoo -

(1) Two.

(2) Five.

(3) Two.

(4) None.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3774. Dr WATSON to the Parliamentary Secretary to the Minister for Water Resources:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

Water Authority of Western Australia -

(1) Two.

(2) 23.

(3) One, but has since resigned.

(4) Nil.

Busselton Water Board -

(1) Two.

(2) Five.

(3) One.

(4) Nil.

Bunbury Water Board -

(1) Three.

(2) 10.

(3) Three.

(4) Same ratio retained.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3775. Dr WATSON to the Minister for Health; Labour Relations:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mr KIERATH replied:

Department records indicate the following -
Health Department of WA: As at 17 October 1995 -

(1) 307.
(2) 554.
(3) 84.
(4) 10.

Alcohol and Drug Authority: As at 17 October 1995 -
(1) One.
(2) Eight
(3) One.
(4) Nil.

Health Promotion Foundation: As at 16 October 1995 -
(1) 11.
(2) 40.
(3) One.

(4) Nil.

Department of Productivity and Labour Relations: As at 17 October 1995 -
(1) Four.
(2) 21.
(3) Three.
(4) Nil.

Commissioner of Workplace Agreements -
(1)-(2) There are no boards and committees which have members from this office.
(3)-(4) Not applicable.

WorkSafe Western Australia Commission: As at 17 October 1995 -

(1)-(2) The WorkSafe Western Australia Commission - formerly the Occupational Health, Safety and Welfare Commission - comprises 14 members of whom two are women and 10 are men. There are two vacancies.

(3)-(4) Nil.

Workcover WA: As at 17 October 1995 -
(1) Four.
(2) 39.
(3)-(4) Nil.

Western Australian Industrial Relations Commission -

(1)-(4) Nil. The Western Australian Industrial Relations Commission does not administer any legislation and is therefore not involved in statutory appointments. The commission does appoint chairpersons and members to boards of reference to deal with general industrial matters as required and with long service leave matters on an ongoing basis. As at 16 October 1995 there were seven men appointed to long service leave boards of reference.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3778. Dr WATSON to the Minister for Planning; Heritage:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mr LEWIS replied:

(1) 18.

(2) 123.

(3) Five.

(4) Five.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3784. Dr WATSON to the Minister representing the Minister for the Arts:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

Library Board of Western Australia -

(1)-(2) Six.

(3) Two.

(4) On the basis that appointments are for four years - during 1990-1994, one woman who sought reappointment was not reappointed.

Standing Committee on Public Records -

(1) Four.

(2) Six.

(3) One.

(4) Two women's terms expired and both positions were replaced by women.

Standing Committee on Public Libraries -

(1) Five.

(2) Three.

(3)-(4) None.

Screen West Board -

(1) Two.

(2) Six.

(3) Nil.

(4) Not applicable.

Perth Theatre Trust Board of Trustees -

(1) Three.

(2) Five.

(3) One.

(4) Not applicable.

Board of Trustees of the Western Australian Museum -

(1) Two.

(2) Five.

(3) Nil.

(4) Not applicable.

Art Gallery of Western Australia -

(1) Three members and one ex officio member of the Board of the Art Gallery of Western Australia are women. One ex officio member of the Art Gallery of Western Australia Foundation Council is a woman.

(2) Three members of the Board of the Art Gallery of Western Australia are men. Five members of the Art Gallery of Western Australia Foundation Council are men.

(3) Since October 1994 one woman has been appointed to the Board of the Art Gallery of Western Australia and one woman became an ex officio member.

(4) Since 1989 one woman member of the Board of the Art Gallery of Western Australia whose term expired by October 1994, was not reappointed.

BOARDS AND COMMITTEES - IN MINISTERS' ADMINISTRATIONS
Women Appointments; Men Appointments

3785. Dr WATSON to the Minister representing the Minister for Fair Trading:

(1) How many women are on boards and committees in the Minister's administration?

(2) How many men are on boards and committees in the Minister's administration?

(3) How many women have been appointed since October 1994?

(4) How many women members, whose terms had expired by October 1994, were not reappointed?

Mrs EDWARDES replied:

The Minister for Fair Trading has provided the following reply -

(1) 14.

(2) 64.

(3) 12.

(4) Eleven, all of whom were on the Retail Shops Advisory Committee. No reappointments have been made pending amendments to the Retail Trading Hours Act.

RESERVES - MT LESUEUR
CRA Mining Lease, Excising Plans

3915. Dr EDWARDS to the Minister for Energy:

Are there any plans to excise the CRA mining lease form the Mt Lesueur reserve?

Mr C.J. BARNETT replied:

No.

DAMPIER PORT AUTHORITY - HARBOURMASTER EMPLOYMENT
Barometer and Clock Purchase

4096. Mr RIEBELING to the Minister representing the Minister for Transport:

(1) Was the harbourmaster of Dampier Port Authority paid a redundancy package of $150 000 on 12 May 1995?

(2) Was the former harbourmaster re-employed on 15 May 1995 at a basic rate of $525 per day for three months?

(3) Has the contract method in (2) been extended on two occasions to now expire on 30 April 1996?

(4) Does the contract with Captain G. Hammond also include -

(a) free rent of his home in Karratha;

(b) free electricity;

(c) free telephone;

(d) free vehicle;

(e) travel to Perth every two weeks?

(5) Will the total cost to the port authority be, for the period 11 May 1995 to 30 April 1996 for employing Captain G. Hammond, around $470 000?

(6) If not, what is the actual total cost?

(7) Has the Dampier Port Authority purchased a barometer and clock valued at $1 200?

(8) If so, why and where is it located?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1)-(3) No.

(4) The Dampier Port Authority has engaged Hammonds Marine Consulting to provide the service of Acting General Manager and harbourmaster in the Port of Dampier. As with consultants not engaged locally, the authority provides vehicle, accommodation and other sundries associated with the contract.

(5) No.

(6) The contract with Hammonds Marine Consulting will be completed in the near future and costs cannot be ascertained until completion.

(7) Yes.

(8) These are a parting gift to a member of the authority. At present the chairman is holding the gift for presentation in the near future.

JUSTICE, MINISTRY OF - CRICHTON-BROWNE, SENATOR NOEL, RESTRAINING ORDER FILE

Officer Charged with Breach of Public Service Management Act

4113. Mr BROWN to the Attorney General:

(1) Further to question on notice 3602 of 1995, has a person been appointed to hear the charges against a Ministry of Justice officer?

(2) What is the name of the person who has been appointed?

(3) Does that person have no vested interest in or association with any senior ranking officer in the Ministry of Justice?

(4) Is that person a genuinely independent person?

Mrs EDWARDES replied:

(1) Yes.

(2) Dr Michael Woods.

(3)-(4) Yes.

QUESTIONS - UNANSWERED

4134. Mr PENDAL to the Minister for Police:

With reference to question on notice 3568 asked on 27 September 1995, why has an answer not been provided five weeks later?

Mr WIESE replied:

As question on notice 3568 referred to matters relating to the Transport portfolio I arranged for it to be transferred to the Minister for Transport. The Minister for Transport replied to the question on 23 November 1995.

WESTRAIL - CAR PARKS, PAY PARKING

Theft, Damage and Assaults Levels

4138. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) How did Westrail determine the level of theft, damage and assaults in the

car parks of Warwick, Edgewater, Whitfords, Cannington, Kelmscott and Midland railway stations to justify the introduction of pay parking?

(2) Will the Minister make the information available?

(3) Has there been any reduction in the level of theft, damage and assaults at Warwick and Edgewater railway station car parks since the introduction of pay parking and camera surveillance?

(4) Will the Minister make this information available?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) The level of theft and damage was determined from reports received by the police and complaints made to Westrail and my office. The incidence of assault was not considered as a reason for introducing secured car parking; however, the presence of a car park attendant should be a deterrent to potential offenders.

(2) I am prepared to provide information held by Westrail on the level of theft and damage at railway station car parks if it is required by the member.

(3)-(4) Since the inception of secured car parking at Warwick and Edgewater, up to and including 17 November 1995, Westrail received only one report of a stolen vehicle and that vehicle was stolen from the unsecured car park at Warwick. Two vehicles were damaged in the secured car park at Warwick and, in accordance with the operator's contract, the damage was repaired at the operator's cost. No other incidents have been reported to Westrail; however, there may have been incidents reported to the police of which I am not aware.

ROADS - ALBANY HIGHWAY, BEDFORDALE, UPGRADE TO FOUR LANES

4142. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) Were any other routes for heavy haulage, other than the upgrading of Albany Highway to a four lane highway through Bedfordale, considered?

(2) If yes, what were they?

(3) What are the components of the estimated cost to upgrade Albany Highway to four lanes through Bedfordale, as opposed to the costs for every other alternative route considered?

(4) Is the estimated cost of upgrading Albany Highway to a four lane highway through Bedfordale, approximately $13m?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) Yes.

(2) The route comprised the Jarrahdale Road between Albany Highway and the intersection of South Western Highway, and then from that intersection to Armadale Road.

(3)-(4) Bedfordale Hill project - Albany Highway - approximately 8 kilometres.

Component	Estimated Costs
Land acquisition	$1m
Relocate services	$1m
Supervision, planning, design and construction	$12m
Total	$14m

Alternative route - approximately 39 km -

The cost of upgrading the Jarrahdale Road - 21 km - and the section of the Armadale-Bunbury Road - 18 km - to a standard suitable for heavy

haulage, would be many times the cost of the Bedfordale Hill project. I must add that a study to address the adequacy of the planned road network in the south east corridor to meet future demands is to be undertaken. The study will be carried out in three stages, over a two year period, with the first stage scheduled to commence in early 1996 -

Stage 1: Assessments of transport needs, strategic options and road network requirements.

Stage 2: Selection of preferred routes for new major road links.

Stage 3: Definition of reservation requirements for new major road links.

The study will be funded and managed by Main Roads under the guidance of a steering committee with representatives from state government agencies, local government and the transport industry. Irrespective of the development of any new routes in the future, Albany Highway will continue to carry heavy traffic volumes and needs to be upgraded to four lanes to improve safety.

WESTRAIL - RAILWAY CROSSINGS, AUTOMATIC PEDESTRIAN GATES
Dorothy Street, Gosnells; William Street, Beckenham; Wharf Street, Cannington

4173. Dr WATSON to the Minister representing the Minister for Transport:

(1) When will automatic pedestrian gates be fitted to level railway crossings at -

(a) Dorothy Street, Gosnells;
(b) William Street, Beckenham;
(c) Wharf Street, Cannington?

(2) Was provision made in the 1995-96 Budget?

(3) How much will each cost?

(4) Where else in the Kenwick electorate is assessed as requiring such gates?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) (a) Mid-March 1996
(b) Mid-February 1996
(c) Mid-February 1996.

(2) Yes.

(3)

Dorothy Street, Gosnells (four gates)	$56 678
William Street, Beckenham (four gates)	$56 678
Wharf Street, Cannington (two gates)	$38 264

(4) Stalker Road, Gosnells
Fremantle Road, Gosnells
Albany Highway, Maddington
Dalziell Street, Maddington
Maddington Road, Maddington
Maddington station
Wanaping Road, Kenwick
Ladywell Street, Beckenham
Beckenham Street, Beckenham
Crawford Street, Cannington
Queens Park station (completed).

POLICE - ADVANCE PROMOTION PROCESS

4189. Mr CATANIA to the Minister for Police:

(1) Will the Minister advise what action he intends to take now that the

Industrial Relations Commissioner has expressed deep concern about the Advance Promotion process now adopted by the Police Department where there are -

(a) no rights of appeal;

(b) no reasons given for the rejection of the applicant;

(c) the applicant cannot apply for further promotion for 12 months after a application for promotion has been rejected?

(2) Do police have a right to undertake industrial action including strike action after a secret ballot on two separate occasions has rejected pay offers that are conditional to foregoing working conditions?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) (a) There is an appeal mechanism in relation to the non-subjective component of Advance. Provision is made for candidates to lodge a process grievance during the selection phase. Conciliation of the issues is to be attempted initially. Any formal process grievance is resolved by an independent external arbitrator agreed upon by the WA Police Service and the WA Police Union.

(b) The selection system involves a number of stages. Applicants receive feedback at each stage. Some delays have been experienced from the rank related assessment phase while endeavours have been made to improve the feedback on applicants' performance.

(c) Rank related assessments are used for the initial screening of applicants for promotion. Those applicants rated as successful become eligible to apply for vacant positions for two years. Twelve months must elapse before unsuccessful applicants can attempt a further rank related assessment.

(2) This matter has never become an issue in Western Australia. The Police Act provides -

(a) Section 10 - an oath of engagement.

(b) Section 12 - that inter alia no commissioned officer or constable shall be at liberty to withdraw himself from his duties.

CRIME - PROTECTION OF PROPERTY AND PERSONS
No Need for Arms, Police Commissioner's Comments; Draft Legislation Provided to Law Society

4199. Mr BROWN to the Attorney-General:

(1) Is the Attorney General aware of an article that appeared in *The West Australian* on Saturday 4 November 1995 which reported the Commissioner for Police saying there was no need for people to go out and arm themselves to protect themselves and their property?

(2) Does, as claimed by the Law Society's Criminal Law Committee, that committee usually receive draft legislation for comment before it is introduced into Parliament?

(3) Is it normal practice for draft legislation to be provided to the Law Society?

Mrs EDWARDES replied:

(1)-(3)

Yes.

TRANSPORT - FARES, INCREASE

4206. Mr BROWN to the Minister representing the Minister for Transport:

In percentage terms, what has been the average increase in transport fares in each of the last six financial years?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

	Increase recommended by trust/DOT	Increase implemented	Patronage journeys 000	Cost recovery* %
1990-91	7.4%	7.4%	50 099	18.7
1991-92	9.5%	4.9%	49 139	16.5
1992-93	3.5%	0.9%	50 111	16.3
1993-94	**31.1%	11.9%	52 854	18.7
1994-95	14.1%	14.1%	53 915	20.8
1995-96	10.8%	10.8%	n/a	n/a

*Based on fare revenue only; that is, the user contributor.

**The recommended increase was aimed at establishing a more appropriate cost recovery rate.

MT WALTON WASTE DISPOSAL FACILITY - UPGRADING

4228. Mr TAYLOR to the Minister representing the Minister for Transport:

(1) Has the siding near the Mt Walton waste disposal facility been upgraded?

(2) If yes -

(a) why has the siding been upgraded;

(b) how much has the upgrade cost?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

I presume the member is referring to Stewart siding and my answer is provided on this basis.

(1) The siding has been extended by 324 metres.

(2) (a) The siding was lengthened to accommodate the crossing of long trains.

(b) The cost to lengthen the siding was $541 369.

POLICE - CADETS, TRAINING, FEDERAL FUNDS; WORKPLACE AGREEMENTS

4243. Mr BROWN to the Minister for Police:

(1) Further to question on notice 4052 of 1995, how long has the Federal Government made funds available to the Police Service for training of cadets?

(2) How much did the Federal Government provide for the training of cadets in the -

(a) 1993-94 financial year;

(b) 1994-95 financial year?

(3) On what date did the Government make a decision to employ police cadets under workplace agreements?

(4) Prior to the State Government's decision to employ cadets under

workplace agreements, was funding available from the Federal Government?

(5) Has the Federal Government indicated that funding will continue to be provided to employ cadets if they are employed under the relevant award?

(6) Why did the State Government make a decision to employ police cadets under workplace agreements when federal funding was contingent on cadets being employed under the relevant award?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) The Federal Government has made funds available to the Police Service for training cadets since the cadet traineeship scheme commenced on 1 July 1991.

(2) (a) $118 000
(b) $213 500.

(3) The Commissioner of Police made a decision to employ police cadets under workplace agreements effective from 1 January 1995.

(4) Yes.

(5) Funding is available if employees are engaged under an award of enterprise agreement or if the relevant union consents or is party to the workplace agreement.

(6) The Commissioner of Police, supported by government, determined that all persons, other than existing government employees appointed to the Police Service effective from 1 January 1995 would be employed under the terms of a workplace agreement. This included cadets. The workplace agreement had varied conditions to the award intended to provide greater availability, flexibility and productivity in exchange for a salary increase of 10 per cent.

WESTRAIL - MIDLAND WORKSHOPS

4244. Mr BROWN to the Minister representing the Minister for Transport:

(1) Further to question on notice 3939 of 1995, did the cost comparisons take into account -

(a) the true value of the production of the Midland Railway Workshop;

(b) the unit costs of producing or manufacturing specific items compared to the unit costs of having the same items produced by the private sector?

(2) What was the value of the work carried out by the Midland Railway Workshops in its last twelve months of operation?

(3) How is that value calculated?

(4) What was the value of the work carried out by private contractors in the first twelve months after the Midland Workshops closed?

(5) How were those values calculated?

(6) For the purpose of comparison, was a comparison made of the mechanical maintenance costs before and after the closure of the Midland Railway Workshops?

(7) If so, what did that comparison show?

(8) Have the maintenance costs been reduced substantially with the introduction of the new trains in late 1992, early 1993?

(9) Did the maintenance costs for the two year period from July 1992 include maintenance on equipment that was made redundant or sold when the new trains were introduced?

(10) Is the cost comparison for the two years from June 1991 and June 1993 a valid comparison of like with like?

(11) Has Westrail estimated maintenance costs would be substantially reduced with the introduction of the new trains?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1)-(11)

Provision of this information would require considerable research which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response.

WATER AUTHORITY - UNDERGROUND FUEL STORAGE TANKS, LOT 6 WESCO ROAD, NOWERGUP, APPROVAL ROLE

4260. Mrs ROBERTS to the Parliamentary Secretary to the Minister for Water Resources:

(1) Did the Minister or the Water Authority of Western Australia have any role in the approval of underground fuel storage tanks at Lot 6 Wesco Road, Nowergup?

(2) If so, what was that role?

(3) When was approval given?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) Neither the Minister nor the Water Authority has had any role in the approval of underground fuel storage tanks at Lot 6 Wesco Road, Nowergup.

(2)-(3) Not applicable.

WATER AUTHORITY - WATER RESTRICTIONS
Porter, Colin, Comments; Waterwise Program

4272. Dr EDWARDS to the Parliamentary Secretary to the Minister for Water Resources:

(1) I refer the Minister to the comments made by ex-Environmental Protection Authority head, Mr Colin Porter and ask, does the Minister concur that Western Australia has plenty of water and the Western Australian Water Authority should stop chastising consumers for using too much water?

(2) What has the Minister done to encourage water consumers to plant gardens that use less water?

Mr McNEE replied:

The Minister for Water Resources has provided the following reply -

(1) No. My comments on Mr Porter's assertions have been documented in *The West Australian*. While Western Australia has sufficient water resources available until well into the next century, accessing these resources comes at an environmental and economic cost. Conservation is necessary to minimise any adverse impact on the community and environment.

(2) Western Australia's water consumers are receiving considerable encouragement to plant water efficient gardens. The current Waterwise program includes an architect designed set of water efficient garden

layouts, on sale at a subsidised price at all major nurseries; five Perth builders have a number of demonstration waterwise gardens on public display with appropriate signage; gardens featuring water efficient plants have been on show recently at two major shopping centres; a Waterwise supplement detailing water efficient garden practices and plants has been featured in *The West Australian*; widely available through numerous outlets is a set of Waterwise gardening pamphlets, free of charge; demonstration gardens at Kings Park feature Australian native plants, highlighting their low water consuming properties, and promoting their suitability for local gardens; and all major nursery wholesalers are participating in a labelling scheme which identifies Waterwise plants and their water rating. These are some of the initiatives the Water Authority has undertaken to promote and encourage Waterwise gardening. I am confident that the authority is taking all reasonable measures to encourage efficient use of water in the garden.

WESTRAIL - LOCOMOTIVES
24 New Proposal

4285. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) Will the Minister explain how he justifies a proposed Westrail outlay of $66m on 24 new locomotives when New Zealand Rail Ltd, with a net profit of $51.9m (compared with Westrail's $6.4m loss), staff of 4 500 employees (compared with Westrail's proposed staff of approximately 1958) and a fleet of 200 diesel and electric mainline locomotives (compared with the proposed Westrail fleet of 67 locomotives), is not purchasing new locomotives?

(2) When will the contract/s for the 24 new locomotives costing an estimated $66m be finalised and signed?

(3) Will the Minister table the terms and conditions of the contracts to be entered into, prior to the contracts being signed?

(4) Is there to be any maintenance provision by the manufacturer, included in the purchase contract?

(5) If yes, what are the details of the maintenance component?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) The member is confused. She is comparing New Zealand's Tranz Rail's latest profit and current staffing level with Westrail's latest financial result - $6.4m loss under conventional accounting and $25.5m profit on a commercial accounting basis - with Westrail's proposals to reduce staff to 1 958 and to acquire 24 new locomotives. The staff reductions and locomotive acquisitions are part of the process to modernise Westrail under the Right Track program. An essential outcome of modernisation is to ensure Westrail can offer its customers world competitive charges for work performed. To achieve this Westrail needs to change its cost structure from a high level of fixed costs, represented by capital and labour, to a high level of variable costs, represented by the outsourcing of non-core activities and the rationalisation of non-essential assets. The Right Track program will be undertaken over three years from 1 July 1995. The projected net savings from the Right Track program will total almost $47m on an annual basis. If that amount is applied to Westrail's latest financial result, the organisation's performance in 1997-98 should be as follows -

$40.6m profit on a conventional accounting basis
$72.5m profit on a commercial accounting basis.

I am not in a position to comment on the operation of Tranz Rail in New Zealand; however, the fact that Westrail is able to haul in excess of 29 million tonnes of freight per year with considerably less rolling stock and staff than other comparable railways, testifies to its efficiency. The acquisition of 24 technologically advanced locomotives, with increased load carrying capacity and improved reliability, to replace and do the work of 43 aged locomotives is a further step towards improving the efficiency measures already established by Westrail.

(2) It is proposed that the contracts will be awarded by the end of 1995.

(3) No.

(4) Specific maintenance provisions were not included in the request for tender document; however, this does not preclude tenderers from including maintenance proposals in their submissions which could be considered for inclusion in a contract.

(5) Not applicable.

WESTRAIL - LOCOMOTIVES
24 New Proposal

4286. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) What is the proposed capital cost per kilometre per locomotive for the 24 new locomotives Westrail proposes to purchase?

(2) Can the Minister give a guarantee that the purchase price of 24 new locomotives will not be converted to an inflated kilometre rate per locomotive in the contract?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) 69.5¢.

(2) It is possible that a contract will be awarded on a power by the hour basis and it is normal for such contracts to include an escalation provision.

WESTRAIL - LOCOMOTIVES
24 New Proposal

4289. Mrs HALLAHAN to the Minister representing the Minister for Transport:

Can the Minister explain why Westrail proposes outlaying $66m for 24 new locomotives at a time when New Zealand Rail Ltd is improving its asset utilisation by rebuilding locomotives which are of a similar model and age to locomotives in the Westrail fleet?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

I refer the member to my reply to part (1) of question on notice 4285.

TRAFFIC ACCIDENTS - KWINANA FREEWAY, NORTHBOUND CARRIAGEWAY SECTION NORTH OF MT HENRY BRIDGE

4303. Mrs HALLAHAN to the Minister representing the Minister for Transport:

(1) What has been the recorded incidence of motor vehicle and motorcycle accidents on the section of the northbound carriageway of the Kwinana Freeway immediately north of the Mt Henry Bridge in each of the last eighteen months?

(2) How many of the accidents have resulted in -

(a) injury to drivers or passengers;

(b) death of drivers or passengers?

(3) What are considered to be the main contributing factors in accidents on this section of the Kwinana Freeway?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) There have been 55 recorded accidents in the last 18 months, immediately north of the Mt Henry Bridge, on the Kwinana Freeway.

(2) (a) 11

(b) Two.

(3) Driver error and inattention were major contributing factors in the accidents.

HEALTH DEPARTMENT - EPILEPSY SERVICES

4305. Dr GALLOP to the Minister for Health:

(1) Have funding and resources been allocated for the comprehensive epilepsy service as indicated in the Minister's answer to question on notice 153 of 1995?

(2) If yes -

(a) how much money has been allocated;

(b) how will the service be organised?

(3) If no, when will the decision to fund be made?

(4) Can the Government guarantee that it will meet its stated commitments in relation to this program?

Mr KIERATH replied:

(1) Yes.

(2) (a) Additional funding of $119 000 has been allocated from the East Metropolitan Health Authority to Royal Perth Hospital for this program for 1995-96.

(b) The comprehensive epilepsy service is a program based on extensive interhospital collaboration. Pre-operative assessment is focused mainly at Royal Perth Hospital and Princess Margaret Hospital. Neurosurgery is carried out at Sir Charles Gairdner Hospital as this hospital provides the interhospital neurological services. This requires Royal Perth Hospital patients, neurologists, technicians and equipment to move between hospitals. The additional funding provided by the East Metropolitan Health Authority will contribute to the salary costs of an EEG technician and a half time neurologist to work exclusively for the service.

(3) Not applicable.

(4) Yes.

HEALTH DEPARTMENT - HOSPITALS, BUDGETED SUBSIDY

4325. Dr GALLOP to the Minister for Health:

What is the budgeted state government subsidy for Bentley Hospital in 1995-96?

Mr KIERATH replied:

$13 465 500.

EQUAL OPPORTUNITY ACT - AMENDMENT, TO INCLUDE SEXUALITY
Gender Reassignment, Registration of Births, Deaths and Marriages Act Amendment

4327. Dr WATSON to the Attorney General:

(1) Will the Minister amend the Equal Opportunity Act 1984 to protect homosexual people from discrimination?

(2) If not, will she extend cover under that Act to people with gender dysphoria -

(a) pre-operatively;

(b) post-operatively?

(3) If not, why not?

(4) If so, when?

(5) Will the Minister amend the Registration of Births, Deaths and Marriages Act 1961 to provide a birth certificate for people who have had gender reassignment surgery?

(6) If not, why not?

(7) If so, when?

(8) What agreement was reached about these and related issues at the recent meeting of Attorneys General and Ministers for Justice?

(9) When will the Attorney General act on that agreement?

Mrs EDWARDES replied:

(1)-(4) As indicated in my media statement of 10 November 1995, I have considered the WA Equal Opportunity Commissioner's discussion paper on sexual preference and the views that were expressed on that paper and its recommendations. At this point I do not propose to amend the Equal Opportunity Act 1984 (WA) to include sexuality given the level of opposition expressed to the recommendation concerning sexuality as a ground for unlawful discrimination.

(5)-(7) Consideration is being given to what, if any, legislative response should be taken to issues, including the amendment of the Registration of Births, Deaths and Marriages Act 1961 (WA), concerning gender reassignment.

(8)-(9) The 3 November 1995 meeting of the Standing Committee of Attorneys General discussed some issues relating to gender reassignment. There was a general view among jurisdictions to progress the issue. Western Australia will endeavour to finalise a position before the next Attorneys General meeting in March 1996.

PARLIAMENT HOUSE - DISABILITY PLAN; TELEPHONE TYPEWRITER FOR DEAF PEOPLE

4341. Dr WATSON to the Speaker:

(1) As part of the disability plan for Parliament House, will the Speaker ensure that a telephone typewriter is installed to provide access for deaf people?

(2) If not, why not?

The SPEAKER replied:

(1) As a result of the member's question on notice 4341, the Presiding Officers examined the matter of a telephone typewriter installation at Parliament House and have authorised the purchase of a TTY machine which is to be installed in the telephonists' room. The machine will be available in the near future. I thank the member for her interest.

(2) Not applicable.

HOMESWEST - HOUSES SPOT PURCHASED
Skytown Place Villas, Queens Park, Developers

4348. Dr WATSON to the Minister for Housing:

(1) By what criteria are houses spot purchased?

(2) Is there any kind of tendering process and, if so, what is it?

(3) What assurances can be given that certain developers are not unduly favoured?

(4) From which developers/builders were the four villas in Skytown Place, Queens Park purchased?

(5) Who are the principals of the company?

(6) How many other houses, if any, have Homeswest spot purchased from these companies/principals?

Mr PRINCE replied:

(1) The criteria considered include amenity level, design, location and cost.

(2) No; properties are selected on availability.

(3) All properties are considered on their merit in accord with the criteria stated in (1).

(4) Franco Ranieri as trustee for F.R. family trust and Frederick Kenneth Borthwick as trustee for the F.K. Borthwick family trust. Please note the contract is still conditional and settlement has not taken place.

(5) Not applicable.

(6) None.

BUNBURY JETTY - DEMOLITION COST; UPGRADE FUNDING

4349. Mr LEAHY to the Minister representing the Minister for Transport:

(1) Has a cost been put on the demolition of the Bunbury jetty?

(2) Has the local authority been offered the equivalent of that amount to take responsibility for and upgrade the jetty?

(3) How much money is involved and when is the money to be paid?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) Yes.

(2) Yes, in principle, subject to government funding approval.

(3) Demolition of the jetty using conventional floating plant and removal of all material from the site has been estimated to cost $1m. Demolition of the jetty by burning the superstructure and extracting the piles and removing them from the site has been estimated to cost $780 000. The Bunbury City Council is now seeking to have the demolition cost estimates, which were prepared by the Department of Transport, checked by an independent demolition specialist. The money cannot be paid until agreement is reached on the actual cost of demolition. Negotiations on this issue are currently in course.

SWAN BARRACKS - SALE; HERITAGE CONDITIONS

4367. Ms WARNOCK to the Minister representing the Minister for the Arts:

(1) With regard to the Swan Barracks, has the building been sold?

(2) If so, who is the purchaser?

(3) What heritage conditions will be placed on the new owner of this historic building?

(4) Will the exterior be preserved and retained?

(5) Will the interior be preserved and retained?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

As the Swan Barracks are owned by the Commonwealth Government, the State Government is not in a position to answer (1) and (2). The Australian Property Group may be able to provide further information if the member wishes to pursue the matter further. It is suggested that (3), (4) and (5) be referred to the Minister for Heritage for advice.

ARTS, DEPARTMENT FOR THE - STAFF, LONG SERVICE LEAVE OR REDEPLOYMENT APPLICATIONS

4368. Ms WARNOCK to the Minister representing the Minister for the Arts:

How many Arts Department staff have applied for long service leave or redeployment since June this year?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

Long service leave - three; redeployment - one.

LAND CLEARING - NATIVE VEGETATION FOR MINING ACTIVITIES; REVEGETATION

4405. Dr TURNBULL to the Minister representing the Minister for Mines:

How many hectares of land in total were cleared of native vegetation in Western Australia in 1994-95 for mining activities and how many were revegetated?

Mr C.J. BARNETT replied:

The Minister for Mines has provided the following response -

A total of hectares of land cleared of native vegetation in Western Australia in 1994-95 by mining activities is not available. A total of the hectares of such lands that have been revegetated is also not available. The Department of Minerals and Energy is developing a data collection system to obtain such figures which will be fully operational for the 1996-97 financial year.

QUESTIONS WITHOUT NOTICE

POLLS - ATTITUDE MONITORING SURVEY BY WEST COAST FIELD SERVICES, BRIEFING

647. Dr GALLOP to the Premier:

Last Thursday the Premier had another memory lapse and said that he could not recall who attended a briefing in late July on taxpayer-paid opinion polling.

(1) Will the Premier check his diary and also with the following people to find out whether they attended: Liberal Party State Director, Peter Wells; Liberal Party President, David Honey; his chief of staff, Ian Fletcher; his advisers, Richard Elliott and Jack Gilleece; and any others?

(2) What were the names of the people who briefed the Premier, and what company did they represent?

(3) Will the Premier guarantee that the Government received nothing in writing during the briefing?

(4) Were any notes taken during or after the briefing?

Mr COURT replied:

I thank the member for some notice of this question. I do not think it is a good practice to disclose who was present at a meeting.

Several members interjected.

Mr COURT: Sometimes Labor members or Labor supporters who attend meetings with me do not want everyone to know.

Dr Gallop: This is a government meeting with taxpayers' money.

Mr COURT: I will tell the Deputy Leader of the Opposition who was at the meeting. Will he tell me all the people who are present at meetings he attends?

(1) Ian Fletcher and Jack Gilleece.

(2) George Camakaris from AMR Quantum.

(3) I have informed the Assembly that everything received from the polling firm has been or will be tabled. That contrasts with the Opposition which kept its polling secret.

Mr McGinty: What does the Premier mean when he says "will be"?

Mr COURT: The Deputy Leader of the Opposition wanted me to table some information, which I will do tomorrow. When will the Leader of the Opposition table his polling results?

Mr McGinty: Which polling results?

Mr COURT: The polls that were conducted while he was in government.

(4) No.

JUSTICE, MINISTRY OF - SEX OFFENDER PROGRAM, BUNBURY REGIONAL PRISON

Attorney General, Alleged Misleading of Parliament

648. Mr BLOFFWITCH to the Attorney General:

Has the Attorney General read today's *The West Australian*, and, if so, is it true that she has misled Parliament as alleged by the Australian Labor Party?

Mrs EDWARDES replied:

Absolutely not, and I could say that I am not a member of the Labor Party.

Some level of confusion exists about the types of programs which operate at Bunbury. The pilot program is a variation of a type B program. I have been insistent upon a type B program and that will continue. The memorandum which was the subject of the freedom of information request and which was reported in *The West Australian*, related to a type A program. The type A program operates at Casuarina Prison and is an intensive, five day a week live-in program. It was not the intention that the Bunbury Regional Prison would take all of the more serious sex offenders. It was not a consideration for 1994-95, when the program to which I refer was implemented. The program is funded internally. It is not as extensive or as planned as a type A program.

The other issue that was picked up in the article related to staff. Staff vacancies have been advertised from 1993 to 23 June 1994, when the last advertisement appeared in the *South West Times*. No adequate response was received from the local community.

The sex offending program is a new type of therapy which needs specialised staff. After June 1994 the unit manager attempted to attract people to Bunbury from within the department to run the type B program - not the type A program. The only confusion has been in the mind of the Opposition in its misunderstanding of the different types of programs for sex offenders that operate in Western

Australia. The Government has extended those programs as part of its law and order policy, and it will continue to ensure that those programs operate not just in the metropolitan area, but throughout the State.

KRAMER, RICHARD ALAN - CHRONIC PARANOID SCHIZOPHRENIC CASE

649. Dr GALLOP to the Minister for Health:

I refer to today's newspaper headline, "Axe man vanishes again", and to my question two weeks ago to the Minister expressing concern that chronic paranoid schizophrenic Richard Alan Kramer was at large because of the Government's failure to provide appropriate support and accommodation for Kramer and numerous other mentally disturbed people in this State where the Minister stated, "I will follow those comments through and provide an explanation to this House." Since then we have heard nothing from the Minister. Why has the Minister sat on his hands instead of ensuring that Mr Kramer is located and receives the treatment he desperately needs?

Mr KIERATH replied:

The member for Victoria Park will know that the appropriate people will handle this. I promised him an answer, and I have referred the question to the appropriate people. I promise that I will take that up on behalf of the member.

Dr Gallop: To whom did you send it?

Mr KIERATH: I sent it to the department. I will make sure that the member for Victoria Park receives an answer this week.

DEATHS - BOILERMAKER AT ATLAS GROUP PTY LTD SITE

650. Mr DAY to the Minister for Labour Relations:

I refer to the question without notice asked by the member for Thornlie on 26 October this year about the death of a boilermaker at the Atlas Brickworks "owned by Len Buckeridge". What action is being taken in relation to this matter?

Mr KIERATH replied:

I thank the member for some notice of this question. The problem with the Opposition is that it goes around saying total untruths. I have received information from Worksafe WA on this tragedy and can inform the House that action is being taken. A complaint has been served against the Atlas Group for a breach of section 19(1)(a) of the Occupational Health Safety and Welfare Act on two counts and of section 19(1)(b). This Government has also made a very clear commitment to do everything possible to reduce workplace death and injury.

I was initially puzzled as to why this case was raised, as there was a coronial inquiry, and I was focusing on the issue of workplace safety. Then I reread the question and saw that the point of the question was not what was being undertaken to prevent similar tragedies in the future but to attack the Government via Len Buckeridge. However, that attack, like so many others before it, has failed miserably. Why? It is because I checked on the incredible incompetence of the Opposition in relation to this and other issues, particularly that shown by the member for Thornlie -

Mr M. Barnett: You are a disgusting creature.

Mr KIERATH: The member is the disgusting creature in here. The simple fact is that the Atlas Group is not owned by Len Buckeridge, and to imply that it is, shows a total hypocrisy on the part of the Opposition. The brickworks is not owned by him. Any person or any party who uses the death of a worker in an attempt to embarrass the Government is despicable, and the exercise is also totally pointless.

POLICE - OPERATION MELON
Borserio, Diana; Harriman, Allan

651. Mr MARLBOROUGH to the Minister for Police:

I refer to the Minister's statement in the House last week that state police had been involved in Operation Melon and that Diana Borserio and Allan Harriman were not the principal targets of that operation.

(1) Will the Minister confirm that Diana Borserio and/or Allan Harriman were/was investigated as part of Operation Melon?

(2) Following the Australian Federal Police check of its records, can the Minister now inform the House whether a state police officer was found at 13 Miller Street, North Beach, during a raid on the house? If so, who was the officer?

Mr WIESE replied:

I thank the member for some notice of this question. I am very sorry that I am not yet in a position to give the answer. I did seek the information from the Police Service in order to answer the question and, I am afraid, as yet the answer has not come through. I will certainly provide the answer as soon as it comes through, and I will follow it up with a degree of urgency.

Mr Ripper: Are you concerned at the inability of the state police to produce this information?

Mr WIESE: I am very concerned that I do not have at this stage an answer to give to the member in the House. I shall certainly ascertain what is the answer and as soon as it is given it will be passed to the member and, if necessary, to the House.

FAMILY AND CHILDREN'S SERVICES, DEPARTMENT FOR - EQUAL OPPORTUNITY AWARD FOR WOMEN IN MANAGEMENT INITIATIVE

652. Mrs van de KLASHORST to the Minister for Family and Children's Services:

I notice with some satisfaction that the Department for Family and Children's Services won this year's equal opportunity award for innovation in employment of women. Will the Minister please tell the House what innovations and actions the department made or took to win this award?

Mr NICHOLLS replied:

I thank the member for some notice of this question. I know the member is very interested in issues relating to women in the community and also women in employment. I am extremely proud that the Department for Family and Children's Services was awarded this award for its women in management initiative. The department's staff is about 70 per cent female and women comprise the majority of the department's clients. Accordingly, the department created a women's management initiative with the twin objectives, first, of increasing the representation of women in senior management and, second, of ensuring that the department's decision making reflects more its customer base. The initiative began with a research project to identify the specific problems, pressures and barriers that prevent women achieving their management potential. It then sought ways to introduce change, including the introduction of more flexible work options for all employees. The target area was all positions in the department at level 6 and above. The success of the initiative can be shown by comparing employment rates at these levels in June 1994 with those in June 1995. The number of women among all staff at level 6 and above increased from 40 per cent to 44 per cent. In senior management at level 7 and above the increase was from 28 per cent to 36 per cent.

For level 7, which is the key staging point for movement into the most senior ranks, the percentage of women increased from 31 per cent in June 1994 to 43 per

cent in June 1995. The effectiveness of the initiative can be even more clearly seen in relation to the success of women in gaining positions at level 6 and above during the year. In the quarter ending 30 June 1994, women gained 38 per cent of the available positions at level 6 and above. Through this initiative, it is clear that a significant number of women -

Mr Kobelke interjected.

Mr NICHOLLS: It is clear that opposition members are not really interested in the benefits that are designed to help women in management to achieve their potential. It is interesting that opposition members are not interested in that and they are not even gracious enough to listen to the basis on which the award was given. However, I am sure that other members of the House are interested. As a result of this initiative and other initiatives, women have gained 75 per cent of the acting or relieving positions at level 7 and above. I would like to emphasise to the House, and particularly to opposition members, that those successes were achieved through no artificial processes. Each woman gained the promotion based on her merits. The department should be applauded for removing the barriers which create artificial ceilings and for creating an attitudinal base which is very much about trying to achieve one's potential. I believe the award is a significant point in the department's history and one for which members of this House and people in the community will applaud the department.

POLICE - AMNESTY, NEW SOUTH WALES
Wanneroo Inc

653. Mr McGINTY to the Premier:

(1) Is the Premier aware that the New South Wales Police Corruption Commissioner, James Woods, has declared a 10 week amnesty to allow police officers who have accepted bribes to escape prosecution if they confess?

(2) Is the Premier also aware that that amnesty has been implemented as the best method of rooting out official corruption?

(3) Will the Premier provide a similar amnesty to root out the widespread corruption known as Wanneroo Inc, or is he afraid of the consequences?

Mr COURT replied:

(1)-(3) I am not aware of the details of the New South Wales amnesty. However, I am aware that the Director of Public Prosecutions in Western Australia can grant an indemnity if he or she wishes. As I understand it, the DPP has done that in the past and if it is considered to be appropriate, I am sure the DPP will do it again.

WESTRAIL - BURNING OFF RAILWAY RESERVES, SWAN HILLS

654. Mrs van de KLASHORST to the Minister representing the Minister for Transport:

This is a serious situation. Many people in the Swan Hills area are concerned about the kilometres of high grass which has grown along each side of the railway line in the hills and valley areas and the major fire hazard that presents to their homes, especially for people adjacent to the railway lines. Can the Minister organise controlled burning off of this huge hazard this year to make the situation much safer for my constituents?

The SPEAKER: Order! There was far too long a general comment by way of preamble to that question. I ask members to desist from that practice.

Mr LEWIS replied:

I thank the member for some notice of this question. The Minister for Transport has provided me with notes so that I can respond to the question.

Westrail recognises its community responsibilities with regard to burning off. When approached by local authorities, it will work in cooperation with them to burn off particular rail reserves. Obviously care must be taken because there are environmentally sensitive areas associated with railway lines.

It will work with the Bush Fires Board and the Department of Conservation and Land Management to identify these areas, which will be restricted from burning. I am advised that subject to that constraint, controlled community burn-offs could be conducted. If the local authorities approach Westrail, it will cooperate with them in the required burning off.

FIRE BRIGADES - FEES FOR SERVICES

655. Mr MARLBOROUGH to the Minister for Police:

I refer to a report prepared by State Treasury and delivered to the Fire Brigade Board last Tuesday proposing the introduction of fees for services provided by the Western Australian Fire Brigade, including rescues and providing advice on fire safety and equipment.

(1) Does the Minister agree with the proposal to charge fees for the services I have mentioned?

(2) Does the Minister agree with the proposed 600 per cent increase in charges for services provided by the Fire Brigade?

(3) If the Minister does not agree with these proposals, why has he not already acted to reassure the Western Australian public accordingly?

Mr WIESE replied:

(1)-(3) The report to which the member for Peel refers is an initial working document which looks at the raft of matters to do with fees, potential fees and how the Fire Brigade addresses its funding arrangements. To some degree that report has been overtaken by the Arthur Andersen report I commissioned. The report, which deals with the funding of the Fire Brigade, will be in the public arena for public comment until the end of April. The matter to which the member refers, and the matters raised in this report, will be dealt with at the same time as the Arthur Andersen report into the overall funding of fire brigades in Western Australia, and will be considered at that stage. The member for Peel will recall that five or six months ago the Government put through legislation making substantial changes to the level of fees that could be charged by the Fire Brigade for carrying out a range of services. That ability to charge higher fees has not in general been exercised. In fact, I am not aware of any circumstance when it has been utilised. The question of the fees referred to in the report to which the member refers, and the Arthur Andersen report, will be dealt with in due course when the public comment period has been finalised, towards the end of April next year.

HOUSING - COMMENCEMENTS, FIGURES

656. Mr BOARD to the Minister for Housing:

The outskirts of my electorate are subject to new housing development. What is the current rate of construction of new housing in Western Australia compared with this time last year? What lies ahead for the next 12 months?

Mr PRINCE replied:

I thank the member for a few minutes' notice of the question. The housing commencements in this State run on a cyclical basis, as I am sure most members are aware. The cycles are about four years. The last trough was in 1990-91 when some 13 378 housing commencements took place. Currently Western Australia is in the next trough. After a high in 1993-94 of some 24 800, it has dropped this year to what is anticipated to be between 15 500 and 16 500 starts. I say

"anticipated" because the figures are not in yet. The forecasting is at best apocryphal. The Housing Industry Association probably produces the best forecast by looking at the number of people going through display home villages. The Indicative Planning Council estimated for 1995-96 a figure of 15 500, which is a 31 per cent drop; BIS Shrapnel predicted 16 359, which is a 26.7 per cent drop; and the HIA forecast 17 420. There is a range of figures; however, around a 25 per cent drop is anticipated from 1994-95 to 1995-96. Things are expected to come back again in 1996-97. The Indicative Planning Council says that a recovery of about 4 per cent should occur; in other words, the State should increase to somewhere in the vicinity of 16 500 to 17 500 commencements. That is mostly in the metropolitan area. In other words, after about three years of strong activity, commencements are expected to decline by 25 per cent to 28 per cent in 1995-96, and they are expected to remain at that level probably for the next 12 months, although recent initiatives that we have taken and reports from organisations such as the Housing Industry Association indicate that there is a pick-up in activity.

I remind members of the NOW campaign, which was launched on 1 November. That campaign involves the Government and private industry, particularly builders and, to a lesser extent, land developers. That campaign has resulted in Homeswest selling 173 lots under the scheme during the past five weekends. I spoke to the President of the Housing Industry Association over the weekend - the HIA made its homes of the year awards - and he told me that the information that he is receiving shows an equally positive result among builders who are members of the HIA.

Mr Blaikie: Does the Minister's assessment mean that if there is a change of Federal Government, there will be change in confidence within the community?

Mr PRINCE: I have absolutely no doubt that if there is a change of Government, there will be a renewal of confidence. One principal reason for the lack of confidence is the uncertainty that precedes all elections. Also, the current Federal Government is seen to be a failure as a manager, particularly from a monetary and fiscal point of view. The four interest rate rises in the five months to the end of last year are plain and straightforward evidence of that. There should have been a relatively soft landing in the housing industry, but it was brought down with an almighty thump, and that has caused a horrendous drop in housing activity.

Members will be aware also that the Government has promoted home ownership in several ways such as schemes that have been revitalised and been added to, as I have announced in the past 12 months. For example, Keystart will make 1 882 new loans to a total value of about $160m this financial year. Real Start, which is a shared equity scheme, will make 760 loans at a total value of $75.5m.

The SPEAKER: Order! I ask the Minister to bring his answer to a conclusion.

Mr PRINCE: Thank you, Mr Speaker, but I am particularly proud of the other two programs. Aboriginal Home Ownership will make 60 new loans at a total value of $6m, and People With Disabilities Home Ownership (Access Housing) will make 50 loans totalling $5m. That has never been done before. The Government is attempting to assist the cyclical turn to increase housing commencements and housing starts, and it will be successful next year.

PILBARA TOURISM BOARD - LAURANCE, IAN, CHAIRMAN APPOINTMENT

657. Mr GRAHAM to the Premier:

I refer the Premier to his abject failure to appoint Pilbara people to government boards and statutory authorities and to his undertakings to me and to Parliament that he will give greater consideration to Pilbara people when appointing people to boards, and ask: How does he justify the appointment of ex-Liberal Minister Ian Laurance as Chairman of the Pilbara Tourism Board?

Mr COURT replied:

As I understand it, that appointment was a recommendation from the Pilbara Development Board. We are appointing Pilbara people to boards.

Several members interjected.

Mr COURT: I think that Ian has spent more time up north than the member for Pilbara has. Whenever we can, we will appoint local people.

KINGS PARK - FRASER AVENUE, ONE-WAY TRAFFIC ROUTE PLANS

658. Ms WARNOCK to the Minister for Tourism:

I refer to my question without notice of 22 November, in which I asked the Premier whether a public survey had found that the majority of people opposed his Government's plan to close Fraser Avenue to traffic along the escarpment of Kings Park. Is it true that a decision has been made not to close Fraser Avenue and to convert it into a one-way traffic route?

Mr COURT replied:

I am certainly not aware of that. When I answered that question I said that the whole concept had been released for public comment. I am not aware of any such decision having been made.

MENTAL HEALTH - PSYCHIATRIC EMERGENCY TEAM

659. Dr HAMES to the Minister for Health:

A recent television report highlighted the work of the psychiatric emergency team. Can the Minister inform the House as to the funding and staffing arrangements for this vital service?

Mr KIERATH replied:

I thank the member for the question. The psychiatric emergency team provides a very important after-hours emergency service. In January 1995, PET was staffed by 11.8 community mental health nurses, faced an uncertain future and was underresourced. However, in July this year the Mental Health Taskforce recommended that PET should continue to function for at least another three years. The task force recommended an increase in funding, which was approved by the Health Commissioner in August 1995. The funding specifically provided for six more community health nurses, additional vehicles and improved telecommunications equipment.

The process of recruiting is most difficult, as there is a shortage throughout Australia of psychiatric professionals. There is also quite a high attrition rate because of the high stress levels and burnout that occurs in this area. Despite these problems, it is envisaged that PET will be staffed by 15 community health nurses by today, with a full complement of 18 staff to be achieved in early 1996. The consultant psychiatrist post has been filled full time.

PET has actively sought consumer involvement with the appointment of Bill Cebula, a member of the Schizophrenic Fellowship, and it has developed its role in rural areas. It has also intensified its level of support, education and training to the police. The significance of this cooperation is highlighted by the problems created in other States by patient-police confrontation. Staff at PET are to be congratulated on their work, and this Government will continue to fund them and to encourage this essential community work.

GOVERNOR OF WESTERN AUSTRALIA - PENSION ENTITLEMENTS

660. Mr GRAHAM to the Premier:

I draw the Premier's attention to Mr Kenneth Marks' comments that a Premier is duty bound not to put his own personal interests above the public interest. After giving me three undertakings to provide information on the Governor's alleged

double-dipping into the public purse - by accepting a military pension and a tax-free income - why is the Premier refusing to provide this information unless it is to protect his own interests?

Mr Trenorden: What about the previous incumbent? Why don't you do the same thing to him?

Mr GRAHAM: Ask me a question during question time.

Mr COURT replied:

Information about the personal finances of the Governor is his business.

Mr Graham: If that is the case, why have you told me three times that you will provide me with information?

Mr COURT: I have made some inquiries and the preferred position is that that personal information not be released. I have also found out that a large number of former Labor Government members would fall into the same category to which the member refers. If he wants a situation -

Mr Graham interjected.

The SPEAKER: Order! The member for Pilbara will come to order.

Mr COURT: If the member wants a situation where, after members retire, information about their finances is made public, we will be talking about invasion of privacy. There is some difficulty in making public people's personal superannuation benefits and the like. I am surprised that the member is persisting in asking this question, because many members on his side of the House would be very embarrassed if their personal financial details were released.