WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Thursday, 27 November 1997

Legislative Assembly

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

PETITION - ROADS

Ennis Avenue, Rockingham

MR McGOWAN (Rockingham) [10.03 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned, wish to register our concern at the intersection of Safety Bay Road and Ennis Ave in Rockingham. This intersection services a large population, including that of Safety Bay, Waikiki, Warnbro, Port Kennedy and Baldivis. In addition to this Ennis Ave is the main thoroughfare to Rockingham and the Kwinana Freeway and Fremantle for people coming from Golden Bay, Singleton, Mandurah and beyond. The speed on this particular section of Ennis Ave is 110 km/hour.
>
> During peak hour this intersection can be a death trap with vehicles travelling at high speeds hitting vehicles turning or crossing.
>
> We ask that you urgently review this situation and put in place measures to increase the safety level of this intersection by installing traffic lights and/or an overpass.
>
> 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 15 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 128.]

PETITION - PERTH TO MANDURAH RAILWAY EXTENSION

MR NICHOLLS (Mandurah) [10.05 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned concerned residents of Mandurah, call on the Department of Transport to reject the two options which propose an extension of the future Perth-Mandurah railway line through the existing residential areas between the Mandurah Bypass and Peel Street, and Allnutt Street and the Mandurah Forum.
>
> These options are totally unacceptable because
>
> > they would require existing homes to be demolished;
> > the railway line would create a physical barrier within the central part of Mandurah;
> > the cost of these options would be excessive; and
> > they are totally unnecessary.
>
> 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 230 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 129.]

PETITION - CARAVAN PARKS AND CAMPING GROUNDS ACT

MR McGOWAN (Rockingham) [10.06 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned, respectfully request that the regulations in relation to the Caravans Parks and Camping Grounds Act be amended to allow for a more flexible operation in relation to permanent residents of caravan

> parks. Caravan Parks are often the homes of many retired people who live in attractive and well maintained residences. The current operation of Caravan Park regulations are such that they are imposing too many onerous conditions upon these residents.
>
> 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 13 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 130.]

MOTION - JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Report - Weights and Measures Exemptions Regulations

MR WIESE (Wagin) [10.07 am]: I present for tabling the report of the Joint Standing Committee on Delegated Legislation on Weights and Measures (Exemptions) Regulations 1997. I move -

> That the report be printed.

I take this opportunity to give the House a brief summary of these regulations, which were brought to the attention of the House by the member for Armadale. They certainly would have been scrutinised by the committee anyway. The Weights and Measures Act establishes the standards and units of weight and measure, and the system and procedure for the verification and stamping of weights, measures and weighing and measuring instruments. Section 30 of the Act clearly states -

> No person shall use, or have in his possession for use for trade, any weight, measure, or weighing or measuring instrument which is not stamped as required by this Act, or which is incorrect or unjust.

An instrument is required by the Act to be stamped in three circumstances. First, under section 28 if it is used for trade and is not exempted by the regulations, then it must be stamped initially. Second, under section 29 if it is used for trade then it must be stamped every two years unless the regulations provide an exemption. Third, under section 31 if it becomes defective or has been mended or repaired or has been removed for installation at another site, then it must be restamped.

When the committee took up this matter with the Ministry of Fair Trading, the ministry advised that due to the number of instruments in this State - approximately 40 000 - it has not been possible for all instruments to be tested, inspected and stamped by an inspector when required in accordance with the Act. The ministry advised that there are only eight metropolitan inspectors, some of whom are in management positions, and there is one country inspector based in Bunbury. This has meant that for some traders it has not been possible to carry on normal business operations in the interim period.

That is the explanation provided by the ministry. As a result the ministry promulgated the regulations to provide exemptions, the subject of the committee's investigation. One of those regulations provided an exemption from the requirement for stamping an instrument in specified circumstances. The regulation allowed that an approved person would be able to test and mark an instrument, which the owner would then be able to use until an inspector was available to stamp it. An approved person was defined as someone who met the appropriate standards.

The committee was concerned that regulation 5, which provided exemption from section 31 pertaining to instruments that have been removed or repaired or moved to another site, could be ultra vires. It appeared that the Act did not provide authority to provide an exemption from that section by regulation. The committee suggested to the ministry that it should provide some background and advice as to why and how it was able to put this regulation in place. The ministry provided legal advice from parliamentary counsel which reads in part -

> "The scenario contemplated in my view by s.31, has for some time proved completely impracticable. There are far more businesses and weighing or measuring instruments now than there were in 1915.

That is when the Act was introduced. The advice continues -

> An inspector may not always be immediately available to reverify an instrument when it is repaired or relocated.

Parliamentary counsel argued the legal basis for regulation 31 to allow exemption from the Act. The committee noted parliamentary counsel's opinion with a degree of scepticism because it appeared to be framed to meet the requirements of the ministry rather than the reality of the Act.

The committee suggested to the ministry that there was power under the Act to provide exemptions "in pursuance of the Act" and that it should perhaps consider whether an argument could be made to see whether the regulation was therefore within vires. Parliamentary counsel gave its opinion to the committee again providing legal argument in support of its view. Again the committee was not totally impressed with its argument. The committee then took it upon itself to consider the question in view of the fact that if these regulations were disallowed commercial trade would become extremely difficult because there was no ability for the ministry to stamp the instruments as required by the Act.

The committee formed the opinion that as regulation 5 provided only a temporary exemption from the Act until the instrument could be stamped by an inspector, it could be argued that this regulation was within vires in view of the fact that it might be argued that it was framed "in pursuance of the Act" and was therefore allowed by the Act. On that basis the committee made a determination that it will not move for disallowance of this regulation. However, the committee has drawn attention to the Act and to the very real shortcomings in the legislation. It says in particular -

> . . . the Act would not appear to address the realities of today where there are over 40,000 instruments in the State and insufficient resources for an Inspector to be available to stamp each and every one as required.

The committee therefore strongly recommends that the Act should be overhauled to address the role of the inspectors and to make it very clear that there is an ability under the legislation for the exemptions that have been provided by regulation. It could be said that the Crown Solicitor's opinion may be stretching the boundaries of legal credibility in arguing power in the Act for the regulations to be made. It could also be said that, in concluding that there is an argument for allowing the regulations to stand, the Delegated Legislation Committee is likewise stretching its powers and responsibilities to this Parliament. Under the circumstances it has resolved that the regulation be allowed to stand. However, it strongly recommends to the Minister and the ministry that the Act be updated. The legal uncertainty and the various practical deficiencies should be addressed in the light of the realities of today's world.

Question put and passed.

[See paper No 971.]

SELECT COMMITTEE INTO THE MISUSE OF DRUGS ACT 1981

Tabling of Interim Report

MR BAKER (Joondalup) [10.16 am]: I move -

> That the report be printed.

I thank the Leader of the House for giving me the opportunity of tabling the report of the select committee's inquiry into the Misuse of Drugs Act and associated matters.

This interim report titled "Taking the Profits out of Drug Trafficking" primarily deals with the first term of reference generally described as the "law and order response to the problem of the activities of illicit drug traffickers in the State".

The select committee proposes to report on its second term of reference on or before 21 May next year. The second term of reference requires the committee to inquire into and report upon the adequacy of the provision of health, educational and community support facilities to deal with the consumption of illicit drugs, particularly heroin.

As the title to the interim report indicates, the majority of the recommendations contained in the report are aimed at taking the profits out of drug trafficking. To this end, the select committee recommends, in the strongest possible terms, that the State Government enact legislation effecting extraordinarily tough measures to target the underlying profits of organised crime, and particularly the so-called drug barons in the broader community.

The select committee acknowledges that many illicit drug traffickers in Western Australia are not deterred by the prospect of tougher penalties for many reasons. For example: They have been able to distance themselves from their street level or lower level dealers and distribution lieutenants by a complex matrix of distribution channels.

Many such traffickers ostensibly operate legitimate businesses and thus can easily hide and launder the profits they have derived from their involvement in illicit drug trafficking. Further, they can afford to pay for very expensive, and highly experienced, criminal lawyers to represent them in court proceedings. Lastly, our State's laws pertaining to illicit drugs are far too narrow and the police lack important legislative tools and appropriate equipment to detect and prosecute them. As a result, drug traffickers seem to have the view that they are generally untouchable and beyond the laws of this State.

In view of this, in addition to the existing forfeiture or confiscation provisions contained in the Misuse of Drugs Act

and the Crimes Confiscation of Profits Act, there is a dire need for a civil forfeiture procedure which can be implemented irrespective of whether a drug trafficker is convicted for a drug trafficking offence. The non-conviction based civil forfeiture legislation recommended by the select committee will deprive the Mr Bigs involved in the illicit drug trade of their overriding motive and economic base by depriving them of all property, whatsoever, howsoever described, owned or merely enjoyed by them at any time.

Recommendation 39 in the report endorses the urgent need for non-conviction based forfeiture legislation to be introduced in this State.

Point of Order

Mrs ROBERTS: I question whether it is appropriate for the member to be reading a speech that is not a second reading speech.

The SPEAKER: Order! Members realise that they are allowed to refer to their notes from time to time. Sometimes members have copious notes, and we understand that. The point has been made. I remind the chairman of the select committee that from time to time I am sure he will be looking at his notes, but at other times he may continue to make his speech.

Debate Resumed

Mr BAKER: As I was saying, the key features of this recommendation include, firstly, a rebuttal presumption that all property whatsoever, howsoever described, at any time owned, controlled or merely used by any person who is convicted of an illicit drug dealing offence or who is suspected by the state Director of Public Prosecutions of having been in any way directly or indirectly involved in drug trafficking in large commercial quantities, shall be deemed to have been obtained or derived from the proceeds of illicit drug dealing. The committee accepted that this presumption, when viewed in isolation, appears to be somewhat draconian and broad ranging; however, it makes no apologies for this aspect of its recommendation, given the draconian consequences of the consumption of illicit drugs, particularly heroin. The recommendation further proposes that all such property be restrained, be the subject of court forfeiture proceedings and be liable to be forfeited to the State of Western Australia and once forfeited, thereafter be dealt with or realised so as to provide additional funding for the enforcement of the provisions of the Misuse of Drugs Act and also for the treatment of illicit drug abusers.

The select committee acknowledges that because the presumption is intended to apply to property merely used by any person, some innocent third parties may find that their property, if used by a drug trafficker, may be the subject of an application for forfeiture under the proposed legislation. Once again, the select committee makes no apology for this aspect of this recommendation.

The select committee has, however, sought to protect the interests of such innocent bona fide third parties whose property is caught by the proposed legislation by requiring that they prove to the satisfaction of the forfeiting court, on the balance of probabilities, that they did not know, did not believe or suspect, and did not have any reasonable grounds to believe or suspect that the person concerned was in any way directly or indirectly involved in the trafficking of illicit drugs.

Further, the committee acknowledges that innocent people may initially be caught up by the rebuttable presumption regarding their property, merely because they are suspected of being directly or indirectly involved in illicit drug trafficking. In view of this, the recommendation also provides that such persons will be exempt from the proposed forfeiture orders if they can establish to the satisfaction of the court, on the balance of probabilities, that the property was obtained by legitimate or lawful means.

In addition to the procedure I have mentioned, the recommendation also proposes that the state Director of Public Prosecutions be able to compel persons who are the subject of the proposed forfeiture applications and their associates, including bankers, accountants and the putative owners of such property, to give evidence on oath and to produce in court all such documentation as is required by the state Director of Public Prosecutions.

The select committee foresees that it will be criticised by various groups in the community and the media for proposing the introduction of what will no doubt be described as draconian legislation. However, the select committee believes that non-conviction based, civil forfeiture legislation is an appropriate measure, given the disastrous effects in our society caused by illicit drugs and the potential for commercial drug traffickers to amass vast wealth through selling illicit drugs.

I am sure all members of this Chamber will agree that criminals who embark on drug trafficking enterprises do so out of greed in the full knowledge that money can be easily made. Further, they know they have a potentially captive market involving persons who have become addicted to illicit drugs, particularly heroin. They profit from addiction and the community pays for the social costs of addiction. The select committee believes the proposed non-conviction

based forfeiture legislation will also act as a powerful disincentive for persons considering becoming involved in drug trafficking, those who are already involved in drug trafficking and their associates.

The proposed legislation is far more broad ranging than the existing provisions of the Crimes (Confiscation of Profits) Act. The chief differences are that, first of all, the proposed legislation is non-conviction based, as opposed to conviction based. Further, it attaches the likelihood of forfeiture to property owned by convicted or suspected drug traffickers, not just property indirectly or directly tainted or linked to the commission of drug related offences. It also allows for the forfeiture of any property whatsoever, howsoever described, owned at any time - in the past, the present or even the future - by such persons. Finally, it also applies to property that is merely used by persons, irrespective of whether they have the effective control of such property.

In summary, it is fair to say that the time for a soft, civil libertarian style approach to the treatment of illicit drug traffickers has long passed. The time when we allowed drug traffickers to play games with our criminal justice system and in our courts has also passed. The time has arisen in this State when we must ask ourselves whether we are truly fair dinkum about removing drug traffickers and their property from our society. If we genuinely are, we must introduce non-conviction based, civil forfeiture legislation as a matter of priority.

Consistent with the intent of the select committee to attack and confiscate the profits and property derived by drug traffickers in Western Australia, the select committee also proposes substantial reforms to the Misuse of Drugs Act, specifically aimed or targeted at drug traffickers. In these endeavours the select committee has been greatly aided by the provisions of chapter 6 of the model Criminal Code discussion paper, drafted by the Standing Committee of Attorneys General.

Chapter 6 of the model Criminal Code proposes three new levels of liability, or distinct categories, for offences involving the trafficking of illicit drugs, graded according to the quantity of the illicit drugs involved in drug trafficking. These categories were outlined and proposed several years ago during the Williams Royal Commission of Inquiry into Drugs in 1981. The three categories are trafficking, first of all, in a large commercial quantity; secondly, in a commercial quantity; and thirdly, in any trafficable quantity. In addition, the select committee has endorsed several other substantial amendments to the Misuse of Drugs Act arising out of the proposed provisions contained in chapter 6 of the model Criminal Code.

I will summarise these recommendations. Firstly, it is proposed that there be extended definitions of all key words and phrases used to describe or formulate the various offences of drug trafficking so as to broaden the scope of the Misuse of Drugs Act. Secondly, the aim is to remove the distinctions in the Act between the various types of illicit drugs peddled in drug trafficking - for example, distinguishing cannabis from heroin - on the basis that their sale is equally profit based. Thirdly, there is a need for an extension of the scope of the Misuse of Drugs Act to prohibit trafficking in precursors, or restricted chemicals, used in the manufacture of illicit drugs; for example, amphetamines. It is important to increase the scope of the Act to prohibit the trafficking in chemical building blocks or drug analogues so as to restrict the creation of new designer drugs.

It is also important that we allow the aggregation of simple offences involving illicit drugs which, of themselves, would not constitute, or be deemed to constitute, illicit drug trafficking or dealing under the existing provisions of the Act. It is proposed that we create a new series of offences concerning the direct or indirect involvement by adults of children in illicit drug dealing. The committee proposes these offences will attract the maximum penalties possible under the law of this State. It is also important that certain excuses and defences be negatived in their application to certain offences in the Act.

The concluding recommendation within this part of the report requires that an interdepartmental group be formed, consisting of the Attorney General and the state Director of Public Prosecutions to review the proposed incorporation of the provisions of the model Criminal Code into the new Misuse of Drugs Act and, thereafter, to readjust the schedules to the Act so as to incorporate and reflect the three levels of trafficking I mentioned earlier.

The select committee was also concerned with the apparent inadequacies of the penalties in the Misuse of Drugs Act and their application to persons convicted of trafficking in various kinds of illicit drugs. For example, under the existing penalty structures in the Act, persons convicted of attempting to commit an offence, inciting another person to commit a trafficking offence, being involved in a conspiracy to commit a trafficking offence and also trafficking in cannabis can expect to receive a 50 per cent discount on the maximum fine and term of imprisonment, prescribed by the Act. The select committee recommends that these anomalies in the system be removed from the Act.

In addition, the select committee noted with much interest that the maximum monetary penalty under the Misuse of Drugs Act, namely $100 000, and the maximum term of imprisonment of 25 years, represent one of the lowest sets of maximum penalties available in comparable legislation in other Australian States and Territories. The select committee believes the maximum fine of $100 000 is substantially disproportionate when compared with the potential

profits that can be derived from illicit drug trafficking and it is also substantially out of kilter with the maximum penalties in other States; for example, South Australia.

The select committee recommends that the maximum monetary penalty under the Misuse of Drugs Act be increased from $100 000 to $1m. Further, the select committee, while not necessarily endorsing the maximum term of imprisonment under the Act - 25 years - has called for a thorough review of all legislation dealing with the sentencing of and the application of penalties to persons who are convicted of drug trafficking to ensure that truth in sentencing principles are adopted where appropriate.

The select committee proposes that truth in sentencing amendments be made to the penalties for persons convicted of drug trafficking, particularly those involved in large scale commercial trafficking, in the Misuse of Drugs Act. The general features that are proposed include -

(a) a sliding scale of mandatory minimum penalties, depending upon whether the conviction is a first, second, third or subsequent conviction for a commercial drug trafficking offence;

(b) an increase in the minimum term of imprisonment during which a prisoner is not eligible for release on parole; and

(c) appropriate reductions in remissions for prisoners.

The select committee noted that the parole and remission system in this State is currently being reviewed by a specialist non-parliamentary committee chaired by the Chief Justice of the District Court, Justice Hammond. The select committee has, therefore, declined to make any further specific recommendations about the issues of parole and remission until such time as the Hammond committee has reported to the Attorney General early next year.

In addition to the recommendations that I have mentioned, the select committee has also made recommendations aimed at reducing the ability of drug traffickers to distribute illicit drugs and also at restricting their ability to launder the profits derived from drug trafficking. The select committee has recommended that a series of new offences be incorporated into the Misuse of Drugs Act which will prohibit persons who have been convicted of trafficking in large commercial quantities of illicit drugs from -

(a) being near or entering any licensed premises, functions or events, including rave parties;

(b) entering or being near any casino, licensed gaming house or racetrack;

(c) being involved in the ownership, management or conduct of any such premises, functions or events;

(d) applying for or holding any licence or permit to conduct any business involving any statutory requirement for an assessment as to whether that person is a fit and proper person or a person of good character; and

(e) entering or being near any school or college or any service offering a bona fide treatment to persons using or being dependent upon illicit drugs.

In addition, the select committee proposes that persons convicted of trafficking in commercial quantities of illicit drugs be prohibited from consorting or associating with each other, either directly or indirectly.

The select committee acknowledges that these recommendations will, no doubt, be viewed as draconian. The select committee makes no apologies for that. Again, the select committee makes no apologies for the apparent harshness of the recommendations that I have mentioned. The select committee acknowledges that these additional provisions will not of themselves be able to achieve their objectives. However, the select committee believes that these new provisions will be valuable tools in frustrating the activities of drug traffickers in Western Australia.

The select committee also makes recommendations aimed at improving the tools available for use by the Western Australia Police Service in the fight against illicit drug traffickers, particularly those involved in large scale commercial trafficking. These recommendations call for the introduction of new legislation to give undercover police officers engaged in illicit drug investigations additional powers that will enable them to do certain things which would otherwise be illegal; for example, being involved in illicit drug dealings, or stings; and being able to make certain types of entry into certain premises and places for the purpose of furthering their investigations and inquiries. It is interesting to note that South Australia and Queensland have an Act that extends the powers of undercover officers, whereas this State has only one subsection within a section of an Act which deals with those powers.

In addition, the select committee generally endorses the thrust and purport of the Surveillance Devices Bill but acknowledges that certain amendments to this Bill may be necessary. It also recommends that the provisions of the

Bill be extended to permit the tapping of computers and Internet communications, etc. In addition to endorsing the need for a Surveillance Devices Bill which deals with the various new forms of surveillance devices, the select committee has identified the need for the WA Police Service to be given additional substantial funding to enable it to purchase state of the art surveillance equipment and to engage more appropriately trained and qualified operators of such equipment.

The select committee also acknowledges some concerns expressed in the community about the integrity of police officers involved in illicit drug investigations. The select committee determined that it was not required under either term of reference to inquire into allegations of police corruption. Notwithstanding this, the select committee proceeded to make very strong recommendations aimed at improving the integrity and accountability of police involved in illicit drug investigations. The select committee has endorsed those recommendations of the Wood royal commission that can be directly or indirectly related to or associated with the conduct of police during illicit drug investigations. In addition to adopting these recommendations of the Wood royal commission, the select committee recommends that -

(a) representatives from the Commissioner of Police, various crime squads and the Director of Public Prosecutions form a new committee which will meet on a regular periodic basis to, among other things, discuss and analyse common inadequacies in police briefs which may result or have resulted in the trials of illicit drug traffickers being unsuccessful;

(b) the committee report to the Anti-Corruption Commission any concerns about possible police corruption in all facets of illicit drug prosecutions and investigations, as and when these concerns arise;

(c) suitably qualified criminal lawyers and financial analysts be seconded to the drug squad; and

(d) members of the drug squad be required to complete appropriate tertiary education courses to assist them in acquitting their duties.

In addition, the select committee recommends that in certain circumstances, the state Director of Public Prosecutions assume the conduct of all illicit drug prosecutions in this State from the WA police prosecutions section.

One of the more contentious recommendations of the select committee is with regard to the abrogation of the right to silence, or the privilege against self incrimination, for those persons who are suspected of having been directly or indirectly involved in the trafficking of large commercial quantities of illicit drugs. The select committee recommends that all such persons should not be able to avail themselves of the right to silence during the course of police investigations and shall be compelled to cooperate fully with investigating police and be appropriately sanctioned for failure to do so. The select committee notes that various areas of the law already have abrogations of this kind, either in whole or in part, which have greatly aided the due detection and prosecution of persons who have committed offences.

Mr Speaker, I seek a brief extension of time.

The SPEAKER: Order! There is no provision under the standing orders to give the member that extension. The member has 20 minutes, and unless there is a suspension of standing orders, or something like that, under the existing rules I cannot give the member an extension.

Standing Orders Suspension

MR COWAN (Merredin - Deputy Premier) [10.38 am] - In that case, I move -

> That so much of standing orders be suspended as would allow the member for Joondalup to extend his speech by five minutes.

MR GRAHAM (Pilbara) [10.38 am]: I am not speaking against the motion, but I make the point that the chairman of the committee is allowed 20 minutes in which to speak. He has a typewritten speech which has been made available to Hansard. He can simply table his speech and we can get on with the business of the House.
Question put and passed with an absolute majority.

Debate Resumed

Mr BAKER: The committee acknowledges that the proposed abrogation of the right to silence for persons suspected of being involved in illicit drug offences is, once again, somewhat of a draconian step. That accords with the select committee's general view that persons so suspected should be compelled to fully cooperate with police during their investigation.

The select committee report also contains the most comprehensive combined analysis of illicit drug consumption in Western Australia ever undertaken. The various tables, charts and graphs also highlight some interesting comparisons between the illicit drug problem in Western Australia and that in other States and Territories.

In conclusion, the select committee believes that its recommendations, some of which I have summarised, are fair, just, reasonable, equitable and proper, bearing in mind all the facts and circumstances of the illicit drug problem confronting the WA community.

The select committee believes that its recommendations need urgent implementation. The select committee has directed the Minister for Police, the Minister for Health, the Minister representing the Attorney General, the \ to the Minister for Justice and the Minister responsible for the implementation of the drug abuse strategy to report to this House within three months of today's date on the action, if any, proposed to be taken in response to the recommendations of this select committee.

In closing, Mr Speaker, I thank the members of the committee, the clerk of the committee, Mr Nigel Lake, and the committee's two research officers, Mr Greg Swenson, senior research officer, and Mrs Sue Jones, research assistant, for their diligent assistance and cooperation in the investigations leading to and the preparation and tabling of this report.

Since its formation in June this year, the committee has expended approximately 150 hours in the course of its deliberations, investigations and evidence hearings. It has interviewed more than 100 witnesses. This morning I presented a brief overview of the 367 page report. I urge all members to take the opportunity to read that report. I commend the report and its recommendations to this House.

MS ANWYL (Kalgoorlie) [10.42 am]: I am pleased to have the opportunity to speak on this report. The majority report makes 71 recommendations, and the minority report makes two. Because my time is short, principally I will speak on one recommendation in the minority report. That recommendation is that the select committee reassess its approach to Misuse of Drugs Act offences as they relate to possession, use and cultivation of small amounts of cannabis. Having said that, I stress that all members of the committee were united in their support of the need to tackle drug trafficking in this State. It is fair to say that more than one member of the committee was frustrated by the lack of contact between the Attorney General and the committee regarding innovations in state law in this regard.

I was pleased that the Surveillance Devices Bill made it into this place before the summer recess. However, I am a little alarmed at the manner with which the legislation was dealt yesterday. Given the 71 recommendations in the majority report, I am concerned about whether in three months we will have a cogent response from the Government about the matters raised in that report. I also note that the Misuse of Drugs Act amendments dealing with the concept of supply will come before this House today. I query the need to do that on the last day of Parliament. If this Government were serious about tackling these issues, that Bill could have come before the House much earlier this session.

The short time frame faced by the select committee was frustrating for all members. We undertook more than 100 hours of deliberation and hearing of evidence. Much of the evidence relates to the second term of reference, and the fact that we will be reporting again in May is uppermost in members' minds. The fact that there have been more than 71 heroin overdoses in this State this year - two in the Kalgoorlie electorate - has dominated evidence to some degree. It was often difficult to focus on the narrower legal emphasis of the first term of reference as it related to law enforcement. All members are very keen to stop drug trafficking; however, my feeling was the committee was not prepared to tackle some of the issues head on. We have an array of laws relating to drug trafficking but not many drug traffickers are brought to justice. The reasons for that are complex.

An issue of concern to me, which was not addressed in the majority report, is the need for law reform on the use of minor amounts of cannabis. The idea is to address the vast array of evidence that has been received. Essentially, when talking about drug trafficking, it is necessary to take the profit from the market. In order to do that, it is essential to take the black market profits out of the cannabis trade.

I turn now to the three main factors in the minority report. I have already detailed the reasons for the recommendation. There is evidence of high rates of usage of cannabis, especially among young adults and teenagers. One survey indicated that almost 60 per cent of 16 and 17 year old males in this State had used cannabis during the last year. Another survey of 18 to 24 year olds indicated that 46.9 per cent had used cannabis in the last year. Those rates are high, and a considerable percentage of the population uses cannabis on either a monthly or weekly basis. I detail those figures in my report.

There is a need to re-evaluate the efficiency of our laws. The current law on the minor use of cannabis is in disrepute in this State. Secondly, the gateway theory and the whole idea that a liberalisation of cannabis laws would cause greater use of the drug has been discounted by the evidence given to the committee. Perhaps the most important issue

is the misallocation of scarce resources which appears to be occurring in this State, particularly in the light of the very serious federal budget cuts, not only to the Australian Federal Police but also to Customs and the National Crime Authority. We heard that the NCA staff has been cut by roughly 50 per cent in this State. The package announced recently by the Prime Minister did not mention the National Crime Authority; the issue of whether there will be further resourcing of the Australian Federal Police in this State is unclear.

I turn now to the evidence of Commissioner Falconer, when asked whether an infringement notice system might be the way to go. He was asked to give his views on cannabis and criminal offences for small possessions or use. He responded -

> . . . We must be careful in policing - this is not a recent innovation - that we are not putting too many of our scarce resources and the court's time into a lower level cannabis prosecution.

He went on to detail inquiries being made about a cautioning experiment in Victoria. That was as a result of the findings of the Pennington inquiry in that State.

The other factors that influenced the minority report were the evidence about the lack of equal justice outcomes for people charged with possession of small amounts of cannabis; the effects on people who are otherwise without criminal record, including difficulties obtaining employment in certain sectors; and the criminalisation of otherwise non-offending people, especially the young who are exposed to many other offences.

We heard evidence on the infringement system. The South Australian expiation system was mentioned. Commissioner Falconer said that the state police will undertake an inquiry about the Victorian system. He said -

> To that end, we are making inquiries about an experiment in Victoria which is not decriminalisation - that is a misnomer - but is about using discretion, which we use all the time and generally wisely, and having a formal cautioning system. The Victorian model is like our three strikes and you are out system. People will be given two cautions which will be recorded. If they come back for a third dose, they will get a brief and will go to court. The statistics show that a whole lot of people have a single cannabis bust, although some might have a second one.

Time does not permit me to continue with that quote. Needless to say, other witnesses gave evidence of the variety of systems in other States. The minority report does not favour a cautioning system at the present time. The recommendation is that the select committee revisit the whole issue of changing the Misuse of Drugs Act provisions as they relate to possession, use and cultivation of small amounts of cannabis. At this time, the minority favours an infringement notice system as opposed to a cautioning system. The committee will be travelling to look at the systems in operation in South Australia, the Australian Capital Territory and Victoria.

It is clear that we must rethink the whole issue. We should take the profit out of the cannabis trafficking market as much as possible. There is no evidence before the committee that a change of this type will lead to an increase in the use of cannabis. In fact, the table in the report illustrates that there is not greater use in those States that have had an expiation notice system for a very long time.

As a person who has practised as a solicitor and criminal lawyer for many years before coming to this place I have concerns. A great deal of work will have to be done to ensure that these moves can be advanced in a proper and workable fashion. I again express my alarm about the lack of information made available to the committee by the Attorney General specifically, but also by the Health Department to some degree - although its officers were some of the better witnesses. I hope that the Western Australian Drug Abuse Strategy Office and the Police Service will have an ongoing relationship with the committee.

The committee experienced some frustration in determining important areas such as protocols for dealing with intravenous drugs users. A wide array of evidence was given about that issue, and the committee will revisit it in dealing with its second term of reference. I implore Ministers to ensure that communication lines are open on this important issue.

MRS HODSON-THOMAS (Carine) [10.52 am]: The impact of illicit drugs on our community, in particular heroin, evokes a great deal of discussion and passion in all of us. The enormity of this matter has been felt by many families across the State. I must say how surprised I have been over the past few months to hear so many people have a son, daughter, mother or father, or even a husband or wife, trapped by their addiction to heroin. From my own perspective as a mother, I was interested to hear about the experiences of a number of users of illicit drugs who afforded the committee an opportunity to hear first hand about their experience, lifestyle and history with illicit drugs. It is by no means an alluring lifestyle, but for some reason it captivates and seduces young people. Many have disturbing stories to tell about their home life, but others have no apparent reason to experiment with illicit drugs except that by nature they are risk takers.

What I found terribly disturbing was the number of mothers trapped by this addiction. One of the greatest privileges I have been afforded is being a mother. My children add a special dimension to my life and they make each day more meaningful as I share with them their experience and endeavours. Yet, these unfortunate women, some even my own age, have lost themselves to an addiction that must prevent them from truly sharing, experiencing and enjoying one of the most rewarding life experiences - being a mother and a positive role model. Even sadder is that some young people are lured and captivated by illicit drugs and that they hold the view that it is their right to experiment with them and that their preferred drug should be made freely available.

I do not want to lose sight of the essence of this interim report and the positive recommendations that have resulted from the committee's work by focusing on addiction, but it is important to recognise and acknowledge it. Certainly, any move towards decriminalisation or taking a soft approach to cannabis use should be treated with caution. We must err on the side of extreme caution, particularly when dealing with juveniles and when deciding to alter current laws on this issue. I, for one, am firmly opposed to considering any proposal to decriminalise the simple possession of cannabis until such time as I am satisfied beyond a reasonable doubt that there is no causal nexus between its consumption and the subsequent consumption of more harmful drugs such amphetamines and heroin. There is no way I would support moves in that direction. How many times must we be told that the most fundamental reason that drugs are prohibited is that they cause harm to the users, their families and the community? Decriminalisation would unavoidably signal greater acceptance and promote the normalisation of use. Cannabis is not harmful because it is an illicit drug: Cannabis is an illicit drug because it is harmful. Recent detailed research has been undertaken and reported upon which confirms that consumption of cannabis, either in isolation or in conjunction with other substances, or on a long or short term basis can lead to numerous illnesses; for example, manic depression, psychotic disorders, schizophrenia, cancer of the throat and larynx, brain damage and memory loss - the list goes on.

Decriminalising the offence of the simple possession of cannabis will remove the conviction from the offence. Yet it is the very threat or fear of a criminal conviction for persons using or thinking of using cannabis that aids in the application of the deterrent theory. In South Australia cannabis consumption rates have been consistently higher than those in this State. Only 45 per cent of expiation notices or on the spot fines for the simple possession of cannabis are paid. The rest result in the person's being summonsed to court and invariably pleading guilty and having a conviction recorded in any event. Clearly, the South Australian model has failed in its purported objective by removing the so-called conviction associated with the use of cannabis.

The existing law in Western Australia provides a wealth of conviction diversion measures for persons charged with using cannabis. It is important to bear in mind that, just because a person is charged with the possession of cannabis for his own use, it does not necessarily mean he will be convicted. For example, the Young Offenders Act provides that juveniles can be cautioned and referred to a juvenile justice team without being charged. Even if they are charged, once in court, the charge can be dismissed or the matter can be referred to a juvenile justice team without conviction. If convicted, the prior conviction is essentially irrelevant later in life because it is a conviction as a juvenile; it is largely disregarded in adult courts if the juvenile is subsequently charged with offences as an adult.

The Spent Convictions Act can have the effect of declaring spent - or wiping off, so to speak - convictions for possessing cannabis after 10 years. If an adult is charged with the offence of possessing cannabis and pleads guilty, or is found not guilty after a trial, that person can seek a spent conviction declaration there and then, or apply to have the conviction declared spent under the Spent Convictions Act.

Undoubtedly the onus of proof in changing the laws on this issue rests with the pro-decriminalists, not with the Government. Clearly, the introduction of an expiation notice would send the wrong message to both prospective and current cannabis users. It would say to young people that smoking cannabis or dope is like not putting any money in a parking meter: If they get caught they will simply cop a small fine and not have to go to court. That is how trivially the law treats it. We must be vigilant in the messages we send young people. Young people as they approach adulthood are always seeking messages in life as they become socialised in the acceptable norms of behaviour. I reiterate that sending the wrong message will only confuse them and possibly encourage drug taking by those people vulnerable to risk taking.

This report contains over 70 recommendations, and the committee's focus and direction on the first term of reference is articulated in the report's title, "Taking the Profit Out of Drug Trafficking". I commend the recommendations which specifically relate to children. I cannot begin to convey my revolt for those people who procure children to traffic in drugs and those who try to sell drugs to children. There is no doubt in my mind that we must have the most stringent penalties when it comes to these types of heinous acts, and more particularly have penalties that fit the crime.

Finally, I commend and acknowledge the work and assistance of the clerk of the committee, Nigel Lake, and our senior research officer, Mr Greg Swenson, and his assistant, Ms Sue Jones, for their diligence and dedication.

MR BARRON-SULLIVAN (Mitchell) [11.01 am]: I take this opportunity to briefly comment on the "Taking the Profit Out of Drug Trafficking" report. In particular, I turn my attention to the two minority reports which we had the privilege of being presented with some seven minutes before this debate began.

I am relatively knew to this game, and I saw this select committee as a golden opportunity for a strong bipartisan approach towards what I think the community accepts is one of the most significant and growing problems in the community today. However, I note that the minority interim reports cover issues which the committee discussed and determined were well and truly outside its terms of reference. Looking at these reports in some detail sheds a little light on the train of thought of some members of the committee.

I now comment briefly on the interim report relating to the use of cannabis. I accept that changes may be made one day to the penalty structure and the criminal law system for the personal use of cannabis. However, this is not the time to be considering such changes. The members who have presented the minority reports - one of them stated as such in the hearings - accept that cannabis is a harmful substance. Does the member for Kalgoorlie accept that?

Ms Anwyl: If you want to ignore the evidence, go ahead.

Mr BARRON-SULLIVAN: Part of the transcript indicates that one of those members confirmed that cannabis is a harmful substance.

We spent over 140 hours in deliberations, hearings and working on the key question; that is, drug trafficking. We tried to produce recommendations to design a system to target the Mr Bigs, so to speak, of the drug trade, to improve police resources and to free up the Police Service so officers can get on with their job. If we were to accept the recommendation in the minority report, having spent 140 hours dealing with a major aspect of the drug problem in relation to heroin use, how long will it take us to look at cannabis? It would bog us down. I argue strongly that doing so would take us away from the second term of reference, which will take much longer and much more work than did the first term of reference. The second term involves looking at education programs, appropriate rehabilitation initiatives and so forth; in other words, balancing the picture and providing a comprehensive plan of attack to deal with the growing drug problem. If we are distracted by red herrings such as looking at cannabis use, we would do the community a great disservice.

Interestingly, the minority report is selective in its presentation of information. The report seems to have a leaning towards the system operating in South Australia. That aspect is worth looking at. The substantial report cites a number of statistics which indicate that perhaps South Australia does not have the answer. The preamble to the statistics in the majority report - the committee also considered the Victorian situation - reads -

> It would appear that in Victoria the prison system was largely involved in the incarceration of serious drug offenders, ie those convicted of drug trafficking. There was a similar pattern in WA. . . .

It also makes the following point above that reference on the same page -

> Comparisons across each jurisdiction from the results of recent prison census surveys may provide useful indicators of the effectiveness of the criminal justice system in removing those individuals involved in the most serious types of drug offences, such as trafficking.

The figures outline the number and percentage of major types of drug offenders who are sentenced prisoners in each jurisdiction. In South Australia, over 22 per cent of sentenced drug offenders were convicted for possession and use, which is what we consider to be the lower end of the scale. The equivalent figure for Western Australia is 14 per cent. That says something. For serious offences, trafficking for example, only 54 per cent of the offenders in South Australia have been gaoled, yet the figure for Western Australia is almost 80 per cent. Our police must be doing something right already - the emphasis is not entirely wrong. Before stating that South Australia has all the answers, one needs to look at the detail. One then realises that the situation is much more complicated than a 10 or 12 page minority report can indicate. Indeed, one would need a separate select committee to go through that process.

This minority report, by recommending that we become involved in the cannabis issue, is distracting us from the main aim of looking at the growing problem of the use of heroin and other hard drugs.

Dr Gallop: What about police corruption?

Mr BARRON-SULLIVAN: I will come to that in a moment. The recommendation in the minority reports detracts from our main emphasis, and such distractions would be a serious disservice to the community.

I am happy to talk about the minority report on corruption as well. It is hard, when one has had seven minutes to consider minority reports of such significance, to respond in a 10 minute contribution. We were given the courtesy of seven minutes' consideration before the debate, so it is difficult to address these points in detail.

The report which deals with corruption contains some marvellous little statements. For example, one observation is made that "it is unsatisfactory to refuse to investigate serious allegations of police corruption on the basis that the matters can be referred to the Anti-Corruption Commission". We said that if a serious allegation is made, it should be acted upon and people should be given the appropriate advice; that is, they should head off to the ACC. Do members realise what they are doing in releasing such minority reports? They are damaging confidence in the criminal and anti-corruption procedures in this State.

Several members interjected.

The ACTING SPEAKER: Order!

Mr BARRON-SULLIVAN: The members who released the minority report indicate that people who came to the committee had confidence in the committee. No, they did not. At one meeting, which was referred to in the report, a photocopied piece of paper was handed around. After the meeting, one of the people who provided this piece of paper came up to me with another photocopy of this piece of paper. They were like confetti. I said, "Wow, this is serious stuff. Here's my card. Get in touch with me and we'll go through this and I will point you in the right direction". I will not make a complaint to the ACC for obvious reasons. Did I hear from him? Of course not. In fact, some details about the way that information was prepared and the matter was handled would be very interesting to look at.

We do not deny that problems arise. In any area of life there will be corruption and difficulties in administering the law in an effective and honest way. However, we have the benefit of a very well established Anti-Corruption Commission. If there were one specific allegation that could be referred to that commission, all well and good, but there was not one specific allegation. Indeed, the minority report refers to a quote from a witness who gave evidence. The person said, "I have a list here. I cannot reveal the source of it but it has been floating around." As I said, it sure has been; it has been all over the place; I think there was a copy in the toilet afterwards. The person went on to say, "I got it for you. It is only rumour and hearsay."

Some thought, "Although it is only rumour and hearsay, let us carry on and bog down the committee's work and get it drawn off the issue by a red herring. Let us take the committee away from its serious work." As I said when I started my speech, I came into Parliament to try to work for the betterment of this community. I thought this committee would take a bipartisan, sensible, reasonable approach. Quite clearly, when one is given seven minutes' notice of two minority reports on very significant issues such as this, it is quite apparent that is not the case. Unfortunately some people in this life are more concerned with headlines than about achieving benefits for the community by looking into these issues and coming up with recommendations which might be of some benefit to everyone.

MR McGINTY (Fremantle) [11.11 am]: This committee has been in operation since the end of June this year. I am happy to add my voice to support those changes which have been recommended in the unanimous report of the committee to strengthen the enforcement provisions directed primarily against drug dealers and drug traffickers. Those recommendations relate to some significant changes to the Misuse of Drugs Act and recommend other legislation, particularly that dealing with covert operations of the police and giving additional support and protection to the police. Those recommendations also deal, as the member for Joondalup has relayed to the House, with recommendations for significantly enhanced confiscation of profits of crime legislation. A number of recommendations go to administrative changes, which in the unanimous view of the committee will significantly strengthen the balance in favour of the law enforcement side of the equation at the expense of drug traffickers. Therefore, we support the recommendations in the unanimous report of the committee.

As the member for Kalgoorlie said, in the time the committee has spent on this, its work has been hampered by a lack of cooperation from a number of government departments. In particular, the office of the Attorney General was not as cooperative as we hoped it would be. I had considerable difficulty with the information provided - or lack of information provided - by the Ministry of Justice - particularly information related to prisons. We were also frustrated by a lack of trust and cooperation between members of the committee. I do not know whether that should be put down to the inexperience of the chairman or whether it was his desire to achieve a preconceived political outcome in order to advance his political career. Despite all that, we have before us today a report which focuses on a number of recommended changes. I will be interested to hear the response of the Government in three months to the more than 70 recommendations contained in the report. There are also two minority reports, one of which has been referred to by the member for Kalgoorlie and the other to which I will refer now.

One of the most worrying aspects of the evidence given to the committee was the constancy with which we received evidence of police corruption when dealing with drug matters. The issue at stake here is the whole question of the integrity of the public officers charged with implementing the laws we make. I take the view that we must be able to have confidence in the integrity of the police officers charged with implementing the law, because it does not

matter what laws we pass if we have corrupt police officers enforcing that law. The Director of Public Prosecutions was the first to give evidence to the committee. I remember when we put through this Parliament the legislation creating the office of the DPP. The argument then was that the office of the DPP should be separate and independent from the politicians and Government of the day, so that the holder of the office could make fearless and independent decisions. The evidence that the committee received from Mr McKechnie on this occasion was that his current interest is to ensure that the office of the DPP is truly independent from the police because of a whole range of unanswered questions that arise at that interface between the police and the office of the DPP. Mr McKechnie said, "One wonders whether it is incompetence, corruption or whatever."

We also heard from the President of the Criminal Lawyers Association. She gave evidence of the extent to which people charged with significant drug offences also make allegations that the police had behaved corruptly towards them by stealing drugs or money from them when charging them with offences. She told us that this would happen four times out of 10 to people who have significant drug histories who are charged with either multiple burglaries or armed robberies and who have done time in prison. In other words, at that serious repeat offender level, 40 per cent of people make serious allegations of police corruption to the criminal lawyers representing them. Members should bear in mind that it is against the interests of those people to say, "The cops did not pin me for all the money or drugs I had."

We heard from a clinical psychologist who practises particularly with drug users. His evidence was in a similar vein. He said, "Every client I have seen who has had dealings with the police could tell me a story of some corruption." He went on to say, "Junkies lie. Of course they fib. However, when spoken to individually, they all say much the same thing that one must believe some of it."

The committee held a drug users' forum at which a number of either current or previous users of illicit drugs spoke to members of the committee. They gave individual accounts of their unfortunate interaction with the police which involved varying degrees of corrupt behaviour. During that forum, the committee was provided with a list of 12 serving police officers who were allegedly corrupt in that they could be bribed. I have here the list, which does not even rate a mention in the report which has been tabled today, because there has been a desire to sweep this issue of police corruption under the carpet.

Several members interjected.

The ACTING SPEAKER: Order!

Mr McGINTY: People suggest there is a list of 12 currently serving police officers in this State and others do not want to know about it. Well, here it is.

Several members interjected.

The ACTING SPEAKER (Ms McHale): There are several members interjecting at the same time. That is totally in appropriate. This is a significant issue. I would ask members, particularly the members of the select committee, to restrain and refrain from interjecting.

Mr McGINTY: These are the 12 allegedly corrupt police officers.

Mr Day: Will you give me a copy of that list?

Mr McGINTY: There is a recommendation in my report for dealing with this list, but I am happy to give it to the Minister for Police.

Mr Barron-Sullivan: Will you give us the name of the person who gave it to you?

Mr McGINTY: The member has given his speech.

Mr Barron-Sullivan interjected.

The SPEAKER: Order!

Mr McGINTY: It is not good enough when we are told that this list is circulating among criminal elements in Perth, so they know that when they get busted for drugs which police officers they can bribe.

Mr Day: Who has told you that?

Mr McGINTY: This is evidence given to the committee.

Mr Day: By whom?

Mr McGINTY: The evidence given to the committee was that this document is widely circulating among criminal

elements so that when they are nabbed they can look at the list and say, "Here is some money." They know they will then go free. That is the nature of the evidence we received. I am worried about that.

Mr Day: What sort of person provided that evidence?

An opposition member: A very brave one.

Mr McGINTY: Yes. We can discuss this evidence later. The committee also heard evidence from the nation's foremost researchers into drug abuse from the National Centre for Research into the Prevention of Drug Abuse who told the committee that they heard numerous accounts of what could be described as corrupt happenings between police and drug users. These involve police stealing drugs and money, protection arrangements with major drug dealers, arranged set-ups to produce a conviction, and police dealing in drugs for their own end. That organisation is based in Perth: That is Perth research and Perth information from the pre-eminent body in this area in Australia. The committee received useful assistance on this vital issue from the senior counsel assisting the Wood royal commission in New South Wales.

In reaction to all that evidence, the response of the committee was that three Liberal Party members voted it was not within the committee's terms of reference; they do not want to know about it. The two Labor Party members said these matters go to the very heart of the detection, investigation, prosecution and sentencing of illicit drug dealers. To say that is not within the committee's terms of reference is a cop out. Consequently, the recommendation is made that this matter be revisited by the committee. Questions of police corruption in relation to drugs go to the heart of this matter and there cannot be an effective fight against drugs in this State while no integrity is exercised by these people or while significant questions hang over the head of these people, and while there is a refusal by the committee to even look at the complaints that have been raised.

Question put and passed.

[See paper No 973B.]

STATEMENT - MINISTER FOR COMMERCE AND TRADE

Industry Assistance Packages - Department of Commerce and Trade

MR COWAN (Merredin - Minister for Commerce and Trade) [11.22 am]: As part of a commitment to economic and public sector reform, the Western Australian Government undertook to make financial assistance to industry more accountable and the expenditure of government more transparent. In April 1995 I announced that all financial assistance packages to industry valued at over $250 000 would be tabled as soon as agreement was reached with the companies concerned and that smaller assistance packages valued at under that figure would also be tabled annually in Parliament. In October last year I tabled for the first time such information about industry assistance packages made by the Department of Commerce and Trade for the 1995-96 financial year.

In my recent second reading speech for the Industry and Technology Development Bill on 16 October I confirmed it is my intention to publish guidelines which will set out the arrangements for tabling in this Parliament information about financial assistance. The new Bill proposes that reporting arrangements will see assistance of $200 000 or less tabled annually as soon as possible after the end of the financial year; and assistance greater than $200 000 tabled in Parliament as soon as possible after the agreement is reached with the recipient.

Today I am pleased to table information concerning grants, loans and subsidy payments made directly to, or on behalf of, businesses and industry groups by the Department of Commerce and Trade for the 1996-97 financial year. A large majority of those funds provided to business are relatively small amounts. These are primarily payments made under established programs to assist industry development, trade development and network broker programs.

Consistent with the Western Australian Government's intention to emphasise infrastructure assistance rather than grants, the larger incentive packages in the report tabled today are few in number and focus on the attraction of investment in new products and processes, often with an emphasis on facilitation through assistance with infrastructure.

Some of the largest individual recipients of funding include the Orbital Engine Company (Australia) Pty Ltd, Dunlop Skega Mill Linings and Electromagnetic Imaging Technology, which are adding to the science, technology and skills base of the Western Australian economy. Other significant recipients include malt manufacturer Joe White Holdings, and Australian Marine Systems from the shipbuilding sector, both of which received assistance with infrastructure to facilitate the expansion of industry.

The attached list comprises payments made directly to, or on behalf of, businesses and industry groups and as such excludes the following -

Regional initiatives fund payments to agricultural societies and shows;

Wittenoom relocation fund property compensation payments;

operating grant payments to the Food Centre of Western Australia, Materials Centre, Scitech, Technology and Innovation Management Pty Ltd and the Aboriginal Enterprise Company;

payments to government departments and statutory authorities unless payment was made on behalf of business or industry;

payments to educational institutions;

small town economic renewal program Mainstreet, and Telecentre support payments; and

grants to cooperative research centres and centres of excellence.

If members want more information on the payments listed or other assistance packages, including non-industry payments, it will be provided either directly to the members or by way of an answer to a parliamentary question on notice.

[See paper No 976.]

STATEMENT - MINISTER FOR ENERGY

Energy Reform

MR BARNETT (Cottesloe - Minister for Energy) [11.25 am]: I inform the House of a number of recent initiatives which demonstrate the Government's ongoing commitment to energy reform in Western Australia. These initiatives build on the substantial reforms undertaken by this Government since it came into office in 1993 and which have delivered enormous benefits to the State.

The process of energy reform began in earnest at the beginning of 1995 with the renegotiation and disaggregation of the North West Shelf gas contract, the deregulation of gas sales in the Pilbara, and the restructuring of the State Energy Commission of Western Australia, leading to the formation of Western Power and AlintaGas. These reforms had immediate results, lowering gas prices in the Pilbara by half and giving added impetus to private sector development throughout the State.

The Government's energy reform policy has focused on increasing competition in the energy market with a view to lowering energy prices, encouraging direct private sector investment in both electricity and gas infrastructure, and developing the economy as a whole.

An important element of the reform process has been the introduction of third party access to the transmission and distribution systems of both AlintaGas and Western Power. The process of opening up access is being managed in stages in order to maintain the viability of the corporations. At the same time, the process must be sufficiently fast to encourage private sector investment and achieve efficiencies and price reductions through competitive pressures.

Phased access to Western Power's distribution system began on 1 July 1997 with access for customers with loads at 10 megawatts and above. This was to move down to 5 MW in the Pilbara and eastern goldfields from 1 July 1998 and 5 MW or greater in the remainder of the State from 1 July 1999. Access to the south west gas market commenced with customers using at least 1 000 terajoules a year at a single site being able to contract directly with any gas supplier from 1 January 1996. This level dropped to 500 TJ a year on 1 January 1997 with further deregulation down to 250 TJ a year to take place on 1 January 1998 and down to 100 TJ a year on 1 January 2000.

The Government is now accelerating the rate of access to AlintaGas and Western Power transmission and distribution systems and implementing further energy sector reforms. In electricity, from 1 July 1998 customers with an average load of 5 MW at a single site will be able to negotiate with the supplier of their choice. This will be opened up to all 1 MW customers in the State by 1 January 2000, enabling over 100 large customers to buy their electricity from either Western Power or a private supplier.

In gas, the Government has committed to a process which from 1 January 2002 will enable access to gas transmission and distribution systems for customers taking 1 TJ a year and see unrestricted competition down to the household level by 1 July 2002. This will allow all natural gas customers to then negotiate with the supplier of their choice.

The House is aware that the Government is selling the Dampier to Bunbury natural gas pipeline, which will pay off state debt and bring competitive benefits in upstream and downstream markets by introducing a dedicated pipeline operator at arm's length from trading in gas. On 7 November this year Western Australia signed an intergovernmental agreement which committed the State to adopting the national third party access code for natural gas pipeline systems.

I plan to introduce legislation into the House early next year to give effect to this undertaking. The national access code will apply to all gas pipelines in Western Australia and will bring competition benefits to the users of these pipelines.

From 1 January 1998 sales of liquefied petroleum gas will no longer be restricted in the Perth metropolitan area. I believe AlintaGas is sufficiently robust to withstand direct competition with LPG suppliers, particularly in the small business area. The beneficiaries of these reforms will be all Western Australian energy consumers. Through gas market reform, new opportunities have emerged for industrial development, creating new jobs in mining, minerals processing and manufacturing. Such reform will benefit directly all small business and household gas customers, opening the way for real choice through competition.

STATEMENT - MINISTER FOR HEALTH

Report on the Human Tissue and Transplant Act - Tabling

MR PRINCE (Albany - Minister for Health) [11.29 am]: Amendments to the Human Tissue and Transplant Act were passed by this Parliament in September this year and assented to by the Governor on 24 September. Those amendments allow for the preparation of codes of practice to facilitate the operation of the Act. In particular, the codes of practice may set out directions and guidelines, including standards to be observed in the obtaining of consents under the Act.

A ministerial working party was appointed to develop draft codes of practice. The working party was chaired by Associate Professor Bob Ewin, of the philosophy department at the University of Western Australia. It included members nominated by the groups Silent Hearts and Compassionate Friends, as well as members of the health and medical professions, including those involved in transplants, post mortems, intensive care and pathology.

The working party has spent considerable time over the past two years preparing a report and draft codes of practice. The report contains several recommendations about a range of issues as well as two draft codes of practice - one dealing with the donations of organs and tissue after death and the other dealing with post mortem examinations. The working party was able to reach agreement on most issues arising from its terms of reference. The one remaining issue of contention relates to consent; in particular, whether consent to organ and tissue donation or to post mortems should always be in writing prior to donation or post mortem, or whether it can be oral, with the details documented.

There are practical difficulties in always insisting on prior written, as opposed to oral, consent, especially in a State the size of Western Australia, where next of kin may not be in a position to provide consent in writing. Equally, some people are concerned that oral consent alone, particularly when it is obtained in times of great stress and trauma to relatives, may be misinterpreted.

I table the report of the Human Tissue and Transplant Act 1982 codes of practice working party. The report will be printed and made available for public comment for three months from Monday, 5 January 1998.

[See paper No 974.]

STATEMENT - MINISTER FOR HEALTH

Western Australian Health Budget

MR PRINCE (Albany - Minister for Health) [11.30 am]: Over the past months there has been considerable speculation and comment on the adequacy or otherwise of the budget for the Health portfolio for the 1997-98 financial year. The fact is that in Western Australia, the demand on public health services is increasing faster than the State Government's ability to fund services to match that demand because of funding arrangements under the Medicare agreement.

Activity figures for the past three years show a 15.5 per cent growth in cases admitted to public hospitals. The main component of the Health budget is the public hospital system, which accounts for nearly 73.4 per cent; that is, $1.1b. The Government has increased funding to the Health portfolio in the 1997-98 financial year with an additional $54m over last year's allocation. However, this has not allowed the system to keep pace with the increases in demand.

Even though we are not yet half way through this financial year, we have seen a stronger than anticipated growth in demand for services provided through our public hospitals, which is not being recognised by the Commonwealth in Medicare funding for the third successive year.

Based on activity levels at this point, it is estimated that approximately $85m in additional funding may be required. As members well know, the demand for services can vary as a consequence of changing circumstances. That has been demonstrated this year by problems such as the flu epidemic and increased incidence of whooping cough among children in Western Australia.

As with any budget, particularly the state Budget, which includes health, expenditure must be considered for the full year and not just at a particular time.

The information now available will be of great value and will enable the Government to manage the Health budget. Part of the normal budget management process is to review and make minor adjustments where necessary. The Treasurer has just approved an adjustment of almost $30m to the Health budget for items in this category. This has an immediate impact on the $85m and reduces the figure to $55m.

I remind members that the total Health budget is $1.6b and $55m is just over 3 per cent of the total. The Health budget has sufficient funds to continue providing services. It would be unwise to make major adjustments at this stage. Rather, the prudent course of action would be to monitor the situation, and continue to identify and implement improvements to health service delivery and the associated costs. That is being done.

Under the Medicare agreement, the state public hospital system is required to provide health services to the people of Western Australia on behalf of the Commonwealth Government. The Commonwealth Government has not provided sufficient funds to enable the full range of services to be provided. There has been a progressive decline in private health insurance, putting increased demands on the public hospital system.

If the Commonwealth had provided the compensation to the State for declining private health insurance numbers, as envisaged in the Medicare agreement in order to meet increased demand on the public hospital system, an extra $1.1b would have been injected into the health sector nationally. Western Australia could expect to have received over $100m. This was confirmed at a recent meeting of Australian Health Ministers on 6 November 1997.

Negotiations are now under way with the Commonwealth Government for additional support tied to the decline in private health insurance numbers. The Premier will be raising these issues with the Prime Minister.

In consultation with the Health Department, I will revise strategies to manage the health system as and when appropriate. Until such time as this occurs and our negotiations with the Commonwealth are complete, I have advised all hospitals and health services that patient care services should be maintained. The people of Western Australia can be reassured that we have a world class health system and we are committed to ensuring that this continues.

STATEMENT - MINISTER FOR FAMILY AND CHILDREN'S SERVICES

Adoption Legislative Review - Final Report

MRS PARKER (Ballajura - Minister for Family and Children's Services) [11.33 am]: My ministerial responsibilities include the review of the Adoption Act. When the Adoption Act was proclaimed in January 1995 it resulted in significant changes and reforms to the way in which adoption was regulated in Western Australia. The reforms were well received when the legislation was enacted.

To ensure the best possible outcomes for all parties affected by adoption, the Act required that a review of the operation and effectiveness of the legislation occur after two years of implementation with a report being tabled in both Houses of Parliament within 12 months.

In December 1996 Hon Cheryl Edwardes MLA, the then Minister for Family and Children's Services, appointed a committee to manage the review, receive submissions and report its findings.

The committee comprised staff of Family and Children's Services, a representative of the Family Court of Western Australia and two independent members with extensive knowledge and experience in adoption matters. The review was widely advertised in the Press and an issues paper was prepared to assist those wishing to comment. Approximately 2 000 copies of the issues paper were distributed. Written submissions were received and hearings held with adoption interest groups and other relevant organisations, including Aboriginal groups. Three research projects were commissioned, including a survey on the impact the legislative changes have had on people affected by adoption.

The committee was greatly assisted in its deliberations by the information obtained through the consultative process. The report contains 86 recommendations. Given the sensitive and emotional nature of adoption, and the varying views held by the community, it is expected that some recommendations in the report will not be unanimously accepted. It is therefore important that those most affected by adoption have every opportunity to make comment. It is intended that public comment on the report will be received until the end of April 1998. After considering responses to the report and undertaking any further consultation necessary, consideration will be given to the development of possible amendments to the legislation. I acknowledge the work and commitment of the review committee in preparing the report. I am pleased to table the report on the review of the Adoption Act.

[See paper No 975.]

STATEMENT - MINISTER FOR FAMILY AND CHILDREN'S SERVICES

Midland Office - Case Inquiry

MRS PARKER (Ballajura - Minister for Family and Children's Services) [11.37 am]: In September 1997, the Director General of Family and Children's Services advised me that he was commissioning an inquiry into the management of a case which was the responsibility of the department's Midland office. I supported the director general's decision to establish this inquiry, just as I support his commitment to administer a department which constantly examines and improves on its professional practice in the services it provides to clients.

The inquiry was conducted by Terry Simpson, former assistant director general of the department and Chris Harmon, former director of Wanslea. The report of the inquiry has now been completed and a copy of the report has been received by the acting director general.

On 21 November the department sought and received advice from crown counsel pertaining to the report on the inquiry. The advice touched on a number of issues relating to the inquiry, including whether the report should be tabled in Parliament. As a result of the advice received, the report will not be tabled until further lines of inquiry are concluded.

This action was discussed on 25 November 1997 with a representative of the Public Sector Management Office, who confirmed that it would be inappropriate to table the report until further action under the Public Sector Management Act is concluded.

The department has also received additional legal advice which indicated that further problems would arise if an unabridged version of the report were tabled, as in its current form it may lead to the identification of members of the public who have provided information to the department, or of the family to whom the case pertains.

In the meantime, members can be assured that Family and Children's Services is managing its responsibilities in an appropriate and responsible manner. When the actions referred to above are concluded, I will further advise the House about the inquiry and subsequent actions.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL

Second Reading

MR SHAVE (Alfred Cove - Minister for Fair Trading) [11.40 am]: I move -

That the Bill be now read a second time.

The Commercial Tenancy (Retail Shops) Agreements Act regulates lease agreements for certain small businesses conducting their operations in retail premises of 1 000 square metres or less. The Act provides for the determination of questions arising from all matters associated with the lease and dealings between the tenant and landlord. Its main aim is to improve the parties' understanding of their rights and responsibilities involved when entering a retail leasing contract. It also provides relatively inexpensive and practical procedures for resolving conflicts about these matters.

In completing a statutory review of the Act, I am proposing amendments that represent outcomes from an extensive consultation process. The Green Bill issued by the Government late last year gave all stakeholders from the retail sector and property industry the opportunity to consider a range of proposals. These proposals did not represent the settled position of the Government. They were understood to represent a set of reforms accumulated from previous reviews and desired by the industry to enhance the purpose of the Act.

Following a formal public submission period of five months, discussions have continued with peak industry groups and interested individuals to clarify the impact of a wide range of proposals. The amendment Bill is an amalgam of a number of these proposals, including refinements, additions to and deletions from the original Green Bill.

The amendment Bill upholds a number of parameters. Firstly, in regulating the activities of parties involved in commercial retail leases, the new measures do not intend to apply overly prescriptive procedures in these transactions. However, the review has identified that, due to a changing environment, some fine tuning of the Act is required. Secondly, the Bill's initiatives are directed largely to new leases only, with no retrospective application to current leases. The amendment Bill also contains improvements in drafting aimed at overcoming difficulties that have been experienced in the interpretation and administration of the Act. In addition, the amendments reflect changes to the retail industry environment since the Act commenced in 1985 and the most recent 1990 amendments were introduced. The proposed amendments also deliver on the Government's stated commitment to provide a more secure environment for traders; encourage landlords to make agreements which suit the dynamics of the individual properties concerned and the specific retail businesses that are being accommodated; and place a greater emphasis on disclosure of all conditions and obligations.

The main elements in the amendment Bill deal with reviews of a tenant's rent, valid occupancy cost contributions, and the disclosure of all pertinent information prior to the lease contract and protective audit provisions. Specifically, these deal with interpretations of major terms underpinning the amendments. These include refinements to "retail shop lease" and "shopping centre" to allow for associated open space used for retail purposes and includes multi level and strata developments. The term "total lettable area" is defined as the aggregate of the retail floor areas, the latter term being added to uniquely identify leased space subject to the Bill. When combined, both terms determine the relevant proportion for cost apportionment to the retail tenant.

A tenant guide will be introduced for enhanced disclosure and tenant education. The tenant guide will address a range of rights and obligations for landlords and tenants. Essentially the guide will be a plain language explanation of key principles contained within the amended Act. In particular, it will include details of tenants' rights in respect of void clauses such as the insertion of prescriptive trading hours arrangements in leases. The tenant guide will also recognise the practice of some clauses, which do not apply to leases covered by the Act, being used as a means of misleading tenants with regard to their rights. The guide will recognise the legal realities and resulting difficulties if these provisions were to be prohibited outright. The guide will be developed in conjunction with an industry reference group and be prescribed in regulations to support the amended Act. Sanctions will be imposed if this guide is not provided.

The Government believes that it is unfair for assignors to be required to guarantee the performance of the ingoing assignee over the balance of the lease term. Accordingly, the amendments aim to remove any doubt that once an assignment of a retail shop lease under the jurisdiction of this Act has occurred, the liability of the assignor tenant or his or her guarantor will end in respect of the new business occupancy. Any moneys owed by the outgoing tenant will be his or her responsibility.

The Bill ensures that only one means of calculating rent per review will be specified in a lease. When calculating rent due at a rent review, some leases feature more than one method of calculating rent, such as being the greater of CPI, market rent, or 10 per cent. Further provisions also allow rent only to increase, even when market conditions at the time of the review should see a decrease in the rent. The amendments will require that for new leases, prior to agreements being finalised, the single basis on which rent reviews will be conducted must be clearly disclosed. The amendments also confirm the Government's contention that for new lease agreements, the market rent will be able to increase and decrease to reflect market conditions prevailing at the time of the review.

The Bill also clarifies beyond doubt that "ratchet clauses" which ensure that rents can only increase on review are prohibited. In the assessment of what constitutes market rent, the valuer will be required to adopt proper land valuation practices. These standards are currently being developed by the valuation industry and will be referred to in the regulations supporting the Act.

The Bill provides that either party to the retail lease may initiate a rent review action. In the absence of specific timing on this issue there is a default timetable to initiate the review not earlier than three months prior to or not later than six months after the scheduled review date. This will work to protect the tenant's rights to take advantage of market conditions rather than for only the landlord to have this ability. For all leases, in cases of dispute, the existing rent will continue until the new rent is determined. When the new rent level is decided, any adjustment in favour of the landlord or tenant will rank equally with all other lease commitments and be due and payable with the next invoice.

The registrar's powers to determine rent reviews are also confirmed by the Bill together with the ability of the registrar to call for mandatory disclosure of valuation evidence from the parties. These provisions will apply to all leases. With regard to contributions to landlord expenses, the Bill requires that a retail lease seeking the recovery of operating expenses from retail tenants will specify how the amount claimed has been calculated, apportioned and is to be paid by the tenants. This clause will include retail premises whether as stand alone shops, strata developments, or shopping centres comprising one or more buildings or a cluster of five or more retail shops.

The relevant proportion principle is introduced by the Bill to set an upper limit to the amount tenants can reasonably be asked to contribute to the landlord's operating expenses in running a shopping centre. Some industry practices have seen major tenants being given significant discounts by landlords on a shopping centre's operating expenses. In order to overcome any shortfall from these negotiations, in some instances landlords have then allocated these shortfalls to other tenants, generally the smaller specialty retailers, in the centre. In addition, some shopping centres ownerships with vacant shops have loaded up their tenants with the expenses which should have been allocated to the vacant shops. Practices of this nature are patently unfair. As these costs are unrecoverable, the landlord, in the absence of tenants in these vacant shops, should bear these costs.

The proposed amendments therefore limit a tenant's contribution to all valid operating expenses such as rates and taxes, insurances, cleaning and the like by relating the amounts they contribute to the proportion which the floor area

of the tenant's shop bears to the shopping centre's total lettable area. The clear intention is to ensure that small tenants do not contribute to expenses that are not applicable to their tenancy. The Government is not, however, precluding any negotiated agreement between the parties that provides for a contribution by the tenant of less than the relevant proportion.

With regard to disclosure and audit requirements for a shopping centre's operating expenses, the Bill's provisions have been expanded to allow greater scrutiny of the landlord's charges. These changes have been endorsed by the Joint Legislation Review Committee of the peak audit industry group and are aligned with similar provisions in other States.

These provisions also ensure that parties pay only their fair share by specifying that tenant contributions to landlord expenses will be limited to the tenant's proportion of the total lettable area of the shopping centre. To complement this disclosure between the parties to a lease, the Act will also require that the centre's total lettable area, and any changes in the year, be verified by a registered company auditor during the conduct of the audit.

In recognition that both landlords and tenants will benefit from these audited provisions, the auditing costs will be equally divided between these parties. However, there will be no need to conduct an audit where recoveries are limited and these expenses are readily verifiable and copies of the charges are supplied. This would include simple lease agreements where rates, taxes and insurances expenses are the only recoveries outside of rent payments. In addition, to ensure compliance by the landlord, provision is made that tenants will not have to pay the current year's operating expenses if the previous year's audited accounts have not been supplied after three months.

The Bill also acknowledges that certain expenses can be attributable to a particular tenant or group of tenants. These referable expenses are usually outside the normal common operating expenses budget and are the result of additional service requirements, such as extra cleaning and disposal of food waste.

Landlords will be prevented from recovering management fees directly from tenants. There are strong differences in the debate on the legitimacy of tenants paying the management fees directly to the managers. Tenants argue that although they pay the fees, they are not a party to the agency contract and have no say in the selection and performance of managers. Additionally, if landlords were directly responsible for remunerating their managers, they would take a greater interest in supervising their activities to ensure the highest standards of performance at the best price.

On balance, the Government has agreed with these arguments and has defined management fees within the Bill to give effect to this decision. This measure will apply to new leases and ensure that responsibility for the supervision of shopping centre management is undertaken by the parties who are responsible for the appointments to the management-related positions in a shopping centre.

The issue of tenant contributions to the landlord's land tax assessment has been contentious. Comment provided during the Green Bill consultation phase revealed that where disputes occurred, they related to inappropriate charges being claimed by the property ownership. To reflect fairness and essentially commercial practices in this matter, the proposed amendments will ensure the tenant pays only the amount relevant to his or her retail outlet by prescribing that the contribution will be limited to the "notional land tax". This amount is calculated on the basis that the land on which the tax is assessed is the only land owned by the landlord and does not attract tax at the higher multi-ownership rate.

The area of sinking funds has also seen conflict between landlords and tenants. Restrictions which limit the use of these funds to future repairs and maintenance and non-capital works initiatives will remain. The proposed amendments will require that any other sinking funds are used only for the specific purpose for which they are created. Moneys in these funds are maintained for the benefit of the shopping centre and are clearly not for any other uses. The amendment Bill extends the protection of the sinking funds provisions to all other funds and reserves to which the retail tenant contributes. This will include the audit of promotion funds and marketing levies.

Two further issues in retail leasing agreements are also included in the legislation, these being the choice of trading hours by retail tenants and the determination of certain costs of occupancy with strata title centres. As a matter of principle, the Government believes tenants have the right to determine their trading hours to satisfy the needs of their business, their marketing environment and their personal circumstances. The Government's position is to allow tenants complete discretion to determine their own trading hours. This is consistent with the current conditions set by section 16 of the Retail Trading Hours Act. This measure supports that position and ensures that any specification of trading hours in a lease is void.

Additional protection is to be extended where a tenant's lease is not renewed for the specific reason that the lessee does not open at the hours specified by the landlord. Here, the tenant can apply to the registrar and Commercial Tribunal for compensation. The tenant guide in support of the Act will also deal with this initiative.

An anomaly has been identified in the Act regarding strata title levies. Strata levy fees may include more items and charges than allowed under the Bill, which deals with valid contributions to landlord expenses. In the past, the Commercial Tribunal has ruled that landlords cannot recover any strata title levies, but this interpretation was never intended by the Act. There are serious financial implications for landlords in these circumstances if they are unable to recover levies as legitimate expenses.

As a consequence, appropriate amendments to address these issues are featured in the amendment Bill. The amendments will allow strata title levies to be included as a contribution to landlords' expenses, provided these expenses comply with existing provisions of the Act. Non-operating expense items such as capital works, construction, extensions or plant and equipment replacement and upgrades will continue to be disallowed, as is the current situation.

Generally speaking, the amendments will apply upon proclamation in respect of the definitions, the powers of the Commercial Tribunal and its registrar, confirmation that tenants can have their choice of hours of operation and strata title levies. It will apply from 1 July in the 1998-99 financial year or the next applicable accounting year in respect of the auditing of expenditure and allocation of associated costs, the auditing of sinking funds and all other contribution funds.

Importantly, the amendments which rely on the concepts of relevant proportion and total lettable area will apply to all new leases and extensions of existing leases. The Government acknowledges the primacy of contracts and does not therefore seek to retrospectively change existing commercial arrangements.

The amendments will make a significant contribution to the Government's aim of making the Western Australian marketplace fairer, more competitive and better informed. The measures also address the concerns raised by industry stakeholders during the extensive consultation processes, and which were reinforced at the national level, about the need for improved retail legislation. The Commonwealth Government has recently announced a series of principles to promote fair competition and the protection of the small business sector. The full details and impact of this initiative are presently being formulated.

Together with my ministerial counterparts from other States, I will meet with the Commonwealth in December to further develop a set of nationally consistent principles for the protection of small retail business tenants. Although these amendments are consistent with that approach, further changes could possibly be introduced. However, the State Government's view is that the local retail industry needs to benefit from the findings of the completed consultation process rather than deferring in favour of the prospect of further possible improvements in retail leasing legislation. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

MISUSE OF DRUGS AMENDMENT BILL

Second Reading

Resumed from 20 November.

MRS ROBERTS (Midland) [12.01 pm]: I will make a few brief comments on the Misuse of Drugs Amendment Bill. The principal function of this Bill is to amend the definition of "to supply" to include the following -

> deliver, dispense, distribute, forward, furnish, make available, provide, return or send, and it does not matter that something is supplied on behalf of another or on whose behalf it is supplied.

It appears that in the 1995 case of Manisco in the Western Australian Court of Criminal Appeal the existing definition of "to supply" proved to be deficient. The Government has brought this Bill into this place to ensure that people holding drugs for another person will fall within the definition of "to supply". It is important to clear up any loopholes in the Misuse of Drugs Act so that people who have committed very serious drug offences in the community do not escape the full force of the law. It is for that reason I am keen to see this legislation dealt with expeditiously so that people who store drugs at their home or other places fall within the definition of "to supply". The Opposition fully supports the Bill.

MS MacTIERNAN (Armadale) [12.03 pm]: I said I would make a few comments on this Bill. Unfortunately I have not had the opportunity to get the figures I was hoping to present to the House today. The Misuse of Drugs Act, among other things, prohibits the use of cannabis. Today there have been impassioned presentations in this Parliament about the need to ensure that we continue with the strict prohibition model for cannabis. The argument strongly put by the member for Carine was that cannabis was a gateway drug for drugs of a far more serious nature.

Mr Bloffwitch: Beer is to alcoholism too.

Ms MacTIERNAN: I am glad the member for Geraldton is progressive on this issue.

I have not been able to get the figures that detail the Dutch experience to show this argument is palpable nonsense.

Mr Johnson: You do not agree?

Ms MacTIERNAN: Not at all.

Mr Johnson: I have information that illustrates the use of cannabis leads to the use of stronger drugs.

Ms MacTIERNAN: It is a fascinating topic and the member for Hillarys is perhaps falling into the old logical error of post hoc ergo propter hoc which, translated, means "coming after the thing, therefore causing the thing". The member for Hillarys will probably also find that 100 per cent of those persons who are using serious drugs also drank milk as babies. It is quite possible to say there is a 100 per cent correlation between the use of milk as a baby and proceeding at a later age to narcotics or other drugs.

Mr Johnson: That is not a good analogy. I quote the case of the young person who started smoking cannabis occasionally and who is now smoking it all the time and his brain is affected.

Ms MacTIERNAN: No-one is arguing that it is a health substance any more than anyone would argue alcohol is a health substance. All members have experience of people whose brains have been turned to complete mush through the use of alcohol. The member for Hillarys, with whom only last night I enjoyed a glass of champagne, is not proposing that because some people who, through overuse, become victims of a particular drug, be it alcohol or cannabis, it is a strong argument for the prohibition of that drug.

Mr Johnson: There is about 20 per cent more toxicity in cannabis compared with alcohol.

Ms MacTIERNAN: That is an extraordinary figure. That is not the point of my argument. The issue I am trying to raise is whether it can be argued that there are a number of people who, through overuse of cannabis or who because of a susceptibility - particularly those people who have a genetic predisposition to schizophrenia - suffer adverse physical and psychological harm as a result of their cannabis use. No-one would deny that nor is it suggested that we should encourage cannabis use for that reason. I advise the member for Hillarys that precisely the same effects can be noted through the use of alcohol, and we do not advocate prohibition as the appropriate response to alcohol.

The evidence from the coroner is clear year after year. There has not been one cannabis-related death in this State in the last 20 years. There have been thousands upon thousands of alcohol-related deaths. The member for Hillarys presents a nonsense argument.

I will refer briefly to statistics that are available and unfortunately I have not been able to obtain a copy of the document this morning. It is important to look at the experience in Holland where the impact of separating the cannabis market from the market of general drug use is apparent.

Mr Bloffwitch: Do they still have illegal drugs in Holland? I thought they did.

Ms MacTIERNAN: Yes, there is no doubt about it.

One of the aims of the Dutch administration is to quarantine persons who use cannabis from the general supply of illicit drugs. The Dutch Government has set up a two tier market so that the effect that the member for Hillarys is concerned about is ameliorated; that is, those people who begin the relatively benign practice of smoking small amounts of cannabis are not, through the supply lines, linked in with the more hazardous market of narcotics and other psychotropic substances. The results in Holland are clear. Cannabis can be purchased in a quasi legal fashion through a number of contained coffee shops.

Mr Johnson: Is the member for Armadale saying that cannabis should be decriminalised and people should be allowed to smoke it if they want to?

Ms MacTIERNAN: It would be instructive for members in this place to set in place laws that do not just get us re-elected but also address the real problems that the community is facing. We have an obligation to look at the data and to see what provisions appear to work. I am not seeking to set out a legislative package; I am seeking to open members' minds to an effect which can be noted in Holland.

Mr Wiese: Are you suggesting we should go to Holland to look at what is going on?

Ms MacTIERNAN: The Government should appoint open-minded people to the Select Committee on the Misuse of Drugs Act 1981. It is unfortunate that the Government has seen fit to put on that committee people who by and large have closed minds to the potentials of another approach.

Mr Johnson: I do not think the member should talk about the member for Fremantle like that.

Ms MacTIERNAN: The Government did not nominate the member for Fremantle to the committee. It is clear that the Labor members have in fact been prepared to at least countenance that there may be other ways to deal with this issue.

The point I wish to make relates to the segmentation of the market in Holland, so those people who seek to purchase and use cannabis are not exposed in that process to the supply networks of more serious drugs. The impact of that market segmentation has been that Dutch citizens and residents have the lowest rate of heroin use in Europe. Holland has a decreasing rate of cannabis use among young people. It is interesting to see that the age profile of a cannabis user in Holland is markedly different from that of users in any other western nation. The numbers of young people taking up cannabis in Holland is far less than in any other OECD country. It is also interesting to note in global figures that the percentage of people using cannabis in Holland is far less than the use rates in Australia and the United States. If our aims are to ensure that those people who are using cannabis are not led into the use of other drugs by a gateway effect and to reduce the number of people taking up the use of cannabis, we would have to acknowledge that the statistics suggest the Dutch model will be more effective in achieving that end. Holland is doing better than Australia and certainly the United States, which has an extreme zero tolerance policy. Members should not take the soft and easy option with their electorates. I urge those members who might have some guts, who might have concern for what is happening in society, to look closely at the Dutch experience and what we might learn from it.

MR DAY (Darling Range - Minister for Police) [12.15 pm]: I thank members of the Opposition for their support of this Bill. It is a simple piece of legislation which is designed to overcome a loophole in the Misuse of Drugs Act which has no definition for the words "to supply". This amendment seeks to introduce such a definition, so it will not be possible for a defendant to claim that he or she is holding drugs on behalf of somebody else with the intention of returning them and thereby to escape conviction.

The member for Armadale has addressed a number of much broader issues in this context and it would be appropriate for them to be responded to on another occasion.

Question put and passed.

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

ROAD TRAFFIC AMENDMENT BILL

Second Reading

Resumed from 20 November.

MS MacTIERNAN (Armadale) [12.16 pm]: The Opposition supports this legislation. It is alarmed, as is the Government, that around 250 people die on our roads each year and is equally alarmed that 2 500 people are seriously injured in traffic accidents. We support the comments that the Government made about its concern for the families that will be touched by road trauma induced tragedy over the coming year. That is clearly a serious issue that we must be prepared to address.

The Opposition supports the Government's initiatives. I will make a couple of comments about some specific provisions. The Opposition notes that the holders of extraordinary licences will not be permitted to have a blood alcohol level in excess of 0.02 during the currency of that extraordinary licences. That is most appropriate. By and large an extraordinary licence is given so that a person who has lost his general licence may continue to operate in his workplace. Under those circumstances there can be no justification for a person with an extraordinary licence to have a blood alcohol reading in excess of 0.02 per cent. An extraordinary licence should not be used in conjunction with social activity. We support that aspect of the legislation.

We also note that the Minister for Transport has not sought to go down the road that was being advocated by the Minister for Police. I meant to say the Commissioner of Police, although I could be forgiven for making that slip. The Commissioner of Police has made a number of statements to the effect that because extraordinary drivers' licences are not available in Victoria, they should not be available in Western Australia. I understand approximately 11 000 Western Australians each year are granted extraordinary licences, and in my view it was incorrect of the Commissioner of Police to say these were easily obtained.

Mr Bloffwitch: I do not think he has ever tried to get one.

Ms MacTIERNAN: He probably has a driver. These licences are certainly not easily obtained. Most people lose their licences when they have accumulated 12 points over three years, often for speeding offences or for not wearing

seat belts. For many people the economic consequences of losing their licence are often far in excess of their crime. I am particularly mindful of representations made to me by people in my area. Often they work in service industries, restaurants and bars in the city or in factories located in places such as Kewdale. For those people no public transport alternative is available. If those people lost their drivers' licences, they would lose their livelihood with very little prospect of obtaining alternative employment. Obviously, in some cases that might be appropriate if the offence were of a serious nature. However, many of these cases do not involve serious offences, but rather the accumulation of points over three years.

I am pleased the Minister for Transport has taken a more moderate approach, because to do otherwise would have particularly affected ordinary working Australians. The loss of a licence would not be a big deal, for example, for a solicitor or barrister living in Cottesloe. Such a person could take a taxi to social events and a train to and from their place of work. However, the reality is quite different for a short order cook living in Armadale and working at the Burswood Resort Casino. No public transport is available to that person, and the level of remuneration such a person would receive would not enable him to pay $70 for a return trip in a taxi.

Although I totally support the reduction in the blood alcohol limit to 0.02 during the currency of an extraordinary licence, I note that drivers convicted of serious, alcohol related driving offences will be subject to that 0.02 limitation for three years following the return of their licence. I wonder whether that is setting the bar too high. The normal punishment will take effect and a person convicted of a serious offence could lose his licence entirely for a year. I wonder what the value and virtue are of requiring that person to be subjected to that low blood alcohol limit of 0.02 for the following three years. Basically, the Government is taking the view that a blood alcohol level of up to 0.05 does not represent a danger to the community because if it did, the bar would not have been set at that point. I do not think it serves the interests of safety to require a person who has taken his punishment, to be subjected for the following three years to further punishment which seems to have little to do with achieving a safety objective. I am a little concerned that this will set people up for failure.

I now comment generally on the Bill. The level of fines applicable under the Road Traffic Act have been increased substantially and, in many instances, the monetary penalties have doubled. I have a general concern about that approach. Again, people on low incomes are more severely affected than are wealthy individuals in society. Penalties such as this are by their nature regressive. I have no difficulty with maximum penalties being increased, but it should become part of judicial discretion to take into account the capacity of the person to pay when setting the fine. A fine of $1 000 imposed on a medical specialist will be a far less severe penalty than the same fine imposed upon a person who is a contract cleaner, probably earning one-twentieth of the salary of the medical specialist. If we are at all concerned about deterrent and equity, that must be taken into account. In cases where there is no discretion in the imposition of these penalties, I am very concerned about the uneven effect that will have on low income people.

I was a little disappointed that the Minister for Local Government, when presenting the second reading speech, did not give recognition to the fact that a number of opposition amendments had been incorporated by the Government into the legislation in the Legislative Council. The Opposition was concerned about the unintended retrospective consequences of this legislation and, in the spirit of cooperation, it took up the matter with the office of the Minister for Transport. Various amendments were drawn up, agreed to and passed through the Legislative Council.

The Opposition was also concerned about provisions that relied on the exercise of police discretion, and in a way were incompatible with the substance of the legislation. That was pointed out to the Government, and further amendments were made to ensure the legislation reflects the policy and practice the police will follow for first offenders under the 0.08 provisions. Unfortunately, that was not acknowledged in the second reading speech. That is life! Who will respond to this debate?

Mr Cowan: I will.

Ms MacTIERNAN: I am not sure the Deputy Premier will be in a position to respond to the point I am about to raise. There is concern in school communities about road safety for children, particularly in areas where the volume of heavy traffic is increasing. Many of the schools in my electorate are on major roads used by heavy haulage vehicles, extra long vehicles and road trains. The demand for attended school crossings has increased considerably. I was contacted by the Western Australian Council of State School Organisations, which expressed concern that the Government was not providing funding for any new guarded road crossings. I wonder whether the Minister can address that issue.

If there is to be a commitment to road safety, it must extend beyond those areas that are revenue collecting, to those that are revenue expending. The Minister for Transport, through his representative the Minister for Local Government, has emphasised very strongly that these very substantial increases in penalties are not an exercise in revenue raising, but are aimed full square at reducing the road toll. It seems to me that now we are seeing large lumps

of extra cash coming into the Government's coffers courtesy of this increased road funding, a percentage of those funds, albeit modest, should go towards increasing the opportunities for guarded school crossings. I wonder whether the Deputy Premier can take some advice about whether that is possible. We know, and we understand, that there is a limited pie, that there is not an endless source of money; however, here we are being asked to pass a piece of legislation which will enhance government revenue quite considerably - I imagine it will be by some millions of dollars - and I would like a commitment from the Government that it is genuine in arguing that this is not a revenue collector and that it is prepared to set aside a portion of this substantial increase in revenue to fund properly an expanded guarded school crossing program.

We are fully in agreement with the Government that the number of people who are dying or being seriously injured on our roads is unacceptable, and that we need to enhance the understanding and awareness of the community about this problem; increase the skills of drivers; improve the general attitude of drivers towards the issue of road safety; and marry that with proper enforcement and deterrents. We give our support to this Bill.

MS WARNOCK (Perth) [12.32 pm]: The Opposition supports this Bill. I support it largely because of my personal concern about road safety, one I have had for a long time, but one which was intensified last year when my mother was very badly injured in a head-on smash and spent six months in hospital as a result of being permanently injured in the crash. That was not the first time I had a personal connection with someone who had had a bad traffic accident. However, it is one reason I am very interested in this Bill.

I was a member of the Select Committee on Road Safety, which produced eight reports which were the basis for many of the changes in this area that are foreshadowed by the Minister for Transport and the Minister for Police. That committee was very hard working indeed and it sought out information about road safety.

Mr Osborne: And talented.

Ms WARNOCK: I cannot resist rising to the remark from my colleague the member for Bunbury.

Ms MacTiernan: Was he on the road safety committee as well?

Ms WARNOCK: Yes, he was. In the spirit of the season, I will admit that he was a very hard working member of the committee. As I say, the committee sought out worldwide information on approaches to road safety. Committee members scanned statistics and reports from many countries to ascertain the most successful techniques and approaches to road safety, as well as the least successful techniques.

Sweden was among the best in its approach to road safety and, in Australia, New South Wales and Victoria have both succeeded in turning around their very bad record on road safety into a much better record on injuries and death on our roads. How do we deal with this problem? It is obviously an urgent one, given the fact that last year was one of the worst on our roads, with about 250 people being killed and about 2 500 seriously injured. According to the statistics we have, the financial cost to the community was $1.2b, not to mention the terrible personal cost to the victims and their families.

We are trying to stop people killing themselves and others on our roads. How we do that is a very complex matter that must be addressed in a sophisticated way. I am pleased that in the second reading speech the Minister mentioned it was not simply a question of either education or enforcement; it had to be a matter of using both methods. It is very important to use public education, but that will not succeed by itself. It is also not sufficient simply to slap on a heavy fine, although obviously because we support this Bill we regard that as appropriate as well. Those two factors must be combined to try to persuade members of the community to change their mind about road safety. We must change our views about that issue.

I do not despair that we can do it. As I said earlier, in Sweden, New South Wales and Victoria, people have managed to change their opinions and behaviours and, as a result, have changed the consequences on the roads. Western Australia has led the world in changing people's views about smoking. If we can do that for smoking, it is certainly possible to do it in regard to road safety. For that reason the Opposition supports this approach to road safety of putting in place much tougher penalties, but at the same time making sure a very strong education campaign is available to assist in changing our views and our behaviour.

Much as some people dislike the restraints we are asked to endure - such as cutting our driving speed, not drinking and driving, and even wearing seat belts; I know some people complain about that, but surely that is regarded as a very sensible and life saving thing to do these days - we must improve our performance on the roads.

When I was looking through some material about this subject, coming up to the appearance of the Bill in Parliament, I discovered that at the beginning of this year - it was certainly during last summer; perhaps it was in December or January - a great deal of concern was expressed in the media about the newly discovered fact that government departments had been among the worst offenders in failing to pay the red light camera and Multanova fines that had

been run up by departmental officials. There was a great kerfuffle about that. I hope to hear from the Minister in his reply that we have managed to do something about that problem. There is a recognition problem when using a Multanova, or a speed camera, of who is in the car. Because there was some difficulty in recognising the driver, it was being used as an excuse by some companies and government departments to fail to pay the fine. I hope we have managed as a community to solve that problem. That money is important because it is used in an effort to bring greater safety to our roads. That is what that money is for, despite the fact that people will say - indeed, many people who are in this House have probably said this - that it is a question of revenue raising. If it is revenue raising, it is revenue raising for a good cause. All the revenue from the use of the Multanova camera should be spent on road safety. The member for Armadale referred to that aspect. It should all be spent on road safety - not just the one-third that goes to the road trauma trust fund currently. We must win this battle, and turn around the road toll in this State. That aim has been achieved in Victoria and New South Wales. We all hate being caught by the Multanova camera, just as we hate the thought of falling foul of the booze bus, but in our hearts we know that those annoyingly inhibiting objects are used because too many people are dying or being horribly injured on our roads every year. We must do something about that.

Sadly, a large percentage of people killed or injured on the roads are young people aged between 18 and 24 years. That group is over-represented in the road toll statistics. Encouragingly, over the past several months, young drivers have been asked to contribute their views and ideas about cutting the road toll this year. Interestingly, they were very keen on our taking a tougher line. According to newspaper stories, young drivers want tougher laws. They suggested that novice drivers should be forced to spend a longer time on L plates so that they can become more competent drivers. They also suggested that the period between being on an L plate and on a P plate is too short. They made other criticisms of the way young people are taught to drive, and they suggest that we need to be tougher in those areas. It was very interesting. One would not necessarily expect that from young people, because we usually expect them to be perhaps rebellious when they are forced to conform, in many ways, but obviously they share our concern about the bad record on the roads, and they want to be part of the solution, not only part of the problem. I was very impressed.

I will leave my comments there, because I have spoken about this issue many times. I take it very seriously personally, and as a member of Parliament, and I am pleased to support the Bill. However, I agree with the comments of my colleague, the member for Armadale, about the effect of fines on people on different incomes. I support a higher level of fines to indicate our view about the seriousness of the offence of drink driving, and others. However, we must bear in mind the fact that some people are better able to meet the cost of the heavier fines and penalties than are other people. We should reach some sort of accommodation on that point. Perhaps that is an issue that we can address later.

MR RIEBELING (Burrup) [12.43 pm]: I do not have the same level of support for this legislation as do others on this side of the House. The increase in penalties provided in this legislation are extreme. Currently, the penalty for driving with a blood alcohol level higher than 0.08 per cent is $300 and the suspension of one's licence for three months. Under this legislation, the penalty for the same offence, as a first offence, will attract a maximum of $1 500 and disqualification of licence for up to six months. The Government has put in place new ways to enforce the payment of fines; and it said that that would create much more streamlined and successful ways to collect that revenue. It said all would be well; everyone would pay their fines, and no longer would there be any great problem of facing debt in the court system. Yesterday a report indicated that some $26.8m in fines was being written off because the Government realised that amount could not be collected. The ever increasing inability of the Government to collect fines was emphasised by that report. It was stated that the increase in debt in the court system was 104 per cent every three years, which is about as long as the enforcement legislation has been in force.

The new system will remove natural justice for many people. Currently, in this State about 30 000 people are under suspension as a result of that fines enforcement procedure. This legislation seeks to double and triple the penalties. It will also double or triple the problems for the Government in trying to enforce the penalties now in place. When the legislation passes through this House, next year the Government will try to write off more than $50m in uncollectible fines. What is the purpose of the ever increasing penalties, when the Government knows that a large part of the penalties will never be collected?

The proposed $1 500 penalty applied to the offence of driving with a blood alcohol level in excess of 0.08 for a first offence, is outrageous. As I read it, under this legislation, a person will face a maximum penalty of $1 500 if caught with a blood alcohol level of 0.09. I am sure that many members are aware of instances in their electorate when people attend a function and think they are okay to drive; they think they are not a risk to the public. These people may make an error in their estimation of their ability, but they have not deliberately flouted the law. Those people should not face a $1 500 fine. The previous penalty of $300 is more appropriate at the lower end of the excess of 0.08 scale.

I agree with the scaled penalty up to 0.15 - the driving under the influence offence. That is the same penalty under the old system for a reading of 0.158 and for the offence of 0.081, which is ridiculous when a 0.15 offence attracts a penalty of six months' imprisonment. I do not see a similar penalty for drink driving. Perhaps the Minister can indicate -

Mr Bloffwitch: He will have to be quick!

Mr RIEBELING: I presume we will return to debate this legislation this afternoon. Perhaps the Minister can indicate whether there will be a DUI table similar to the 0.08 penalty table and the 0.05 penalty table. How can these penalties be more enforceable than the lower penalties which appear to be unenforceable under this new process?

The information I have offered comes from the Attorney General's report which indicates that the fines enforcement procedure is not working. In my 20 years' involvement with the courts, it has never been necessary for the courts to write off in excess of $20m because they could not collect fines.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 8900.]

STATEMENT - MEMBER FOR PERTH

Barn Laid Eggs

MS WARNOCK (Perth) [12.50 pm]: I take the opportunity on possibly the last sitting day for 1997 to congratulate the Royal Society for the Prevention of Cruelty to Animals for a wonderful initiative; namely, the introduction of barn laid eggs and the consequent liberation of countless battery hens. The campaign to free battery hens has been a great success in New South Wales and Victoria. Although the barn laid eggs, as they are called, are more expensive than battery laid eggs, the farms involved cannot keep up with demand.

The RSPCA and Golden Egg Farms are hoping, when the project is launched shortly, for the same success in Western Australia. Chickens freed from their cages will be housed in a huge covered barn so they will have the freedom to scratch, dust bathe and perch. It is not free-range egg farming by any means, but it is much better than the current situation.

No cages and no wire floors will be used, and in their place will be contented hens. The RSPCA will monitor this new style of egg production, and will receive a royalty as a result. As the RSPCA slogan says, "Help release the humble chook from its prison and look for barn laid eggs at your local shop."

STATEMENT - MEMBER FOR MANDURAH

Natural Gas for Mandurah Project

MR NICHOLLS (Mandurah) [12.52 pm]: I commend one of our government trading enterprises - something which does not happen very often; namely, AlintaGas' "Natural Choice for Mandurah" project which was launched in February 1997. This project is to extend natural gas mains provision to the suburbs of Dudley Park, Singleton, Golden Bay, Madora, San Remo and Coodanup. Currently, 15 per cent of Dudley Park households are already connected, and work on connection to the second last suburb, San Remo, is just being completed.

Just over 12 months ago the residents of San Remo raised a petition seeking to have natural gas provided to the suburb. At that stage, not a lot of hope was held that such a service would be available. However, just over 12 months later, not only is natural gas provided, but also people are able to connect to the service straightaway. Coodanup is the last suburb to be connected and I understand that it will happen in the near future.

AlintaGas has committed $420 000 to the natural choice for Mandurah program. It should be commended for that initiative not only for the investment, but also for the use of local contractors which has been a large boost to our local economy. I hope other departments follow AlintaGas' lead in that regard.

STATEMENT - MEMBER FOR ROCKINGHAM

Caravan Parks and Camping Grounds Act

MR McGOWAN (Rockingham) [12.53 pm]: I raise a number of concerns about the Caravan Parks and Camping Grounds Act and its regulations. The Act was amended last year, and related regulations were recently promulgated which are causing an immense amount of concern among long term residents of caravan parks.

Many people in our society, particularly in my electorate, are long term residents of caravan parks. Under the Act,

local authorities are applying regulations which have the potential of forcing these people to knock down their annexes, remove storage sheds, raise or lower the height of fences and make other similar changes within the next year or four years.

For many of these people, their sole asset in life is the home they have constructed in caravan parks. Under these rules, some of these homes, which are very attractive, well maintained and very livable, are required to be amended in their size and shape. The prescriptive nature of the regulations is causing these people a lot of stress and is having a dramatic effect on many people's health and wellbeing. Parliament should take dramatic steps to amend the regulations because of their impact on these people.

STATEMENT - MEMBER FOR VASSE

Busselton Shire Council

MR MASTERS (Vasse) [12.55 pm]: On several occasions in the past I have spoken in this place about the rapid population growth that is occurring in my electorate of Vasse. Increases of 6.9 per cent within the Busselton Shire as a whole and up to 17 per cent in specific localities such as Dunsborough are placing great pressures on existing services and resources, and also on the wide range of people who provide those services to the Vasse community. I wish to take this opportunity to specifically acknowledge and thank the efforts and contributions of the staff and counsellors of the Shire of Busselton. In recent years, many demands have been placed upon these people, in the resolution of complex or emotionally charged issues, such as the Busselton airport, use of jet skis in Geographe Bay, the shire's draft district planning scheme, road developments, Port Geographe and many similar developmental causes or proposals. Overwhelmingly the Shire of Busselton has reached the correct answers when grappling with the questions and problems that end up on the council's agenda as a result of population growth and associated developments. In almost every instance I have found counsellors and staff to be totally professional, dedicated and competent in the various actions and interactions they have undertaken recently. I congratulate the Busselton Shire Council for the cooperative way in which we have worked together since my election almost one year ago, and I look forward to my continuing positive involvement with the shire over the next three years of my term as the member for Vasse.

STATEMENT - MEMBER FOR MAYLANDS

Urban Bushland Conservation

DR EDWARDS (Maylands) [12.57 pm]: Urban bushland is the number one environmental issue drawn to my attention when I go into communities cold. People have a really close connection to their urban bushland. Its importance is in biodiversity and conservation. It also has great recreational value and a particularly Australian value. With all our bushland disappearing, particularly in urban areas, people want to go out and put their feet on the ground and tell their children, "This is our bush. This is what the pioneers thought about when they came to Australia." I am disappointed with the Government's response. We do not have the promised bush plan. The bushland in Gillon Street, Karawara is about to be cleared. Apparently, the Urban Bushland Advisory Group, the Government's main bushland advisory body, has not met since February. We have had no regional parks legislation despite it being promised at the beginning of the year. Most recently my concerns have been about bushland in Forrestdale. The land there belongs to Homeswest and has been assessed as regionally significant bushland, yet Homeswest will clear it despite people's commitment to that area. The Government has been really strong on its rhetoric; it has set up a group that is not meeting; and it has set up a plan that we have not seen. The Government now needs to put its money where its mouth is and bring this plan into action.

STATEMENT - MEMBER FOR GERALDTON

Lobster Industry

MR BLOFFWITCH (Geraldton) [12.59 pm]: The lobster or crayfishing industry season starts on 15 December. For my electorate of Geraldton it brings in something like $180m to $200m a year. It is a very lucrative market. All marketing exercises depend upon the customer for the success of the product. Whether we enhance the market or have problems also depends on the customer. All of us will be aware of the turmoil in the Asian financial markets. This is not a good sign when we are selling a luxury or premium priced item such as lobsters. The Abrolhos lobster is marketed very efficiently throughout Asia, and is sometimes sold at double the price of the Thai, Mexican and South African lobsters, such is its quality and the appreciation of the customer. In Thailand boxes of Abrolhos lobsters are being counterfeited. They copy the packages and then sell them into the same markets to try to get the premium prices. These are some of the difficulties that an overseas marketer sometimes has to contend with.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

REVENUE LAWS AMENDMENT (ASSESSMENT) BILL (No 2)

Second Reading

Resumed from 20 November.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [2.40 pm]: The Opposition supports this Bill, but does so with some reservations about which I will comment in due course.

The purpose of the Bill is, firstly, to amend the Land Tax Assessment Act to a give the Commissioner of State Revenue the power to extend the time in which an application may be made for land developer concessions. The second purpose of the Bill is to amend the Stamp Act to provide relief for corporate reconstructions involving the interposition of a foreign company between a Western Australian company and its shareholder when the interpositions occur for genuine commercial reason other than the avoidance of stamp duty.

Turning first to the change to the Land Tax Assessment Act, the land developers' concession gives land developers with land subdivided in the previous assessable year who have land in ownership at 30 June, the ability to have the subdivided land taxed on a proportional basis of the unimproved value of the total parcel. That is a concession as opposed to taxing on the higher subdivided value of each lot. The concession applies to lots which are inhabitable and created solely and principally for residential purposes.

In order to obtain that concession, the developer is required to notify the Commissioner of State Revenue by 31 August accordingly, providing full detail of the landholding on which he seeks concessions. The owner is not entitled to the concessions if the application is not lodged by that date. The proposal intends to give the developer the ability to apply for an extension of time in which to apply for the concession. If the commissioners think that reasonable cause is provided for the extension to be granted, the commissioner may grant that extension to a time prior to 1 July in the following year.

The second reading speech indicates that no significant cost to revenue is expected from this measure. I am puzzled at the reasons for this amendment. Neither the second reading speech nor the explanatory memorandum indicates any difficulties which have arisen in the administrative arrangement applying to the concession. The Opposition considers that the current date of 31 August is to enable all applications for concessions to be lodged before the land tax assessments are issued in September.

We now face the situation in which the developer may apply for an extension of time in which to apply for a concession after the land assessments have been issued. If the extension of time is granted, new land tax assessments for the parcel of land involved will need to be issued.

It seems that the proposed system will lead to increased administrative complexity at the Department of State Revenue. The amendment may make life a little easier for developers who do not realise that they must apply for the concession by 31 August, and for developers who have not been efficient in managing the administration of their land tax liability. However, those arguments are not advanced in the second reading speech or the explanatory memorandum.

The Government should provide a proper explanation for introducing this legislation. I am advised that since the concessional arrangement was put in place, only one developer has lodged a late application for a concession. Perhaps the Government thinks that more developers will be placed in that position, or perhaps the Government has not adequately informed the land development industry of the changed land tax arrangement. Maybe the legislation is here for another reason. I will be interested in the Treasurer's explanation.

The Opposition is also concerned that land developers without genuine circumstances for wanting an extension may use the new arrangement as an opportunity to stall payment of their land tax obligation. I will be interested in the Treasurer's comments on whether he sees any such problem arising.

I turn now to the proposed changes to the Stamp Act. Amendments were made last year to the Act to provide stamp duty relief for a corporate reconstruction. However, stamp duty relief could apply only where a corporate entity was interposed between a Western Australian company and its shareholders, and when that interposed company was incorporated in Australia. This requirement was designed to ensure that Western Australian companies did not go offshore to avoid their stamp duty obligations.

This Bill extends the stamp duty relief to corporate reconstructions where the transferee is incorporated outside Australia if a good business case supports the interposition. The amending legislation contains a number of requirements designed to ensure that a good business case is made for a corporate reconstruction organised in this way. Nevertheless, this amending legislation will cost state revenue about $2.5m, as estimated in the material supporting the legislation. Why should Western Australians be forgoing that $2.5m of stamp duty revenue? If the

Government can demonstrate a good business reason to the economic advantage of Western Australia, it may be that the $2.5m of forgone revenue is a justifiable loss. However, no such justification has been provided in the second reading speech. Rather, it seems that an assumption has been made that we should be facilitating corporate reconstructions, and not be unduly hampering them with stamp duty obligations. Some people would apparently like to conduct corporate reconstructions in the way envisaged by the legislation, and the Government is moving to accommodate them.

The Opposition does not oppose the legislation but it has reservations about it: What is the economic and commercial benefit to Western Australia of allowing such arrangements to proceed and in facilitating them with an exemption from stamp duty? Having company status provides a lot of advantages and some disadvantages to people in businesses. It seems that much of the recent legislation from the Minister for Finance aims to preserve the advantages of corporate status while removing any particular disadvantage of various corporate restructure and other business strategies in which business people may engage. The Government owes the House an explanation on these amendments. Why do we need to change the administrative arrangements for a developer's land tax concession? Why in a business sense do we need to give up $2.5m of revenue for the taxpayers?

There has been a stream of small changes to taxation legislation since this Government came to power. We on this side of the House have a suspicion that the Minister for Finance is gradually chipping away at the Government's stamp duty revenue base and some of its other revenue bases. Every year we seem to have to deal with one or two pieces of legislation which make some subtle but complicated changes to the existing taxation regime and which cost the taxpayers what seems to be modest amounts of money but which in the long run add up. Bit by bit arcane and subtle concessions are being incorporated into our revenue raising laws. That raises the possibility of revenue advantages that we should otherwise be collecting and spending for the benefit of the citizens of Western Australia will not be available to us. We do not want to impose unreasonable taxation levels on business; neither do we want to deprive government of the revenue necessary to provide the services Western Australians expect. The trouble with providing concessions is that the tax paid by all of the people who remain in the taxation net has to be higher than it would otherwise be to provide the level of services required. It is fairly important for the Government to justify these concessions. The Opposition supports the legislation but it thinks the Government owes the House a better explanation than it has been given.

MS MacTIERNAN (Armadale) [2.54 pm]: I endorse the comments made by the member for Belmont. I am concerned about the number of times over the past five years that legislation of this nature has been presented to this House. A series of amendment Bills have come before this place, each of which has diminished the taxation liability of some of the wealthiest outfits in this State. At a time when we have some avowed revenue problems - and we have some sympathy for the difficulty the Government has with funding hospitals, the police and public transport - it is completely unjustifiable for the Government to give constant concessions to the top end of town. Admittedly, the effect of each one of these Bills amounts to only a couple of million dollars, although I must say that in many of the Bills I have looked at, there appears to be a considerable underestimation of the revenue that will be forgone. We should require some sort of cumulative accounting of the value of these concessions and clawbacks that are being granted to landholding and business interests. Each of these Bills should be accompanied by some proper financial impact statement about their revenue effect. The details of the calculation of that effect should be set out in that impact statement.

There has been an unfortunate tendency in this place and the other place for these revenue Bills to go through without a great deal of scrutiny. There is usually no great political mileage to make out of them. Members are busy with their own portfolios and electorates. The subject matter seems to be a little bit complex for people to grasp in any detail. The result has been that many of these Bills have gone through without sufficient examination. It seems to be part of the modus operandi of the Government to make an initial clawback in an area or introduce an exemption in an area, which is quite limited in its nature, and then come back a year or two later with an extension to that exemption. It will argue in the first place that the exemption will be very limited and will apply to only $2m or $3m of revenue. When the next year comes around, that exemption is expanded and another $2m is lost. One could say it is the tyranny of small decisions. Each one of these Bills seems to be fairly minor; however, we are not looking at the accumulative effect of the legislation. I hope that in the future we will apply the blow torch much more severely to this sort of legislation. It is particularly iniquitous when the State has problems similar to the one I raised in debate earlier today; that is, the Government refusing to provide for another 24 lollipop persons to guard schoolchildren who have to cross busy roads before and after school, because, as it says, there is a moratorium on them because it does not have enough money! This Bill will hand over $2m worth of tax concessions to fundamentally foreign owned business! These are very questionable priorities. The situation would be different if we were rolling in dough and revenues were not suffering. However, we cannot justify continuing to give these exemptions to the top end of town.

MR COURT (Nedlands - Treasurer) [2.58 pm]: The comments by both speakers imply that the Minister for Finance has introduced these amendments to assist what they call the top end of town and the corporate sector. To be fair

to the Minister, he has introduced a number of amendments to revenue Bills over the years which have gotten rid of a number of anomalies for very normal people. He has done that, I would have thought, against the advice of some of his officials on occasions. However, he is a practical person and wants to resolve problems.

Two issues were raised. First, the Deputy Leader of the Opposition referred to the amendment on land tax. The amendment resulted from a complaint by a developer who was unable to meet the deadline.

Mr Ripper: Unable or just -

Mr COURT: Unable. He missed out on a concession he would otherwise have received. The reassessments are necessary and are not expected to place a great deal of burden on the Commissioner of Taxation. The Taxation Department will have to do about 3 000 or 4 000 reassessments out of 140 000. It said that would not be an issue. People must demonstrate reasonable grounds to the Commissioner of Taxation for extending the time for payments of land tax. That prevents spurious claims to extend the time.

The second issues that was raised related to stamp duty. The stamp duty amendment will assist the commercial transactions when there is a reconstruction of capital that does not involve a substantial change in the shareholders' ownership.

Mr Ripper: If a company ends up being listed on a foreign stock exchange, is there a commercial or economic benefit for this State if reconstruction is allowed to go ahead?

Mr COURT: Yes, if we expect Australian operations to expand overseas and raise funds overseas.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

FUEL SUPPLIERS LICENSING AND DIESEL SUBSIDIES BILL

Council's Amendments - Committee

Amendments made by the Council now considered. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Court (Treasurer) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 41, page 24, line 9 - To delete the line.

No 2

Clause 41, page 24, after line 11 - To insert "Penalty: $1 000".

No 3

Clause 55, page 33, line 21 - To insert after "give" the word "reasonable".

No 4

Clause 60, page 38, after line 15 - To insert the following subclause -

(2) If the application is for a review of a decision of the Commissioner made under section 37(6) or 41(6), the Commissioner's decision is suspended from the time the application is received by the Minister until the applicant is given notice of the Minister's decision; at which time, unless the Commissioner's decision has been reversed, it has effect subject to the Minister's decision.

No 5

Clause 60, page 38, after line 18 - To insert the following subclause -

(4) The Commissioner must give the applicant written notice of the Minister's decision.

No 6

Clause 66, page 43, after line 7 - To insert the following subclause -

(7) An order made under this section is to be laid before each House of Parliament under section 42 of the *Interpretation Act 1984* and that section applies as if the order were a regulation.

Mr COURT: I move -

That the amendments made by the Council be agreed to.

The amendment to clause 41 will correct a typographical error that occurred in the final printing of the Bill. The amendment to clause 55 will require any directions given by a State Revenue Department investigator with regard to the movement of a vehicle that has been stopped as part of an authorised investigation to be "reasonable". The amendment to clause 60 will put the onus on the Commissioner of State Revenue to arrange for the Minister to review expeditiously a decision by the commissioner to impose conditions on or to cancel a permit, should the permit holder apply for a review of the commissioner's decision. In this regard, a permit holder could include an off-road diesel user, a fuel supplier or a fuel distributor. The amendment to clause 60 will suspend the commissioner's decision to restrict or cancel a permit from the date the application for review is received until the Minister has completed the review.

The amendment to clause 66 will provide the opportunity for Parliament to debate, and possibly disallow, an order by the Minister that a subsidy paid to fuel companies should cease. This is achieved by requiring the order to be tabled and treated in the same way as a regulation. The original clause 66 required such an order, which might be required if, for example, the Federal Government stopped collecting the fuel excise surcharge on behalf of the States, only to be gazetted. The Government is prepared to accept these amendments.

Dr GALLOP: The Opposition agrees with the amendments that are proposed by the Legislative Council. We are particularly happy with the amendment that will require an order to be tabled in the Parliament and to be treated the same as a regulation, rather than simply being gazetted by the Government.

Question put and passed; the Council's amendments agreed to.

Report

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

ACTS AMENDMENT (FRANCHISE FEES) BILL

Council's Amendment - Committee

Amendment made by the Council now considered. The Deputy Chairman of Committees (Ms McHale) in the Chair; Mr Court (Treasurer) in charge of the Bill.

The amendment made by the Council was as follows -

Clause 36, page 21, after line 16 - To insert the following subclause -

(6) An order under this Section is to be laid before each House of Parliament under section 42 of the *Interpretation Act 1984* and that section applies as if the order were a regulation.

Mr COURT: I move -

That the amendment made by the Council be agreed to.

This amendment corresponds to the last amendment that was made by the Legislative Council to the Fuel Suppliers Licensing and Diesel Subsidies Bill in requiring an order by the Minister for the cessation of a subsidy - in this case a subsidy paid to liquor producers or wholesalers - to be tabled. This will offer the opportunity for Parliament to debate the matter. I support that change.

Dr GALLOP: The Opposition supports this amendment. It will give Parliament the opportunity to debate the matter. That is always the preferred approach, rather than simply having an order gazetted.

Question put and passed; the Council's amendment agreed to.

Report

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

FINANCIAL ACCOUNTABILITY BILL

Standing Orders Suspension

On motion without notice by Mr Barnett (Leader of the House), resolved with an absolute majority -

That so much of the standing orders be suspended as to allow debate to continue on the Financial Accountability Bill.

Second Reading

Resumed from 22 October.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.10 pm]: The Opposition supports the Financial Accountability Bill as an important step towards making this and future Governments truly open and accountable. It is but one building block towards sufficient information in the public arena for assessing whether an aspect of government support is justifiable. Ministers will have to account for a decision to provide government support to the private sector within 28 days. There will be an immediacy that is lacking and the onus will well and truly be on relevant Ministers to fully justify their decisions.

I do not have time to outline the full nature of the arguments that I would like to bring to bear on the issue. However, should this debate proceed to the Committee stage - the Opposition will support the second reading - I will seek further advice on some aspects of the legislation. I believe five issues are important. First, I seek clarification from the member for South Perth about the government support involved. Is the member for South Perth talking about all government support provided over $50 000 or just those agreements signed by the Minister? On reading the legislation there is some doubt whether he is referring to support given and signed off by the Minister or support given in the Minister's portfolio.

The second issue relates to the public sector bodies required to table details. We noted in the definitions attached to this legislation that no definition is given of "public sector body". There are certain implications from the legislation which indicate what he means by "public sector body". If we go into Committee the Opposition might request a definition of that.

Third, the Opposition believes clause 5 (1)(b)(iv) should be amended so that the statement tabled in Parliament identifies the level of advantage the support is capable of yielding. The member for South Perth will appreciate that under that section now the Minister is required to table a statement which indicates whether the support is capable of yielding measurable advantage. If this debate reaches Committee the Opposition will seek a very simple amendment that identifies the level of measurable advantage the support is capable of yielding.

Fourth, clause 7 provides that the Minister may avoid tabling the instrument of approval or agreement and the ministerial statement in situations where commercial damage is likely to occur to a non-public sector body. This is the classic issue of commercial confidentiality; that is, potential commercial issues that those dealing with the Government feel should not be revealed through the parliamentary and political process. The Opposition wishes to discuss this further with the member for South Perth with a view to seeing whether the memorandum of non-compliance might be disputed.

As I read the legislation it is simply enough for the Minister to indicate his or her view on the subject and for a process to be followed. However, there does not appear to be a procedure for anyone to dispute whether the material should be subject to that commercial confidentiality provision.

Fifth, I refer to the claims of commercial confidentiality. The Opposition would like to see more explicit treatment of how to evaluate claims of commercial confidentiality. The exemptions outlined in the Freedom of Information Act would be a starting point for such a discussion of that issue.

I do not intend to delay the proceedings on this matter any further. I prepared a lengthy speech on the subject. However, it is sufficient for me to indicate to the member for South Perth that the Opposition supports the second reading stage of the legislation. It is a step forward in accountability. Should it reach Committee the Opposition will take up those five issues with him. Some relate to clarification that could lead to amendment. One will require a specific amendment and the others relate to the whole section of commercial confidentiality. As it stands, the Bill needs further work to provide clarification on that issue and a process to enable members of Parliament to dispute a ministerial claim that commercial confidentiality will apply. The Opposition supports the second reading of the Bill.

MR COURT (Nedlands - Premier) [3.17 pm]: The Government has similar concerns to those raised by the Leader of the Opposition and it will not support this Bill. It is particularly concerned about the definition of "government support". The legislation aims to introduce a requirement that details of government support provided to a non-public sector body be tabled in both Houses of Parliament by the Minister within 28 days of being approved or agreed to. In addition to tabling the details, the Bill requires the Ministers to provide copies to the Legislative Assembly's Public Accounts and Expenditure Review Committee which is empowered to inquire into and report on whether such support is likely to produce a measurable return.

Under clause 7 of the Bill the Minister can avoid this duty if it is likely to cause commercial damage to the non-public sector body provided that within seven days of the support being approved or agreed to, the Minister tables a memorandum of non-compliance in both Houses of Parliament and provides the public accounts committee with copies of the memorandum and relevant instruments and details.

The definition of "government support" is so wide that it would capture any form of support to non-public sector bodies with a value of $50 000 or more provided by the public sector agencies, including trading enterprises such as the Water Corporation and Western Power and whether such support was provided under specific authority of legislation. Some of the examples that come to mind are contracts awarded under the State Supply Commission's policies and guidelines, advances made by the Treasurer under the Treasurer's Advance Authorization Act to a non-public sector body for the temporary financing of works and services; financial assistance provided by the Treasurer under the Industry (Advances) Act to approved applicants engaged in industry; advance payments made by the Grain Pool with the consent of the Minister to grain producers in accordance with the Grain Marketing Act; advances and loans made under the Technology and Industry Development Act to encourage new technology industry investment; advances and loans made under the Rural Adjustment and Finance Corporation Act and the Rural Housing (Assistance) Act to assist rural industries; sureties that are incidental to everyday commercial dealings, such as sureties dealing with the illegal use of software purchased by the agencies; loans of precious metals, stones and other minerals made by Gold Corporation and the Mint; and loans of works of art by the Art Gallery of Western Australia. The definition of "government support" is so wide that this legislation would become quite impractical.

The member for South Perth would know that when in opposition we made it clear that we wanted a proper means for guarantees to be notified to the Parliament. Circular to Ministers No 44/94 states that sureties, which can be defined as non-statutory guarantees and indemnities, must be tabled in the Parliament, other than those granted incidental to another function, such as indemnities given to the effect that software purchased by the Government will not be used illegally. That circular reflects the policy adopted by Cabinet on 15 September 1994 that sureties, other than indemnities issued incidental to another function, can be issued by the Treasurer only after having first been approved by Cabinet; and, secondly, that a copy of each surety issued must be tabled in Parliament within 10 sitting days and a copy be provided to the Auditor General within 10 days. We implemented that strategy in 1994 to fulfil our commitment that proper notification would be given to the Parliament.

We believe that this Bill is impractical and thus do not support it.

MR PENDAL (South Perth) [3.21 pm]: I thank those members who have taken part, albeit briefly, in the debate, and I will respond with similar brevity. This Bill was introduced into the House in September, principally in response to some quite spectacular errors on the part of the Government; in particular, the Elle Racing fiasco, and the Global Dance matter, about which I have more personal knowledge,.

My first observation in response to the Premier is that if the reforms about which he informed the House had been successful, the fiascos in respect of Elle Racing and Global Dance would not have occurred. That means that the reforms to which the Premier referred are either unsatisfactory or are failures. At the very least, it suggests that further reforms are required if we are to avoid the situation whereby Ministers put their signature to guarantees, if those guarantees were to be given.

I will emphasise some of the things that the Bill does do and some of the things that the Bill does not do. The Bill does not do what has been suggested by some members privately. It does not diminish the capacity of a Minister or the Premier to sign any instrument or document to provide government support of the kind outlined. In other words, it does not seek to govern, and neither should it. The Bill provides that if a Minister or the Premier gives approval of the kind outlined in the Bill, those approvals shall be tabled within 28 days of the signature being attached. It is not a question of the Parliament becoming involved in a government decision making process, but rather a question of the Parliament being used as the instrument for transparency and accountability.

Secondly, the Bill does not undermine the important and rather delicate area of commercial confidentiality. The Premier argued in the course of the Mensaros debate seven or eight years ago that there should be no exceptions; commercial confidentiality should not be exempt. To that extent, this Bill is more liberal, or more flexible, than what the Premier had in mind when he was the Deputy Leader of the Opposition. This Bill picks up the recommendation, I think from the Burt Commission on Accountability, which suggested in the light of the PICL fiasco that there may be occasions when commercial confidentiality will be put at risk, and by that method a Government would not need to put any undertakings of that kind at risk.

What the Bill does is seek transparency on the part of the Government in the broad and from Ministers in particular. It demands that transparency and accountability quickly. It will eliminate what we have seen so much of in the past decade from three successive Governments. That is, when Ministers and Premiers have ultimately been made accountable because someone has gotten onto something via the media or the Opposition, Ministers have invariably

taken refuge in the answer "I do not recall", or "It was a long time ago"; and in most cases it has been a long time ago. The 28 day limit is intended to put Ministers in the situation whereby faulty memory is less likely to be a problem.

Global Dance, which was one of the two instances that triggered the Bill, is in a class of its own. For my part, many answers are yet to be provided. The reason that Global Dance stands by itself is that the failure occurred from the first moment that that application for financial support hit the Government's desk. It was actually sent to the wrong people. I became involved, having been the former shadow Minister for the Arts for about 12 months, and it was puzzling to me then and it remains puzzling to people that when the application by Global Dance was received, it was not sent for assessment to the one government agency which has the task of scrutinising such applications; that is, the Department for the Arts. It did not go anywhere near that department. That fact was revealed when I asked questions of the Minister for the Arts about his or his department's attitude toward the Global Dance application. One can see in hindsight why Hon Peter Foss very quickly off loaded responsibility for that matter by saying, "Ask the Premier. It has nothing to do with me."

My point is that the chain of accountability under our system of government, as I outlined in my second reading speech, is as follows: A matter goes to officials in the Government. It then goes to the Minister. It then sometimes goes to the Cabinet. The Minister and/or the Cabinet are then accountable to the Parliament. Members of Parliament individually then get to understand that level of accountability, and they in turn account to the people.

However, what happened in this case? In the case of Global Dance, the first step did not occur; the application did not go to the right officials. It went to everyone in the Government, including EventsCorp and the Western Australian Tourism Commission, but not to the Department for the Arts - the one group of professionals capable of advising the Government whether an international dance congress would be a success, how much the world dance scene might be attracted to Perth, Western Australia and basic questions of that kind.

The Leader of the Opposition raised a number of issues, and I thank him for his support. He asked whether all government support over and above $50 000, and as defined in some detail, would be covered by this legislation or whether it would apply only to those support mechanisms signed off by the Premier or a Minister. It is intended, and the Bill has been specifically drafted, to cover every situation involving more than $50 000, otherwise Ministers of the Crown would stop signing anything or would stop giving overt or direct approval to escape the provisions of the legislation. The Bill is designed to capture all occasions where support of more than $50 000 is granted.

The Leader of the Opposition also referred to the definition of a public sector body. That may be a misunderstanding on his part, because the definition section refers to non-public sector bodies. According to parliamentary counsel, that is another way of referring to private sector bodies. That is why we regard a private sector body as anything that is not a public sector body. That is dealt with in more detail in the definition clause at page 3.

The Leader of the Opposition asked whether the Bill referred to the level of measurable advantage. I agree that that is what the Bill is intended do. The leader also asked whether the matter of noncompliance might end up in a cul de sac if the Public Accounts and Expenditure Review Committee were not able to do anything as a result of a Minister's blaming noncompliance under that clause. I refer the leader to clauses 7 and 8 which, when read together, provide that the Public Accounts and Expenditure Review Committee, having received a notice of noncompliance from a Minister or the Premier on the grounds of commercial confidentiality, is able to report that to Parliament and disagree or reflect adversely on that stance.

Members might well ask what that will achieve. It will achieve the very essence of transparency to which I referred earlier. It would inform members of Parliament, the House and the media that a major parliamentary committee that has carriage of those matters disagrees with the Minister's or the Premier's claim of noncompliance and would expose that to public gaze, and presumably to public comment.

The Premier responded, and I regret to say that I am not surprised, that he will oppose the Bill. I suggest that that represents a serious U-turn on his part in respect of the view he expressed in the House only seven or eight years ago.

Mr Court: That is not correct. In 1994, the second year we were in government, we implemented changes so that the guarantees and sureties we were concerned about in opposition would be tabled in this Parliament, and that is now done. That is not a U-turn: That is doing what we said we would do.

Mr PENDAL: I dealt with the Premier's stance earlier. If that was the Government's reform measure - I do not dispute that the Premier did it - it has not worked; it is not enough. The two incidents - at least - that have become a cause celebre to the media and everyone else have proved that it has not worked. Global Dance lost $400 000 or thereabouts and Elle Racing lost a significant amount. If the reforms -

Mr Court: What was lost with Elle Racing?

Mr PENDAL: I will come to that in a moment. I am answering the Premier's earlier claim that his reforms have

succeeded. Clearly they are not sufficient given that we have had these fiascos, and no-one disputes that we have had them. If the Premier disputes the accuracy of my statements about his attitudes in respect of these matters, I will remind him. The following are his words, not mine, when he spoke on what was then called the Mensaros Bill -

> When a government body gives financial assistance to a corporation or an individual . . . the Government must lay that information before both Houses of Parliament.

That did not occur in the case of Global Dance. Ultimately, under the dental extraction measures used by the Opposition, a lot of information was tabled in Parliament. However, it would never have been tabled were it not for the efforts of a number of members. I put to the Premier that his efforts of 1990, or thereabouts, simply have failed to meet expectations. He also stated -

> An interesting aspect is that the Parliament cannot disallow the assistance . . . a debate must take place within 14 days . . . and if the debate does not take place the assistance will not be allowed.

I find it ironic that my Bill is far more flexible and understanding of a Government's predicament in these matters than the Premier's attitude. With the Mensaros Bill he would have conferred on the House and the Parliament the right to disallow the assistance simply by the Government's avoiding the responsibilities of the debate.

The Premier also stated -

> The purpose of this proposal is to inform the public of any financial assistance . . . this will keep the Government open and honest.

They are his words, not mine.

This Bill has probably been exposed to the same rigour to which any government Bill is exposed. For example, the opinion of the Auditor General was sought and that opinion is reflected in five or six predraft amendments. I thank him as a senior officer of this Parliament for the input that he had, along with other people such as Professor Paddy O'Brien, Professor Allan Peachment and others.

The problem will not go away. Whether something of a substantial nature is done under this Government or we wait for another Government or another set of Ministers, public and media scrutiny of government activities is of an intense kind, probably unknown a generation ago. That has been reflected in the number of new parliamentary inventions that have been brought about to impose that greater level of accountability and transparency.

The Bill, like everything else in this House, may have some shortcomings. Certainly the debate has not uncovered any of them, but the Committee stage, were this Bill permitted to reach that point, would be a good opportunity for members to look at ways of strengthening what they see as minor deficiencies. Apart from that, the overall and general thrust of the Bill is one that every member should support, most of all, every coalition member of Parliament who fought tooth and nail for many years to see this achieved. Because of that, I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (21)

Ms Anwyl	Mr Grill	Mr Pendal
Mr Brown	Mr Kobelke	Mr Riebeling
Mr Carpenter	Ms MacTiernan	Mr Ripper
Dr Constable	Mr Marlborough	Mrs Roberts
Dr Edwards	Mr McGinty	Mr Thomas
Dr Gallop	Mr McGowan	Ms Warnock
Mr Graham	Ms McHale	Mr Cunningham *(Teller)*

Noes (27)

Mr Ainsworth	Mrs Hodson-Thomas	Mr Nicholls
Mr Baker	Mrs Holmes	Mr Prince
Mr Barnett	Mr Johnson	Mr Shave
Mr Barron-Sullivan	Mr Kierath	Mr Sweetman
Mr Bradshaw	Mr MacLean	Mr Trenorden
Mr Court	Mr Marshall	Mr Tubby
Mr Cowan	Mr Masters	Mrs van de Klashorst
Mr Day	Mr McNee	Mr Wiese
Mrs Edwardes	Mr Minson	Mr Osborne *(Teller)*

Question thus negatived.

Bill defeated.

ROAD TRAFFIC AMENDMENT BILL

Second Reading

Resumed from an earlier stage of the sitting.

MR RIEBELING (Burrup) [3.46 pm]: I said previously the proposed increases in fines for people charged with a blood alcohol level in excess of 0.08 are not minor adjustments because they amount to a 500 per cent increase. It is beyond me how that can be justified and the Minister might explain that in his response.

Mr Cowan: Probably not to your satisfaction.

Mr RIEBELING: I am convinced the Minister will be able to do that. It is the festive season and I might agree with what he says. However, at this stage I have some concerns.

It is the first time I have seen the concept of a unit based penalty system in legislation. This system will possibly better stand the test of time with fines becoming not as significant over time. I understand the penalty unit system is that every PU will be multiplied by $50. It is a bit like the process we encountered when we went from gallons to litres in fuel. People thought that paying $1 for a gallon of fuel when we switched to litres was outrageous. Very quickly we were paying more than $1 a gallon, but no-one was aware of it.

Mr Cowan: What happens when we go to a $1 a litre?

Mr RIEBELING: I do not know. We will probably change to gas.

Under the PU system the magistrate will say, "You will be fined 30 penalty units." The drunk driver will say, "Beauty, I got away with that", and he will walk outside the court only to find he is bankrupt.

Mr Prince: We could go back to the 1903 Act.

Mr RIEBELING: It is similar to an announcement that an escapee is 164 centimetres tall. I do not know whether he is a midget or a giant.

Mrs Roberts: He would be a midget!

Mr RIEBELING: The units will, on a regular basis, enable the multiplier effect to be adjusted for inflation. It makes sense. The units will enable the seriousness of the offence to remain consistent even if the inflation changes the impact of the fines.

The actual grading of the suspension upwards in a staggered amount is probably sensible for people charged with a blood alcohol level in excess of 0.08 to 0.15. It concerns me that we do not have a table for the offence of driving with over 0.15 blood alcohol content. Why does drink driving not have a similar table?

Mr Cowan: That is regarded as the ultimate offence and therefore the one penalty should be provided and you do not grade above that.

Mr Prince: The problem is how far do we go? Arguably if someone has a blood alcohol level of about 0.25, they would be unconscious. However, there are exceptions and people have had a BAC that is higher and people have been unconscious at a lower BAC. In that sense it is open-ended; we cannot go above 1.5 BAC in a graduated scale, but we can when we talk about 0.05 and 0.08 offences.

Mr RIEBELING: I disagree absolutely with what the Minister for Health is saying. It should be a far greater offence at 0.25 than 0.15. The degree of inability to drive is much greater at 0.25

Mr Prince: Section 63 of the Road Traffic Act refers to driving under the influence of alcohol or drugs so as to be incapable of proper control of the vehicle. It is irrelevant whether the level is 0.15 or 0.25 if the person is incapable of proper control.

Mr RIEBELING: The Minister supports my argument. The argument for in excess of 0.08 would be exactly the same because Parliament has said that someone does not become incapable of proper control until they reach 0.05.

Mr Prince: The point is that there is nothing above that, but there is for the 0.08 offence.

Mr RIEBELING: I do not disagree with the gradation. However, to be consistent that gradation should be continued.

Mr Prince: Logically as soon as one hits the open-ended scale it cannot be graduated.

Mr RIEBELING: I disagree. The Minister is using the argument that once someone becomes incapable of driving, he cannot get any worse than that.

I have been in a court when it has dealt with a person who has had in excess of 0.3 blood alcohol content. That person should have been dead, but he is not and he is still drunk. Those people should be treated more severely than people with half the alcohol content. The argument that one is incapable of driving was used as a defence for dangerous driving; that is, one could not intentionally commit an offence if one were incapable of driving. It is an interesting defence that someone cannot be capable of doing something if he is incapable of forming intent. The case was lost, but it was an interesting argument at the time.

This legislation provides for a massive increase in the penalties for using a vehicle in a manner other than that which is prescribed. The legislation also doubles many of the penalties for infringement notices. I have already referred to the huge sum of $27m being written off by the Government in relation to the fines enforcement registry. My understanding also is that most of that is generated by the Multanova system, because that is the biggest part of its workload. The court fines portion of the write-off is $6m; the Multanova portion is $48m. A substantial amount of money has been built up over the past three years. From my recollection, the Multanova and the new fines enforcement procedure have been running for about three years. When we debated that legislation, the Attorney General who was based in this place in those days stated that the advent of this new procedure would mean that more people would pay their fines and it would be a far more efficient process and fewer people would go to prison. They would be the consequences of a more efficient system. However, during that three years, the level of debt to the State has increased by 104 per cent. I do not think we can afford that sort of efficiency.

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

Mr RIEBELING: When one looks at that statistic and the level of debt that the State is bearing from that three year period, if there has been a 104 per cent increase in the work that has been generated, one could say the system has not gone backwards and we could expect that sort of increase in debt levels. However, over that three year period the increase in work has increased by 50 per cent. There has been 50 per cent increase in volume and a 104 per cent increase in the level of debt under this new improved system. At the same time, I have been advised by people who work in the court system - as high up as magistrates - that they are concerned about the number of people appearing in the courts with driving under suspension charges that are generated by the fines enforcement procedure. Currently 30 000 Western Australians have no drivers' licences due to suspension. If that figure is wrong I hope the Minister will tell me the correct figure.

Mr Cowan: No, I cannot.

Mr RIEBELING: A question on notice gave an answer of 30 000, but after looking at the question, it may not have been the question that I wanted to ask. One of the groups of people who are being severely impacted upon by this new fines enforcement procedure are people who go to prison. During their incarceration, the infringement notice penalties build up and when they are released, their prospects of getting work are severely reduced because they do not have a driver's licence because it has been suspended due to non-payment of a fine. The options for people trying to re-enter society have been reduced markedly because of the impact of the fines enforcement procedure. We all hope that once someone pays his debt to society he can go back into society and become a productive law abiding citizen. The impact of this legislation will make it more and more difficult for prisoners trying to get back into mainstream life. The Minister might ask what that has to do with this Bill: If we double the penalties the capacity of these people to pay is halved. The people who have paid the new increased penalties will be the people who will pay them anyhow. When they get a $150 fine infringement notice, they will curse a bit and then write a cheque and pay the thing before the date is due. People who do not pay it are in a low socioeconomic position and who cannot afford to pay it. The doubling of these penalties will have a major impact on those who can least afford to pay.

The purists will say that those who cannot afford to pay the fines should not commit offences. However, we do not live in a perfect world. The principle I would like to work on is that a penalty should be applied to people evenly. The impact of a $150 fine on me is far less than it would be on a supporting mother with three kids. A moderation of these penalties is required. They are large penalties. They include on the spot fines of a couple of hundred dollars for speeding. I admit that we should place as much emphasis on reducing the road toll as possible. One death is too many on our roads. However, I doubt whether doubling the fines is the way to achieve it. Some people will point to the Multanova and the reduction in the road toll this year compared with last year as an example of a success story. I hope it is. However, I caution people who do that and who point to one year's figures as an example of a success story to keep their fingers crossed for next year's figures. I hope that reduction in the road toll will continue. I do not know whether the Multanova system is achieving it. I think the advent of the booze buses have had a far greater impact on that scenario than the positioning of Multanovas in 80 kilometre speed zones, which seems to be the predominant area in which they take pictures of me, unfortunately on a monotonously regular basis.

Mr Wiese: The solution is simple: Try to slow down a bit.

Mr RIEBELING: I use the same system as the Minister for Transport uses. When one is on the road as much as I

am, it is inevitable that one will eventually run foul of that. Even this week I received a Multanova fine. I hire a lot of cars. I must check with the agency to see whether I had the vehicle out that day because I honestly cannot remember even being in that area. I am not using that as a defence - I probably was there; however, it is something of which I am not convinced at this point. The fine for exceeding the speed limit by 20 km was $75. Under this legislation that fine will be $150, which will make me even more annoyed if I am fined again; however, I will pay it.

How big a stick does the Government need? I believe the demerit points system is a deterrent for people who regularly clock up fines. The last thing I want is to be required to walk everywhere for three months. Losing my licence is a bigger deterrent than a doubling of the fines. The imposition of a $1 500 fine for a person who is convicted of driving with a blood alcohol level in excess of 0.08 is excessive. It will not lead to a reduction in crashes, but to an increase in revenue to the State.

The enforcement system has failed us. I do not know why. The people who conducted the original study and suggested that system were convinced that the levels of recovery would be better than what the Auditor General shows in this report. The Minister would be exceptionally disappointed in the figures that have been raised. I am certain the Minister for Transport would know about the problems.

Mrs Roberts: He has had a few speeding fines himself.

Mr RIEBELING: I know. I presume the enforcement of these fines will fall under the Attorney General's portfolio. Considering the findings in the Auditor General's report, I thought the Attorney General would call for a major rethink of the new enforcement procedure. If the State doubles fines, it will want the income it derives from them to double. The penalty for driving with a blood alcohol level in excess of 0.08 is an increase of 500 per cent in one whack.

All those involved in the enforcement procedure would be concerned about the lack of success. Members are probably aware of the additional problem that has occurred with the appointment of debt collectors to carry out the enforcement of actions, to the detriment of the existing bailiffs throughout the State. I am positive one of the bailiffs would have collared the Deputy Premier about that issue over the past couple of years. The amount of money that is spent on enforcement through the office of the sheriff of the District Court for the enforcement of warrants is outrageous. The bailiffs rightly say that they could have done it much cheaper and more efficiently because they were linked into the police system and all was well. However, the Attorney General and the sheriff have decided to proceed with the appointment of debt collectors for that sort of work. That is a worry. I hope it is a matter of which the Attorney General is aware and which he is considering.

MRS ROBERTS (Midland) [4.06 pm]: Road safety is a matter of great concern in the community. Much of the argument presented in the Minister's second reading speech is valid. The increase in fatalities on our roads must be addressed by the Government. Unfortunately, in the coalition's time in office Western Australia has slipped from having one of the best records on road safety in Australia - I think it was ranked first for the lowest number of fatalities about only five years ago - to third or fourth position last year. It slipped behind Victoria which brought in more stringent measures that have been introduced in Western Australia in recent years. I am pleased that this year Western Australia has had a much better record on our roads. However, the point of comparison that is continually used when government members pat themselves on the back is that the figure this year is much better than it was last year. Last year was a horror year for road fatalities in Western Australia; it was the worst year on record.

Mr Wiese: That is not true.

Mrs ROBERTS: Would the member for Wagin like to proffer which year he thinks it was?

Mr Wiese: The worst figure was 350.

Mrs ROBERTS: In which year was that?

Mr Wiese: I do not remember. It was eight or 10 years ago. It came down gradually when the coalition Government adopted the 0.05 regulation. The figure dropped to 180.

Mrs ROBERTS: The member will find that the State had the worst level of fatalities during the member's time as Police Minister.

Mr Wiese: You are completely wrong.

Mr Osborne: Western Australia went to the bottom of the States in 1992, which was immediately after the 10 year period of Labor rule. The member for Wagin as the Minister for Police was the first person to start to put it right.

Mrs ROBERTS: That is patently untrue. The member for Bunbury can allege that as often as he likes.

Mr Osborne: I know the figures: I was on the Select Committee on Road Safety.

Mrs ROBERTS: As the opposition spokesperson on transport last year, I looked into this matter in some detail.

The Minister for Transport conceded only last year that Western Australia's road safety rating compared with other States had dropped from first in the early 1990s to third or fourth in 1996. I do not think members in this Chamber should be arguing with the points made about the dreadful number of road fatalities in 1996 referred to in the Minister's second reading speech. In essence, coalition members here this afternoon are arguing with the comments made by their Minister.

Mr Wiese interjected.

Mrs ROBERTS: If the member for Wagin wants to speak, he can speak when I have finished.

The DEPUTY SPEAKER: Order!

Mrs ROBERTS: I do not want to delay the House but I want to make some genuine points. One of my concerns is that the simple answer this Government seems to have to the road safety problem is greater use of Multanovas and to say that they are very successful.

Mr Osborne: "Multanova" is incorrect.

Ms MacTiernan: It is appropriate. There comes a point when brand names like biro and bandaid become generic names.

Mr Osborne: In this case it doesn't apply.

The DEPUTY SPEAKER: Order! Members should allow the member on her feet to deliver her speech without all the cross-Chamber interjections.

Mrs ROBERTS: Thank you, Mr Deputy Speaker, for the guidance you gave to other members of this Chamber. I would like to deal with some very serious issues concerning road safety rather than have a pathetic argument over semantics about whether I am using a correct name. All members knew what I was talking about, just as members in the community know what I mean when I refer to a Multanova. Those names are interchangeable both in this Chamber and in the community. It is a pathetic point on which to interrupt and distract me from serious matters of road safety.

The Multanova cameras have been widely criticised because people see them, rightly or wrongly, as revenue raisers for the State Government. One of the points I have made before and will make this afternoon is that there are more equitable ways of dealing with infringements rather than continually increasing the fines. One of the reasons people find the Multanovas unfair is that often they are located in places such as the bottom of a hill where people are likely to have picked up speed; around corners where they will catch someone out, where the speed limit has just decreased from 70 kmh to 60 kmh; or perhaps not far from a freeway off-ramp on a 60 kmh or 70 kmh zone to catch people who have been travelling at 90 kmh on the freeway. It is easy to continue travelling at a speed a little over the limit especially for members who have driven from the country areas at that higher speed for a long time. Many country members in this Chamber seem to have considerable experience with speeding fines.

Having a very large fine per se is not necessarily the most equitable way of dealing with road safety. We have heard the argument that fines are a deterrent because people do not want to part with their hard earned money and that, given that speed together with alcohol is one of the two major factors in road accidents, fines will therefore result in fewer road accidents. One of the anomalies attached to that is that the monetary fine is a far greater deterrent to some people than to others. Obviously to low income earners a substantial fine is a significant deterrent. However, to someone who is affluent it is nowhere near the same deterrent. That is why greater emphasis must be placed on demerit points and the loss of licence system.

The loss of their licence is a very serious impediment to people. However, it should not be treated lightly. If people flout our road rules and drive at 30 kmh or more over the speed limit, they should not be on the road. If they cannot contain their speeds within some limits they should not have a licence. The burden most equal among people is the loss of their driver's licence.

I suggested last year that where people flout speed limits by driving at 30 kmh or more over the speed limit we should consider the Victorian model whereby a licence is suspended automatically for a month. That is not as long as the three months suspension that applies as a result of demerit points. I used 30 kmh as a threshold because I do not think people travel 30 kmh or more over the speed limit. People cannot drive around a 60 kmh zone in the metropolitan area at more than 90 kmh and not know they are speeding. Nor can people drive at more than 140 kmh on an open country road with a speed limit of 110 kmh without knowing they are speeding.

Mr Wiese: What about when you come into a town site which has a 60 kmh limit?

Mr Marlborough: Never mind about the country; what about the city?

The DEPUTY SPEAKER: Order!

Mrs ROBERTS: The member for Wagin of all people should know the importance of slowing down when driving through a country town. Speed limits are in place for a reason. If he goes through a country town where the speed limit is designated at 60 kmh -

Mr Wiese: That happens in my own town of Highbury where the speed limit sign is 1 kilometre outside the first building in the town. Do you believe that is sensible?

The DEPUTY SPEAKER: Order!

Mr Wiese: That is a reality of being in the country.

Mrs ROBERTS: Is the member for Wagin going to give a speech? I was not going to need an extension, but I will probably have to ask for one if he wants to give his speech in the middle of my time.

The DEPUTY SPEAKER: Order! If the member for Wagin wishes to say something he should wait until the member for Midland has finished speaking.

Mrs ROBERTS: People like the member for Wagin should understand the importance of slowing down as they go through country towns. If the member for Wagin or anyone else drives through a country town where the speed limit is 60 kmh at more than 90 kmh he deserves to lose his licence.

The member for Wagin said that he is particularly concerned that these speed limit signs of 60 kmh are placed 1 km out of the town where it is not necessary for him or anyone else to slow down. If he genuinely believed that was the case, he should draw that to the attention of the authorities and suggest that those signs be placed a bit closer to the town. After all, the member for Wagin used to be the Minister for Police, and his National Party colleague is now the Minister for Transport, and between them they should have been able to sort out this problem since they are both so aware of it. After all, they have been in government for five years. The member for Wagin wonders why he is no longer the Minister for Police!

Mr Carpenter: He drives too fast to see the signs!

Ms MacTiernan: The signs need to be 1 km from the town to give Eric time to slow down before he hits a pedestrian!

Mr Osborne: You are even making the baby cry!

Mr Cowan: Careful! That is my granddaughter!

Mrs ROBERTS: If it is the Deputy Premier's granddaughter, I am sure she is excused.

It is interesting that the member for Wagin's National Party colleague, the Minister for Transport, said last year that he did not know whether it would be appropriate for a person to lose his licence for a month if he drove at 30 kmh over the speed limit, but that it might be if he drove at 40 kmh or 45 kmh over the speed limit! He was saying, in essence, that it was a bit harsh for people to lose their licence if they were only driving at 100 kmh in a 60 kmh zone or at 150 kmh in a 110 kmh zone. It would be laughable, if it were not such a serious matter, that the Minister for Transport holds these speed limits in such contempt.

Another matter of serious concern is the difference between the road toll in the metropolitan area and the road toll in the country. It is a shame that some country members of this House have been making light of this issue. The comparison is quite alarming. The population and the number of vehicles in the metropolitan area is much larger than the population and number of vehicles in country areas, yet country areas have the lion's share of the road toll. That indicates to me that a special effort should be made to improve road safety in country or regional Western Australia.

One matter which the Minister for Police does not want to confirm or give us advice about is cuts to traffic patrols in country regions. I have suggested to the Minister that concerns have been raised with me that the number of traffic patrols in towns in the Kimberley such as Broome and Karratha have been cut and that patrol cars are being garaged in Broome. I am told that in some instances, patrols are non-existent. Claims are being made by police officers and the police union, who I think would have some knowledge of these matters, that because of reductions to the budgets at country police stations, they have had to take measures which in some instances have included the rationing of petrol.

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

Mr Cowan: That is what your mob did. That is not being done now, and you know it.

Mrs ROBERTS: It was only after I raised these questions last week that I received calls from police in the south west who said that the budgets for their local stations had also been cut. The first problem that occurred was that their overruns from last year had been deducted from this year's budget, and they told me that as a result, if and when we heard what this year's budget would be, it would be even less. I am consistently told that those cuts have been in the order of 15 per cent. No-one has said that I am wrong; even the Minister for Police has not said that I am wrong.

Mr Cowan: I have just told you that you are wrong.

Mrs ROBERTS: The Minister for Police's line is that more money has been given to the Police Service and it is up to the commissioner to allocate the money according to need. What he does not answer is the assertion that there have been cuts to the operating budgets of police stations.

Mr Cowan: You cannot have cuts if you give them more money.

Mrs ROBERTS: That is what has happened.

Mr Cowan: We keep telling you it has not happened and you keep telling us that it has happened and making baseless allegations such as those you made about Manjimup police station. You are still persisting with a line that has been proved to be false.

Mrs ROBERTS: It is disappointing that the member for Merredin, as the Leader of the National Party and a country member, has not checked this himself.

Mr Cowan: You are doing yourself a grave disservice by continuing this line. You have very little credibility now. Why reduce it further?

Mrs ROBERTS: The Deputy Premier should not be grumpy; it will soon be Christmas.

Mr Cowan: It does not do anything for your credibility.

Mrs ROBERTS: I have continually asked the Police Minister to clarify this matter and to tell us unequivocally that either the operating budgets of police stations are at least the same as they were last year or he has increased them. I would finish my argument on this matter now if the Minister for Police would give me an undertaking that the operating budgets of all police stations are at least equal to what they were last year or have been increased, but until I receive that unequivocal response from the Minister, I have a responsibility to pursue that argument. It is not just one or two policemen who are making these claims but the police union in combination with many police officers and many families of police officers who continue to inform me of the situation throughout the State.

The simple question that I have asked the Minister many times is: Have the operating budgets of police stations been cut; and if so, by how much? It would be very simple for the Minister to say, if there was evidence to the contrary, "No, the operating budgets have not been cut; we have increased them." I would love to hear the Police Minister say that, but he has not said that, and the Commissioner of Police has not said that either. That is the difficulty.

Another area of concern is the impact of heavy haulage vehicles on our roads and the impact of the contracting out of road building. I know that members opposite like to dismiss these claims and suggest there is no problem and it is all very fanciful, but an enormous number of people have expressed concerns to me about the condition of our roads and the condition of certain roads that have been built by private contractors.

Nearly one year ago now, one of the tow truck drivers based in Guildford in my electorate asked me to spend a couple of hours with him and to travel up Great Eastern Highway to a section of road on which there had been a serious accident the previous day. He had not towed away any of the vehicles involved in that accident, but he had arrived on the scene very quickly after that accident. He was in no doubt that the condition of the road had been a factor in that accident. He showed me areas with potholes and very slippery sections. That accident occurred during a rainstorm. He was travelling very slowly as he approached the accident, but when he braked his tow truck slipped.

Mr Cowan: He must be the only tow truck driver travelling slowly.

Mrs ROBERTS: The Deputy Premier can be rude about tow truck drivers, but some are more sensitive than members of this House. They are on the scene of accidents. While there might be some unscrupulous operators, these people see what happens when things go wrong. Like ambulance officers and police who are first on the scene of accidents, they are only too aware of the serious consequences of severe road accidents.

When considering the country road toll we should look at the frequency of traffic patrols. The coalition Government does not like my asking questions about reductions in traffic patrols in the north west, the south west and even in the agricultural region. These are legitimate matters to question, especially given the high road toll.

Multanovas are not used to the same extent in country areas as they are in the city. Last year I asked about the number of Multanovas in city and country areas. The answer was that there are about 17 Multanova cameras, and 15 are being utilised in the city and two in country areas.

Mr Wiese: Did you ask why?

Mrs ROBERTS: Yes, I did. I was told that it is expensive equipment and there were significant costs in having them attended. They could not be left unattended in country regions because damage would result in considerable cost, or they would be stolen. Basically, the equipment is too valuable to leave on the side of the road.

Mr Wiese: The reality is that they are totally ineffective in country areas.

Mrs ROBERTS: Can the member for Wagin explain to me why they are totally ineffective in country areas and totally effective in the metropolitan area? Is it just because both he and the Minister for Transport are from country areas?

Mr Wiese: The first car going past signals every oncoming car that it is there. They cannot be moved, unlike a marked or unmarked vehicle moving through the area, which is exposed to 10 or 15 times more vehicles and no-one can be warned about it.

Mr Cowan: Don't give them many more clues.

Mr Wiese: I tried to tell the police that putting them in the country would be totally ineffective, and it proved to be the case.

Mrs ROBERTS: When I asked that question the member was the Minister responsible for giving the answer he is now disputing. These matters, particularly with regard to country areas, are very important. We should not have closed minds about what is and what is not effective in country regions.

The reduction in traffic patrols is a good example. I was in the Deputy Speaker's electorate a couple of months ago. The superintendent for that region told me there had been a reduction in traffic patrols in that area and beyond. Wherever I go, and whomever I speak to in the Police Service, people confirm that traffic patrols are not occurring at the frequency they once were. If the measures already in place are not reducing fatalities in country areas, perhaps we should look at the frequency of those patrols. It has been suggested to me that that might not be popular with country people - or country members in this House.

If a speed limit is set, it is set for a reason. Like everyone else, I have probably exceeded the speed limit from time to time. However, when people flout the speed limit, when they tear down a road at 150 km or 160 km per hour in a 110 km per hour zone, they deserve to have the book thrown at them. If I am on the road with my family, I do not want some maniac driving on the road at 40 or 50 km over the speed limit. Those people need to be put off the road, not only for their own safety but also for the safety of law abiding citizens.

MR GRAHAM (Pilbara) [4.35 pm]: I could not resist the temptation.

Mr Wiese: Sometimes you should.

Mr GRAHAM: I know. Like everyone else in Western Australia, I think that I am the best driver in the world and that the fault lies with everyone else. I drive extensively on the country roads of Western Australia. I have traditionally clocked up more kilometres than most other drivers in this State and I have been doing that for the best part of 20 years.

For at least 10 years I have been arguing that in the north west of the State, with the improved bitumenisation and widening and clearing of the roads, the speed limit should be 130 km an hour. I arrived at that figure as a compromise position. My previous position was that it should be unregulated, but that the police should have the ability that officers in the Northern Territory have to prosecute someone for dangerous driving. If in the officer's view the circumstances, the vehicle and the driver's skill and experience are such that they are driving in a dangerous manner, they can charge them.

I arrived at the 130 km an hour figure after reading the Liberal Party policy for the 1989 election and believed 130 km an hour sounded a lot better than having it unregulated. Given that I am always agreeable and able to take on board other people's ideas, I became an instant convert. For the past five years I have been trying to convince this Government to honour its election promise.

It is not an unreasonable proposition. There are many arguments. One can compare the technology of the average family car today to the cars on the road when we had the 70 miles an hour blanket speed limit and the standard of the roads -

Mr Wiese: It was 65 miles an hour.

Mr GRAHAM: I was not around then; I was told it was 70 miles an hour - it became 110 km per hour. For someone in Port Hedland to hit a tree they must drive to Manjimup. It is not the easiest thing in the world to have a problem with those speeds in the north west. However, anyone towing a caravan at that speed would have a few screws loose.

Mr Trenorden: And a very good caravan!

Mr GRAHAM: Anyone driving at 130 km an hour on the narrow roads in the south west and the wheatbelt - where clever people are replanting trees on the sides of roads - must also have a few screws loose. I am an unashamed advocate for increasing the speed limit in selected country areas. Notwithstanding the fact that the Opposition will support this legislation, I have difficulties with the sorts of programs outlined in the legislation and the Minister's second reading speech, particularly the violence in the so-called road trauma advertisements. Members with long memories will recall that in the 1960s those advertisements were a direct lift from the United States of America. In those days they were called defensive driving courses. The net effect of those advertisements was that young drivers became inured to the violence associated with road trauma. The advertisements ceased to have an impact because once a person becomes used to the violence, the authorities have to make the second series of shock advertisements more bloody than the first and the third more bloody than the second. The Australian Governments gave them up in the late 1960s and early 1970s because they were proven failures. Members have seen the advertisements with the utility going through the traffic lights and being hit by a truck. The first time people see it they think it is absolutely shocking and after the thirty-fifth time of seeing it they say, "So what." The effect of that sort of advertising is that most people do not notice it.

I turn to the interesting issues that come out of road traffic safety. I have concerns about country roads, and the points that have been made are valid. Members who think we do not have a problem on country roads should drive to Busselton at the end of a long weekend and pull off the major road abutting a forest and watch what city people do on country roads. It frightens the hell out of me. One can see mum, dad and three or four kids in a Ford Laser 1600, which is towing a caravan or a boat, on a two lane road and the driver will pull out to pass 20 or 30 cars with a log truck coming the other way. Drivers cannot understand why they do not pass the cars without having to run someone off the road to get back into the traffic. It is a regular occurrence. I recommend to all members that once in their lives they do that or go to the Brand Highway. There are long stretches of road that come down a hill into a valley and up a hill on that highway. If they can get around the coppers hiding at the bottom of the hill with a radar, they should pull up and have a picnic and watch the traffic. It is the same thing; it is a never ending procession of vehicles with city number plates towing caravans and boats and the driver putting his family at risk. This is where the city and country divide comes in. I am not absolving country people. There are as many, if not more, loonies in the country as there are in the city. Those people go down in the accident statistics and unfortunately some of them are killed.

The consequence of their foolishness - in most cases it is their foolishness and lack of understanding of how to drive in the country - is the doubling or quadrupling of penalties for minor offences. That is the purpose of this legislation.

In July and August of this year I travelled 10 000 kilometres around my electorate. I drove to Kununurra on the inland road and came back to Perth on the coast road. Arguably it is one of the longest drives in Western Australia. Between Kununurra and Geraldton I did not see any police patrols on the way up or back. Between Geraldton and Perth I must have seen every copper in Western Australia. Every bush on the Brand Highway had a copper behind it with a radar gun. I freely admit I have a radar detector and that is the only reason I have a driver's licence.

Hundreds of people would have lost their drivers' licences because, first, they were booked for doing 119 kmh, which is not an unreasonable speed on those dual carriageways. They would travel a further 30 kilometres down the road and get done again and that procedure would be repeated several times. It is easy to say that people should not speed, but speed limits must reflect the driving conditions and the sorts of cars and the amount of traffic the roads carry. We accept that argument when we decrease speed limits, but it is not accepted when the speed limits are increased.

I will touch on two other issues that have been of concern to me and, as usual, the authorities tell me it cannot possibly happen in Western Australia. The first issue is people driving into the city. Half a million people do it every day. On every major arterial road people can park and turn right. Even over the new tunnel a driver comes down Fitzgerald Street and around a little bend and the road goes from two lanes to three. However, parking is allowed in one of the lanes. One lane is dedicated to drivers turning right; therefore, on a major arterial road into the city the traffic goes from three to two lanes because someone stops to pop into a shop.

I am putting forward the concept of parking on the streets in conjunction with the major problem of turning right. One can be on a major arterial road at any time of the day or night and put on the indicator to turn right, ignoring that there are 200 or 300 cars behind. In the United States they have what is called road rage. People get shot for turning

left in that country because they stop a couple of hundred people doing what they want to do. If there is a car parked at the kerbside both lanes are blocked off and no-one can go anywhere; if that occurs in peak traffic nobody moves.

New South Wales has a very good system which has operated for 35 to 40 years and it should not be hard for Western Australia to implement it. The system is simply that people are not allowed to cross double lines. If people wish to turn right they go to the next set of traffic lights, turn left and come back and go across the road when there is a break in the lights. A breach of that rule attracts huge fines. I do not know what the fines are today, but from personal experience it was an expensive business in 1972 because I did not know anything about the rule. I turned right and there was a New South Wales copper who was happy to give me a ticket which cost me $130. It is a simple rule to implement and from the Government's point of view it has two benefits. Firstly, it does not cost anything to implement it and, secondly, it reduces the necessity to widen roads and put in median strips. In the time I have been in this place successive Governments have told me it cannot happen.

I am suggesting a simple initiative to reduce the congestion at traffic lights; that is, the simple principle of a left turn on a red light. This State has a rule that one cannot go through a red traffic light under any circumstances. People who have driven in other countries in the world know that a right turn on a red light is allowed in the United States and Europe, but a left turn on a red light cannot be allowed in Western Australia.

The interesting point is that we will allow left turn on red if we spend somewhere between $160 000 and $250 000 at an intersection gouging out a bit of the easement and erecting a give way sign. If one happens to be somewhere where that has not been done and one is waiting at a red light and there are no cars coming on one's right one must sit there until the lights change. Why is that? There is no possibility of an accident; no possibility of any deleterious effect to the traffic flow; no possibility of anyone getting hurt, damaged or injured; and pedestrians still retain their rights - that is, on pedestrian crossings and where they have the signal they have right of way. It would be simple for the Government to introduce that rule. It would cost the Government nothing to implement it. In this day and age of savings the Government could make savings because it would reduce the need for concrete islands and give way signs where people want to turn left on red lights. Again, for the best part of a decade, and including the committee that led to this legislative change, I have been told that it cannot be done.

In my view, and that of lawyers to whom I have spoken, the issue of liability and the associated insurance issues can be addressed by making it plain in the legislative change that anyone making a left turn on red does so at their own risk. That means they would be liable, even if they pull out in front of a car driven by someone who is drunk, because the person turning left carries the risk. That would not be difficult to achieve through legislation.

Those three initiatives, plus some training for city people driving on country roads, particularly city people driving on country roads close to the city, will do more to significantly lower the death toll and crash rate in Western Australia than any of these increases in fines or any turn back to the late 1960s early 1970s system before there was violence on TV or the need for defensive driving.

MR MARLBOROUGH (Peel) [4.52 pm]: My broad concern is with the need to improve traffic standards throughout Western Australia. I do not see evidence of adequate standards of road rules and regulations. I am particularly concerned about speed limits. This has been touched on by previous members. I am yet to receive appropriate advice from Main Roads WA on its formula for setting speed limits on particular types of roads.

In the electorate of Peel, along the major coast road, which is Rockingham Road, between Alcoa and the Kwinana townsite turn off is a dual carriageway. When I drive out of the townsite and I turn right to Fremantle, between the bus depot - which is about 200 metres through that intersection towards Fremantle - and before the next set of traffic lights there is no egress, no houses and no factories. There is nothing in sight. If one looks towards the ocean one can see the industrial strip, and between that road and the industrial strip is a railway cutting. Yet the limit that has been set on that dual carriageway is 80 kilometres per hour. That part of the road would be less than 1 km in length. Eighteen months ago a Multanova camera was located on that stretch of road for 13 days straight. On the thirteenth day I stopped my car to talk to the person who was operating the Multanova. It happened to be a constituent of mine who I did not know was in work. Usually when he comes into my office it is to seek some assistance to get a job. I know him well. I asked him what he was doing and he said that he had the contract to run the Multanova camera. I thought it was operated by the Police Force. He said he was a special constable. I said that I was not having a go at him, but I asked who gave him instructions to be at that spot for the thirteenth day straight. He said his instructions came from the Police Department. He then told me, in confidence, that the Multanova had made $27 000 in the 13 days. He was fairly bored while he sat there watching the camera flash so he recorded the speed of the cars that went past. He had calculated that $27 000 worth of fines would be owing. What does that indicate?

We can argue whether it is a revenue earning exercise. However, it will not change driving standards. In the main most drivers use commonsense. I exclude from that statement the problem of drink driving. I do not drink, so that is not a problem I suffer from, other than from drunken drivers on the road. Most sober, non-drinking drivers use

a lot of commonsense when they are driving. Therefore, when one drives between the intersection of Thomas Road and Kwinana Road on a dual carriageway towards the green lights at the next intersection 1.5 km away without one egress, not a house or a factory in sight, and one is sitting on 100 kmh or 110 kmh it does not come into one's thinking to slow down. There is no danger. It is a dual carriageway, with no egress, so what is the danger?

Mr Wiese: The danger is that you will get booked.

Mr MARLBOROUGH: Absolutely. That is at one end of Kwinana heading towards Fremantle. When I come out at the other end down Wellard Road and I come to the two lane old Mandurah Road, I turn left at the T junction and travel towards Mandurah. By the time I reach the two lane road past the Rockingham cemetery I can do 110 kmh. It was dropped to 100 kmh recently, but I can assure members that 18 months ago it was 110 kmh. Those of us who know those roads know the standard of that road, the egresses, and the sort of traffic that uses it. It does not have any of the benefits of a dual carriageway system yet the speed limit at one end of the Kwinana townsite is 80 kmh and at the other end it is 100 kmh.

Having stopped the vehicle on that day, I asked why the Multanova was in that location for the thirteenth day. I said I was the local member for that area and that I regarded it simply as revenue raising, and that it would not change anybody's driving habits. It certainly had not changed mine, and I do not believe it changed anyone else's. I rang the officer in charge of that police unit. He said he was delighted I had brought it to his attention. He had recently been promoted to that position, part of the reason for which was to stop these activities whereby it could be fairly judged that they were for revenue raising purposes rather than to deal with a black spot on the roads. I asked how many accidents had occurred, and I understand none had. The matter was reported in the local Press, and in a later edition an assistant commissioner responded by letter stating that it was irresponsible of me to suggest that speed limits should be increased. He said anybody who knew anything about driving, recognised that speed kills.

It appears that no standards are applied by the department responsible for setting speed limits on roads. They vary enormously, and it is hard to understand why some roads have speed limits of 100 kmh while others have speed limits of 80 kmh. It is difficult to understand the reasons for the speed limits applying to some roads. The Government should seriously consider establishing a special body of inquiry to set standards for appropriate speed limits on Western Australian roads. The current arrangement is ad hoc. There seems to be neither rhyme nor reason for particular speed limits on certain roads.

I now briefly comment on some of the massive increases in penalties proposed in this Bill. The Minister for Transport knows the difficulty I have in keeping to the speed limit, and I am sure my difficulty is shared by many of my colleagues. In many instances the penalties have been increased by 500 per cent. That increase will not help the situation at all unless the Government is able to change the psyche of the Western Australian public, 30 000 of whom cannot pay their current fines, for whatever reason. This formula will lead to employment for more judges and lawyers, and the need for increased capacity within the prison system. Some people will not be able to pay a fine of $1 500 if they are convicted of a 0.08 offence. I am concerned that more people will drive without a valid licence. That is occurring now, and it leads to even more serious offences. The courts will be full and people will be caught up in driving licence offences. The reality is that the people most affected by these laws and the increased penalties will be those who can least afford to pay them. That applies to many of my constituents.

In my electorate the youth unemployment rate is higher than 20 per cent, and there are many low socioeconomic family units. The area has major unemployment and poor public transport. A car is absolutely essential to enable a family unit to operate with some sort of normality. The problem is not simply the drink drive offences. I do not condone them. I do not drink, so it is not a problem I face. My problem with driving is that I speed and try to get from point A to point B at a faster rate than the speed limit will allow.

Mr Pendal interjected.

Mr MARLBOROUGH: The member for South Perth thinks I stand for all that is virtuous but, unfortunately, I let him down when it comes to driving. The only effect of the penalty system envisaged in this Bill on the standard of driving in Western Australias could be that some drivers will be taken off the road because they cannot pay their fines and their licences will be suspended. These provisions will not change one single driving habit.

It may be argued by some that these penalties will teach people a lesson, and they will improve their driving behaviour next time they drive a car. There is no evidence to support that.

Mr Cowan: You will confess to turning over a new leaf.

Mr MARLBOROUGH: That is because I have turned 50 years of age and I am slowing down. There is no evidence that driving habits will change as a result of increased penalties. Consideration should be given to the downstream processes that will result from higher fines; that is, no decrease in the number of drivers speeding or drink driving.

I am not suggesting that people should not be penalised; of course they should be penalised. However, the increases are so significant that they will cause other problems on the road. I compare it with graffiti and break-ins at school premises. If a fence is built around the school, offenders will simply move to the next school or use the fence for more graffiti. These penalties will have no effect. Education programs should be set up in an attempt to change people's behaviour.

It is a matter of education, not simply of applying a monetary penalty. That, in itself, will not stop people from driving without a licence. The appropriate programs must be put in place to improve the standards under which people apply to get a licence. It should be tougher to get a licence. We should have better drivers on the road. My concern about the flow-on of these penalties is that many other offences, including those relating to road trauma and road laws, will occur; that is, people driving without a licence, people driving when they are suspended, and people driving without paying their fines. The consequence of all of that will not improve the driving regime. That is what courts are for. Those who are caught will be young people predominantly, those who are on low incomes, and those who cannot afford to pay the fines. It will not worry people with a reasonable income, who will be able to pay their fines. They have always been able to do that. It is an unnecessary penalty, not because the people should not be penalised in the first place - I am not advocating no penalty - but because no evidence anywhere in the world of which I am aware has shown that these extra penalties change the quality of driving on the roads. It may put a brake on someone's driving for a short time, but there will be no long term benefit.

The second reading speech referred to what has happened in Victoria. It is not a matter of saying that there has been a downturn in the number of road deaths in Victoria because of all the extra penalties. In States such as Victoria, there has been a total approach to addressing what causes the problems on the roads. Those States have not said that by increasing the penalties, the problem will be fixed. It has been an education process; the placement of police officers at kilometre intervals on dangerous roads; and the spending of money on cleaning up the black spots on the roads where the serious accidents and most of the deaths have occurred. We cannot point to that part of the Victorian legislation, or any other State's legislation covering the increase in fines, and say that that has been the key element and that is what has worked. That is a nonsense.

I believe the Government should have a further look at this. It should not put this increase on the table as a Christmas present for Western Australian drivers. It is the worst Christmas present they could expect to receive from this Government.

MR COWAN (Merredin - Deputy Premier) [5.12 pm]: As the Minister representing the Minister representing the Minister for Transport, I can understand why the Minister who usually represents the Minister for Transport decided that he would not be here today!

I thank those members who have spoken for their contribution during this debate. I will respond to some of the remarks because I have received advice on the comments made, particularly by those members who spoke earlier during the debate. As an officer from the Department of Transport attended those debates and provided advice, it is appropriate that I convey that advice to the members who contributed to the debate. I ask members to accept that I am just filling in in this role for today, and I am not an expert on the issue of road safety. It seems to me that all members who spoke in this debate forgot that this legislation was part of a package about road safety as a whole, and not simply an increase in penalties. Nevertheless I thank members for some positive comments that were made.

The member for Armadale raised a number of issues about the provisions of the Bill. She was complimentary about the fact that those who were to obtain an extraordinary licence should be limited to a blood alcohol level of 0.02 per cent. She was also very pleased to see the continuing capacity for discretion in the granting of extraordinary licences for those who may require them for their job. She raised the question about the penalties being applied having a maximum and a minimum range and suggested that might remove discretion from the courts. To an extent it does. Now the only discretion the courts have is to give penalties within this range. That has been done purposely.

Ms MacTiernan: Do you accept that it has vastly different impacts depending on the income of a person? We were making the fundamental point that for people with an annual income of $150 000, a fine of $1 000 will not be of great impact; however, if people have an annual income between $20 000 and $25 000, that has an enormous impact.

Mr COWAN: That is not denied. There is no intention in these amendments to make any allowance whatsoever for people on different incomes. We are talking about traffic laws and about people who offend these laws. Once they receive an infringement, they pay. If they acknowledge they have infringed or if they have been found guilty by the court of an offence, people are treated equally before the law, irrespective of their capacity to earn and to pay.

Ms MacTiernan: It depends.

Mr COWAN: It must be acknowledged that that is the case. I am just saying that this legislation does not deal with that issue. It is dealt with elsewhere. I am sure the member will not suggest that we should build into the Traffic

Code such simple things as issues which take into account a person's capacity to pay. That does not happen, and the member knows it. She would not do that.

Ms MacTiernan: It is relevant to determining how you set those fees. It may also be seen to be part of the concept of penalty units now being introduced and that theoretically it might be possible for a penalty unit to be determined in terms of a percentage of income.

Mr COWAN: That leads me to my next point; that is, this is part of a package. It is about seeking to put in place, firstly, effective public education processes and, secondly, increased enforcement. Of course, increased enforcement means increasing deterrents. It seems to me that those opposite, like members on this side of the House, have recognised that increasing the penalties is very much an increased deterrent.

The final part of the package is to make sure there is wider community ownership and participation in road safety programs. They are not included in this Bill because, as I said, it deals with only one part of that package; that is, the capacity to increase penalties for those people who infringe against the Road Traffic Act. The member for Armadale also raised the issue of attended road crossings at schools. The information given to me is that that is a matter for the Minister for Police to administer. As a consequence, I am not in a position to give the member any advice about the number of new crossings that might be -

Ms MacTiernan: We know that; it's 24.

Mr COWAN: The application is for 24, but I cannot tell the member the number that is likely to be granted.

Ms MacTiernan: Apparently the advice from the Police Department is zero.

Mr COWAN: I can tell the member that at the moment discussions are going on between the Education Department, the Department of Transport and the Police Service about who should carry responsiblity for that matter. I think the member can look forward in the near future - I should not be so optimistic, I should merely say the future - to that responsibility, should there be agreement between all parties, being transferred to the Department of Transport.

Ms MacTiernan: That might be a wise idea. Even in the interim there should be no difficulty in transferring those funds over to the Police Department.

Mr COWAN: There would be no difficulty with that. The problem is the assessment of whether it is justifiable. There are guidelines and rules. I cannot speak about those guidelines and rules, but I have indicated who has responsibility. As the member has raised the matter in this debate, it has aroused my interest and I will pursue it, although I will have fleeting responsibility in representing the Minister for Transport.

The member for Perth spoke about the model we may use for road safety purposes, and cited the Victorian and New South Wales models. In many respects, that is true about the number of crashes and fatalities. I wish we were in the position of Victoria, which covers an area of one-eleventh the size of Western Australia and has a population three times as large. It is difficult to make a comparison. Nevertheless, as the member for Burrup said, road safety issues are important; one death on the roads is one too many, and we must do something about reducing further the road toll.

The member for Burrup protested very strongly, and I think he was expressing a personal point of view about penalties, particularly with drink driving. He indicated that there was a table for the range between 0.05 and 0.08 which escalated towards 0.08, and escalated again until the 0.15 penalty. After that, there was no table. That is correct. It is seen as the ultimate penalty, and there is no point in fining anyone other than the maximum once they reach the 0.15 mark. In that case, we are to some extent in dispute with the comments by the member for Burrup that we could graduate the scale beyond the 0.15 mark. The Government does not agree and has no intention of doing that.

The member for Burrup also raised the issue of the non-payment of fines, as did the member for Perth. We recognise that a growing number of people are falling into that category. We recognise also the amount that is owing in unpaid fines. Some of that increase can been attributed to the use of Multanova cameras or, as the member for Bunbury referred to them, speed cameras. A comment was also made about government agencies which have been contributing to the non-payment rate. I have been advised that since the Government has become aware that drivers of government vehicles are avoiding payment of fines incurred through either travelling past a red light camera or past a Multanova camera above the speed limit, a vigorous approach has been taken by the responsible agency to deal with that matter. That has been quite successful. I cannot indicate the rate of success, but I understand the relevant agency is satisfied with the response from those government agencies which have been tackled on that issue.

The members for Midland, Pilbara and Peel are not so much concerned about penalties as they are about the whole issue of road safety. No-one will dispute the fact that road safety requires a lot of attention from the Government,

the Police Service and, above all, the community. Road safety is not an exclusive responsibility of the Government or the police; it requires a tripartite approach, with the majority of effort coming from the community. In that sense, no-one relishes this part of the total package. Just like the member for Pilbara, or any member of Parliament, but particularly those who drive on country roads and do not have the luxury of access to commercial aircraft services, I must drive. I have no choice. We rub shoulders with traffic patrols constantly. I dispute the comments by the member for Midland about any alleged reduction in the number of patrols, because I see them more and more often. Even if we have a very vigorous superintendent of police in the Northam region - and we do - I am not driving any differently from the way I did five years ago -

Mrs Roberts: He may be giving traffic patrols priority.

Mr COWAN: I can assure the member that I see traffic patrols much more frequently than I did in the past. Therefore, I dispute that allegation. I am sure the Minister for Police can give the member some advice on the number of patrols that have been conducted in different areas.

It is not my place to comment on the personal views expressed by the members for Midland, Burrup or Peel, other than to say that I recognise the frustrations they sometimes feel about road safety. Once caught, no-one will like paying the penalties the new fines will impose; nonetheless these penalties are very necessary to provide an adequate deterrent for those people who offend against the traffic laws in this State.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

SURVEILLANCE DEVICES BILL

Committee

Resumed from 26 November. The Acting Chairman of Committees (Mrs Holmes) in the Chair; Mr Day (Minister for Police) in charge of the Bill.

Clause 3: Interpretation -

Progress was reported after the clause had been amended.

Ms ANWYL: I refer to the two subclauses relating to the National Crime Authority. The latter definition is the National Crime Authority as established under the commonwealth Act of 1984. Also, the Bill provides the following definition of "law enforcement officer" -

> A member of the staff of the National Crime Authority who is a member of the Australian Federal Police or a Police Force of a State or Territory.

Will the Minister explain the full class of persons under the NCA definition, given that paragraph (c) refers only to police officers at the NCA? What is the reason for the different definitions? Clause 15 indicates that a member of the staff of the NCA can make the application for warrants. Presumably that is any member of staff, not only police officers. I note facility is made for substitutions. We have become aware recently that the NCA in Perth is being reduced by about half. I have no idea how many serving police officers from the state or federal police are attached to that unit, but it seems with the numbers so severely depleted - they were not that great to start with - some practical issues may arise from the definition. Will the Minister explain the class of persons referred to in reference to the federal Act, and the need to also have reference in the law enforcement officer definition?

Mr DAY: As implied in the definition under "law enforcement officer", the National Crime Authority has members of the Australian Federal Police and a state or territory Police Service seconded to it. They are the only police serving with the NCA. It is not as though it has separate officers who are police officers in their own right under the authority.

The NCA also has legal officers who provide support to the operational staff who come from a police service. It is possible that the support officers could be involved in the application for a warrant. Does that answer the question?

Ms Anwyl: I refer to that interchangeable definition as it relates to applications made under clause 15. Is it envisaged that a wider definition would apply? I am not sure of the definition of the NCA as it relates to the federal Act.

Mr DAY: The National Crime Authority was an entity established under the 1984 Act of the Commonwealth. It was established as a result of an agreement with the States.

Ms Anwyl: You referred to members of staff; does that include all the classes of persons you have just described?

Mr DAY: The "authorised person" is defined within clause 3. Under clause 15(3)(c), it will be necessary for anybody to apply for warrants from the NCA to have direct authorisation from the chairperson of the NCA. This would mean that the receptionist at the front desk of the NCA could not go around applying for warrants under the legislation.

Mr RIEBELING: The authorisation for the ACC appears on a similar basis to that of the National Crime Authority in that the power can be delegated. An ACC officer can make application with the signature of the chairman or two members of the commission. However, the Bill does not say to whom the delegation can be made.

In the perfect world, a senior officer of the ACC or NCA would make application. However, what happens once authorities start delegating? Is there some agreement with the ACC and NCA? Is it restricted to level 8 officers or positions of that nature? Presumably, the ACC would have some sort of ongoing investigation for which it is necessary for a device to be installed in a house, car or boat. Presumably, the NCA investigator would go to head office and say he needs to install a device. The chairman would authorise someone to act on his behalf on that matter, and how long will the authority last?

Would the Minister be happy if it could be delegated to a junior officer? It might well be that the National Crime Authority and the ACC may think that someone at a senior investigator level will receive that delegation. It would be helpful if the Minister placed on record what he considers to be an appropriate level of officer to make application under delegation. It might be that the Minister says that only the rank of inspector may make application. I would be happy with that. However, the Bill is silent on the matter.

Mr DAY: The Anti-Corruption Commission has a substantive investigative section. The structure of the ACC is outlined in its report which was tabled in Parliament this week. I would envisage that an investigatory officer who is given authorisation by the chairman of the ACC would be able to apply for a warrant. It is not as if the warrant would take effect simply because the investigatory officer decided that he wanted to use a surveillance device. He must get authorisation from a judge of the Supreme Court for listening or optical devices and from a magistrate for tracking devices.

Mr Riebeling: What about an emergency which has to be responded to there and then and after that the application for a warrant goes to the judge? Would the Minister be happy if it involved an operational officer?

Mr DAY: I would certainly expect the ACC to have in place procedures so that the principal investigator, who would be the most senior of its investigators, knew what was going on with applications for warrants. I would expect that only in exceptional circumstances would a more junior investigator apply for a warrant without the knowledge of the principal investigator. I would certainly expect that the principal investigator should be knowledgeable about the fact that a warrant is being applied for, in the same way that in the Police Service a senior officer of the rank of assistant commissioner or above is required to authorise such an application.

Mr McGOWAN: The definition of optical surveillance device looks as though it would include a telescope, set of binoculars and any other instrument such as a camera which would be able to record visually objects at a distance. I will put a scenario to the Minister so he can explain how this will operate in a particular situation. Let us say an individual was using a set of binoculars, a telescope or a pay telescope at King's Park or any of the other hundreds of tourist destinations. If he were looking at an event taking place in the courtyard of a building, looking over someone's back fence or through the window of a building or any of the multiple situations which may take place by inadvertently observing what might be termed private behaviour under this Bill, is he guilty of an offence under clause 6 of this Bill?

Mr DAY: Prohibition does not apply clause 6(2)(d) when the use of an optical surveillance device results in the unintentional recording or observation of a private activity. Therefore, if it is unintentional, this legislation would not apply. This legislation is designed to prohibit somebody deliberately trying to observe a private activity, for example someone inside his home, by using binoculars, a telescope or whatever when he has no lawful reason for doing so or he is not a law enforcement officer. As I have said, someone inadvertently coming across private activity would not be impacted upon by this Bill.

Mr RIEBELING: If someone inadvertently gained access to information through a surveillance device of whatever type and then used the information for commercial gain by selling it to a newspaper or the like, would that be an offence under this legislation or would it just be accepted as an accident? As the Minister will be aware, the Press around the world pay for amateur shots. Some quite valuable press pictures are taken by accident. Will the Minister explain whether accidental profit from a surveillance device would fall foul of this legislation?

Mr DAY: It depends on the sort of information that is being obtained. If there is a good reason for material to be passed on and published, as specified in clause 9(1)(c), there would not be a problem. However, if someone were seeking to profit from recording some clearly private material which should not have been recorded, then under this

Bill it would be an offence. If the member is referring to material which is inadvertently obtained and is then sought to be admitted in a court, it would be possible for that to be taken into account in any court proceedings. That is contained in clause 10 which is headed "Admissibility in Criminal Proceedings of Information Inadvertently Obtained". Therefore, if there is a good reason, such as a prosecution, for that information to be admitted, even though it was inadvertently obtained, it could be admitted as evidence. However, the legislation prohibits somebody from deliberately recording private activity and then seeking to profit from it by way of commercial gain.

Mr McGOWAN: Perhaps I inadvertently used the word "inadvertently" in the question I asked on optical surveillance devices. I am thinking of someone using binoculars or a telescope to deliberately observe buildings or someone's house in those circumstances I outlined. Will it be an offence under this legislation when it is not inadvertent; that is, when they are intentionally surveying a scene and looking at people in their courtyard or through a back window and observing a private activity?

In the second case, let us say a news crew is standing outside BHP's head office or the Labor Centre or Menzies House in West Perth. A number of news crews might be outside the building while internal preselection activities proceed inside. Those activities may be carried on on the first floor of Menzies House and a news crew might set up across the road and record through the first floor window Noel Crichton-Browne having an argument with someone inside that building.

Several members interjected.

Mr McGOWAN: I chose that individual deliberately.

Mr Day: I think you are trying to be provocative.

Mr McGOWAN: I am being provocative because I know the Minister is an acquaintance of his.

Mr Day: I am not sure I would say that. I am a member of a political party of which he was once a member.

Mr Shave: He could teach you a little about politics.

Mr McGOWAN: He taught the member for Alfred Cove everything he knows about politics.

Would those situations I described be offences under this Bill?

Mr DAY: I refer to the first situation the member for Rockingham described in which somebody used a pair of binoculars, for example, to observe activity outside a building. That situation does not come under the provisions of this Bill. I said in the second reading debate that generally, activities that occur outside a building would not be regarded as private. It is not possible to be totally prescriptive about that. Situations could arise when people expect that activities outside buildings would be private. If someone inadvertently or otherwise came across a television crew while it was filming an activity that was occurring outdoors, that could hardly be regarded as being a private activity.

If somebody uses a pair of binoculars to deliberately and persistently peer inside somebody's residence in a voyeuristic manner, or if someone uses a television camera for that purpose, it would be prohibited under this legislation, for good reason. Most people do not expect that they should be subjected to that sort of behaviour.

In the second situation the member for Rockingham outlined in which a political party might be undergoing a preselection meeting -

Mr Riebeling: A bloodbath.

Mr DAY: That would no doubt be right in the case of the Labor Party. If someone seeks to film activity inside a building which may be reasonably observed by somebody outside on the footpath, passing by, or in a building on the other side of the road, even though that activity was occurring inside the building, I would not regard it as a private activity. If two people are in a closed room in a building that does not have any windows and somebody installs a covert surveillance camera to observe what is going on in a preselection meeting or in a private discussion between two people, that would be regarded as private. However, that would be the extreme situation when there were no windows and no-one could reasonably expect to see inside the building.

Mr McGOWAN: I will put another scenario to the Minister, which is also a sensitive situation. Let us say a news crew goes into a building and sets up a camera. That building may be a shopping mall, a car park, or a lawyer's or accountant's office. The camera and listening device may be outside the office, but directed into the office, and the news crew may record a corrupt or untoward deal going on inside; for example, a mechanic not carrying out repairs or a fish and chip shop owner selling flake as barramundi. Similarly, let us say a news crew sets up in a local government authority office and records corrupt payments being made. The crew would be inside a building and they

would be filming covertly and without the permission of the people there, but they would also be performing a valuable investigative journalistic role. Under this Bill they would be performing a criminal act.

Mr DAY: I do not foresee that that would be the situation. Just because an activity is occurring inside a building does not necessarily mean it is private. The member for Rockingham outlines a situation where a news crew is filming inside the centre of a mall in a shopping centre or arcade. Any reasonable, commonsense definition indicates that that is a public area and any activities that occur there are public.

Mr McGowan: A court could find that it is a private activity and it is an offence.

Mr DAY: I am indicating that the intention of this legislation is not to indicate that an activity inside a shopping centre where access is generally open to the public is to be regarded as a private activity. If a news crew wanted to gain access to the interior of a private office in a shopping centre, the crew would need the authority of the occupant of the office. If it did not have that authority, it would be committing a trespass under the provisions of other legislation, quite apart from this legislation. If activity occurred in a shopping centre in an area that was generally open to the public or in an area that could generally be observed by the public, it would not come under the coverage of this legislation.

Mr McGowan: What if they film something inside an area that is not open to the public?

Mr DAY: If it is an area that could be observed by the public from outside that office, it would not be regarded as a private activity.

Progress reported.

[Continued on page 8919.]

Sitting suspended from 5.58 to 7.30 pm

DAMPIER TO BUNBURY PIPELINE BILL

Returned

Bill returned from the Council with an amendment.

Council's Amendment - Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mr Barnett (Minister for Energy) in charge of the Bill.

The amendment made by the Council was as follows -

New clause 53, page 41, after line 4 - To insert the new clause 53 as follows -

Auditor General to report on certain matters

53. (1) The Auditor General must examine and report to the Parliament within 60 days of the settlement of the agreement contemplated in Part 3 on the following matters -

(a) any obligations, duties or liabilities imposed on the State;

(b) any indemnities or guarantees given by the State; and

(c) any other matter which arises out of or is connected with the matters mentioned in paragraphs (a) and (b).

(2) If in any year any indemnity or guarantee given under subsection 21(1) remains outstanding, the Auditor General may include in his or her report under section 95 of the Financial Administration and Audit Act 1985 a report on the extent of the liability of the State under those indemnities and guarantees.

Mr BARNETT: I move -

That the amendment made by the Council be agreed to.

This amendment was negotiated this afternoon in the upper House. It relates to the powers of the Auditor General to report on any matters relating to the sale of the pipeline. It also makes it clear that in subsequent years the Auditor General may report on any outstanding liabilities or indemnities or guarantees associated with the pipeline. With the assistance of legal advice, the Government was able to take the suggested amendments which emerged from the Greens, the Democrats and the Labor Party with something acceptable to all parties.

I acknowledge the assistance of the member for Eyre and Hon Mark Nevill from the other place in assisting to resolve this issue.

Mr THOMAS: As to be expected, given the provenance of this amendment, the Opposition supports it. When the Bill was initially introduced, the Opposition drew attention to a number of concerns about the processes that have lead to the Bill being before the House. More to the point, it is concerned about the circumstances under which the sale will take place authorised by the legislation. As the Minister indicated, when the matter went to the Legislative Council, concerns were raised about the degree of accountability provided for in the legislation and some amendments were drafted to increase that.

As far as I know, the Minister did not make reference to a statement he might make. However, I understand that an undertaking was given that when the sale is completed the Minister will make a statement similar to that made by the Treasurer when the sale of BankWest was finalised. On that occasion the Parliament was sitting and therefore the statement appeared in *Hansard*. If the Parliament is not sitting when the statement on this sale is made, which I expect will be the case, I hope the statement will be made in any event so that we do not have to wait some months to get whatever detail the Minister is prepared to make available.

The Minister will be aware from statements I have made in this Chamber on a number of occasions that I am very concerned about what I regard as the secrecy which surrounds the way in which this Government conducts its business undertakings. It is not only my view that that is wrong but also that of Sir Francis Burt in his report on accountability and more recently the view of the Commission on Government which examined this matter in relation to government trading enterprises.

The Commission on Government went further than the Burt report on accountability and proposed some mechanisms for resolving some of the dilemmas associated with provisions of open government and accountability whereby people should have access to information. This Government has been steadfastly opposed to accepting those recommendations by the Commission on Government. As recently as this week it rejected a proposition that some of COG's recommendations should be referred to the Standing Orders and Procedure Committee of this Chamber to see how they could be enmeshed with the procedures and forms of this Chamber in view of the culture of secrecy that surrounds the utilities of the State.

In my view, the publicly owned utilities of this State are more secret in their operation than are the privately owned utilities in places such as the United States, where they are regulated and seem to work very well. Nonetheless, in considering the proposition that was originally advanced by the Democrat's Hon Helen Hodgson in the other place, one of the considerations was that arrangements had been entered into with companies in this State whereby undertakings had been given with regard to confidentiality which we would have significant reservations in breaching.

For that reason, and for no other reason, we are prepared to accept the compromise which has been put forward. However, I give notice that a transformation with regard to standards of accountability is due to occur in this country, and that will have direct implications for access to information, and that the traditional culture of secrecy which has surrounded the operation of utilities, and private business, for that matter, cannot be allowed to continue forever, and the Government must accept on notice that the time will come when it will be forced to accept new standards of accountability such as those recommended by the Commission on Government.

Mr GRILL: This amendment will introduce some very desirable elements of accountability into the Bill and I am pleased that the Opposition has been able to cooperate with the Government, the Greens and the Democrats in bringing that about. The Bill sets up a framework for the sale of one of this State's biggest assets - the Dampier to Bunbury natural gas pipeline. The centre of that framework is an agreement for sale. It is unfortunate that the members of this Chamber will probably never see that agreement for sale, and that the agreement for sale will never be made public, so we will probably never know the terms and conditions upon which this asset is sold. That is a bit sad. The reason that we will not know the terms and conditions, and obligations, upon which this asset is sold is commercial confidentiality. My colleague the member for Cockburn has spoken on that matter at some length. I am hopeful that in the not too distant future we will be able to fully understand contracts of this nature, that this shroud of commercial confidentiality will be lifted, and that we will be able to deal with these sorts of agreements and contracts on a more open basis.

This amendment is very much a compromise. The Democrats wanted to have the agreement tabled in the Chamber by virtue of a provision that they wanted to move. We were warned in a briefing by officers from the Office of Energy this afternoon and lawyers whom they have employed that there would be dire consequences affecting third parties, principally Alcoa, if that amendment were passed. We have accepted that advice, I must say somewhat reluctantly, because we believe that larger interests are at stake that should be taken into account, and consequently this amendment is before the Chamber.

We on this side of the Chamber still have considerable concerns about the Alinta-Epic agreement for the looping of the pipeline. We do not believe that that contract-agreement joint venture, or whatever one wants to call it, was entirely proper. We do not believe that Alinta should have entered into an agreement with a private party without going out to tender. We do not believe it should be secret. That agreement is another agreement that the members of this Parliament may never see, and that is lamentable. A great deal of secrecy is tied up with elements of the sale of this pipeline, and that is regrettable.

We on this side of the Chamber are not getting our heart's desire, and I suppose the Minister is not entirely getting his heart's desire, but it might have been embarrassing if we had proceeded with support for the Democrat's amendment. We do not want to embarrass ourselves, we do not want to embarrass the Chamber, and we do not want to embarrass the Government, so we will accept the compromise and the amendment. We largely drafted it, I might add. We hope it will be of benefit to the Bill and to the people of Western Australia.

Dr GALLOP: The Opposition gave a commitment during the second reading debate that we would ensure that this Bill passed through the Parliament before Christmas. A proposal had come from the Democrat's Hon Helen Hodgson in the Legislative Council that we believed deserved to be treated with respect and be examined. It was a proposition that in the end we could not support, but we believed it raised a valid argument in respect of accountability. The Parliament and the Executive are separate, and we accept that the Executive must have the ability to do things. The key requirement is that what the Executive does must be subject to proper examination, and that means that all of the information with regard to the decisions it makes must be known to the Parliament.

The Auditor General is an independent agent of this Parliament and is in a good position to examine and report on the final settlement for the sale of the pipeline. We are pleased that he will play a role in this process so that we can be fully informed about what the Executive is doing and the people can make their judgment about how this State is being governed.

This Bill was a good case study, where, following the second reading debate, the matter was not finalised because of the proposition from the upper House; some goodwill was shown on both sides; some goodwill was shown by the opposition parties that have the numbers in the upper House; and, as a result, we have a good amendment which improves the accountability of the Executive to the Parliament, and through the Parliament to the people. The fact that we can use the Auditor General in that process is a big plus for this legislation.

Mr BARNETT: I thank members for their comments and I thank the Opposition for its support in assisting the passage of this legislation through both this and the other place. The sale of such a strategic and valuable asset as the Dampier to Bunbury natural gas pipeline is an important matter. The legislation is complicated, and the sale process is an extraordinarily complicated commercial transaction. It has involved a gas sales steering committee, and much professional, legal, financial and technical advice.

Some sense of the complexity of this matter is that as the short listed bidders prepare their final bids, they will have access to data rooms for around 20 days, and each of those data rooms will contain around half a million pages of information detailing all aspects of the pipeline and all of the contracts.

The member for Eyre used the words "shrouded in secrecy", which is very good parliamentary language. He has raised a legitimate point. It has much to do with the ability of executive Government to carry out a transaction in the interests of the State and to try to maximise a good return for the people of Western Australia. The role of the Government certainly should be open and transparent. However, in this case, we are talking about information which people need to have in order to prepare a bid on the pipeline. Much of that information is not to do with government per se but is private contractual information between gas suppliers and gas customers. It is essential that the bidders have access to that information, and the condition upon which that information was supplied by third parties to assist the sale process was that it be kept secret. That information should not properly come into this Parliament in any sense.

We need to find the correct balance between proper accountability, proper public and parliamentary scrutiny, the protection of the legitimate and private interests of participants in the marketplace, and the ability of the State to negotiate to achieve a good result.

I thank members again for their support of this legislation and I am sure all members hope that the sale process is successful. Indications are that the process will be concluded in the third week of January. That is probably the realistic time line.

In response to the comment by the member for Cockburn, I will make a detailed statement following successful conclusion of that sale outlining as much information as is considered proper to make public.

Question put and passed; the Council's amendment agreed to.

Report

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

INTERPRETATION AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

Council's Amendment - Committee

The Chairman of Committees (Mr Bloffwitch) in the Chair; Mrs Edwardes (Minister for the Environment) in charge of the Bill.

The amendment made by the Council was as follows -

Clause 3, page 2, lines 11 to 14 - To delete all words after the word "that" and substitute the following -

will allow recovery of expenditure that is relevant to the scheme or system under which the licence is issued.

(2) Expenditure is not relevant for the purposes of subsection (1) unless it has been or is to be incurred -

(a) in the establishment or administration of the scheme or system under which the licence is issued; or

(b) in respect of matters to which the licence relates.

Mrs EDWARDES: I move -

That the amendment made by the Council be agreed to.

This amendment was discussed between the Attorney General and other members in the Legislative Council last night. It was the view of the Attorney General, supported by the advice of crown counsel and parliamentary counsel, that the new amendment improved the operation of the provision by clearly authorising recovery of two types of expenditure by way of licence fees. Firstly, it authorises recovery of expenditure that either has been or is to be incurred in the administration of the licensing scheme or system. This includes the cost of running and policing a licensing system. Secondly, it authorises the recovery by way of licence fees of expenditure that has been or will be incurred in respect of matters to which the licence relates. Such latter expenditure would include expenses that have been or will be incurred providing for particular things that the licence authorises, which would extend to expenditure on the development, improvement and maintenance of facilities, the use of which is permitted under a licence. Accordingly, the amendment was accepted as it more clearly expresses the nature of expenditure - the recovery by licence fees - which the amendment to the Interpretation Act proposed to authorise under section 3 with new clause 45A.

Mr McGINTY: The Opposition is happy to support this amendment. There was some concern when the Bill was debated in this Chamber that the wording of the amendment was a little loose and would have, for instance, in respect of motor vehicle licence fees, enabled the Minister for Transport to proceed with his idea of increasing them by $50 to pay for more roads. While the Minister handling the Bill in this Chamber gave an assurance that that would not be done, there was still a concern that the wording in its generality would have permitted that. That is particularly so where it referred to the fact that a fee takes into account any expenditure including future expenditure that is reasonably related to the scheme or system under which such licences are issued. Those words are to be deleted as a result of the amendment moved in the upper House. We now have significantly tighter wording designed to limit the amendment to its stated objective. In particular, the wording that will now appear in the legislation will limit a licence fee to something that will allow recovery of expenditure that is relevant to the scheme or system under which the licence is issued. It then goes on - most usefully - to describe the sort of expenditure that is not relevant for the purposes of subclause (1). That is a far tighter description of what the Bill was supposed to achieve. We can be grateful for this amendment because it will not allow a tax to be imposed under the guise of a fee. That is a desirable safeguard and the Opposition therefore supports the amendment.

Question put and passed; the Council's amendment agreed to.

Report

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

PERSONAL EXPLANATION - DEPUTY PREMIER

Question on Notice 2699

MR COWAN (Merredin - Deputy Premier) [7.57 pm] - by leave: As the Minister representing the Minister representing the Minister for Transport, I take my job very seriously! In response to question on notice 2699, the member for Bassendean was advised that the Minister for Transport had not received any correspondence from Staab Decor Australia Wide. However, it has been drawn to my attention that the Minister has received correspondence dated 9 September 1997 from that company. The Minister responded to the letter on 24 October 1997. I table a copy of the response and apologise to the House for this oversight.

[See tabled paper No 980.]

SURVEILLANCE DEVICES BILL

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Ainsworth) in the Chair; Mr Day (Minister for Police) in charge of the Bill.

Clause 3: Interpretation -

Progress was reported after the clause had been amended.

Mr MARLBOROUGH: I take this opportunity to raise a particular matter and place certain things on the record. It comes under that part of clause 3 which is headed "Listening device" on page 4 of the Bill. Earlier in another place I asked one of my colleagues to ask a group of questions of the Attorney General, which I will place on the record in this Chamber. The questions asked of the Attorney General at 4.00 pm today were -

(1) Are listening devices installed in interview rooms used by lawyers and their clients at Casuarina Prison?

(2) If so, for what purpose?

(3) If so, what procedures are in place to prevent breaches of legal professional privilege?

The Attorney General of course advised that he has no knowledge. I want to make it clear that my reason for having the questions asked is that I had been reliably informed by a source that listening devices are being used by the Department of Corrective Services at Casuarina Prison. I make no allegations of misuse. I am simply seeking to determine whether my source of information is correct. However, it should be fairly obvious why we should be concerned about whether this or any other clause of the Bill covers a set of circumstances which I understand may exist at Casuarina Prison. Everybody knows that in prisons like Casuarina we have high profile prisoners, such as Alan Bond, who have received over the years lots of publicity. Alan Bond and many other prisoners have ongoing investigations against them at both state and national levels. It would be of concern to anybody in this Chamber if a prisoner, such as Alan Bond, were meeting with his lawyer within the prison system only to find that those interviews were being taped without his knowledge.

As I said earlier, the Bill tries to address itself to this matter. I am not sure it attacks the problem of the illegal use of listening devices in the way that has been suggested. I am awaiting the Attorney General's reply. I hope the Attorney General and the Government are able to consider this allegation quickly. It goes without saying that the Attorney General will take the matter very seriously. I hope that at the end of that process there is no further need to pursue the matter. The interpretation of "listening device" means any instrument, apparatus, equipment, or other device capable of being used to record, monitor or listen to a private conversation. Obviously a meeting between inmates at Casuarina Prison or any other prison and their lawyer fits that category. I seek some assurance from the Minister that appropriate parts of this Bill will protect prisoners within the Department of Corrective Services from any illegal intrusions that may take place during their attempt to have discussions with their legal representatives.

Mr DAY: Listening devices in Casuarina Prison are obviously not a subject with which I have any familiarity at all or any knowledge. I have no ministerial responsibility for prisons. As the member said, he has written to the Attorney General seeking a response to some concerns he has about a particular matter. No doubt he will be getting an appropriate response in due course. As far as the general use of listening devices by prison officers is concerned, there is no specific provision for prison officers to use listening devices under this legislation. I understand, and I will check to find the actual clause, it is possible for police to assist in the use of listening devices by other appropriate authorities. I want to be appropriately advised on this. I add for the record that the advisers are not here at the moment. However, if my interpretation is correct, it would be possible for police or somebody else who has

obtained a warrant from a judge, to be able to assist in the use of a listening device by somebody such as a prison officer or fisheries officer.

Mrs ROBERTS: Prior to the dinner break we were discussing the definition of "private activity". The clause defines it as meaning any activity carried on in circumstances that may reasonably be taken to indicate that any of the parties to the activity desires it to be observed only by themselves. The member for Rockingham has already canvassed a number of instances. I have a few others I want to put before the Minister. The Minister has suggested that if people are in front of their house, basically they are fair game because they are not inside. Some people might be picking up their paper from the front lawn in the morning while wearing their night attire. Their dress might indicate that they desire not to be observed. In those circumstances somebody going on to their front lawn to pick up their paper would not fit the definition the Minister has given.

Another activity which might be regarded as a private activity about which people could be entrapped by this legislation would be people who use the public toilets at Perth Railway Station, for example. I understand that Westrail has placed security cameras in the basin area of the women's toilets on occasions. I think most women going there would not reasonably expect to be observed while they are washing their hands, doing their make-up, brushing their hair or having a conversation. I seek clarification because I think they would not anticipate or expect to be observed in the same way as they would if they were travelling on a train where, it is widely publicised, security videos are used. If Westrail wants to continue that practice, would it have to apply for an optical surveillance device?

Another situation that I would regard as a private activity is trying on clothes in a clothing store. Some members might have seen the infamous episode on "Frontline" in which Brooke Vandenberg had the tables turned on herself when a rival current affairs program filmed her trying on clothes in a change room. Will circumstances arise in which optical surveillance devices must be placed in women's change rooms, for example, in department stores or other shops? If so, how will the law be interpreted by people as to whether that is a private activity? Will an application have to be made for a surveillance device or would a store be required to erect signs on the mirrors saying people may or may not be observed at any moment they are in the change rooms? Many circumstances are undefined. People's expectation of what is a private activity may differ. Many people would regard picking up their newspaper from their front lawn at 6.00 am to be a private activity. People going into a ladies' toilet would think it was a private activity, as would women going into change rooms.

Mr DAY: The member for Midland puts the case well in the argument that it is not possible to prescribe in this legislation every situation that may be regarded as private or public activity. She gave a number of examples of activities that may be interpreted as private or public, depending on the circumstances. It would be impossible to predict in advance every activity that should be regarded as either public or private. I hope the member for Midland is not suggesting that we attempt to do so.

The first situation the member described involved people engaging in an activity outside their home; for example, going to the front gate to get a newspaper while they were still attired in their nightwear. She expressed concern that they might be videotaped or photographed by a member of the public and that it would be unreasonable for that to be done. It is my interpretation of the legislation that if people were to put themselves in a situation in which they could reasonably be observed from the road, they should expect that they could be recorded. Generally it would not be the case that somebody would be walking around with a video camera. However, if people are in their night attire when they pick up their newspaper, that is their choice.

The second example the member for Midland gave related to cameras being installed in public toilets. It is my interpretation that it would be an invasion of privacy to install cameras in toilet cubicles or toilet facilities. That activity should be regarded as private. If a camera were present in the washbasin area, particularly when a sign had been placed there by the relevant authorities that cameras were present and surveillance may be undertaken, that should be regarded as a non-private activity. In the second reading speech I give an indication of the intention of the Bill when I state -

> . . . where a sign is present warning persons that their conversations may be taped, or that their activities may be filmed, these conversations and activities would not be considered private under the new legislation as parties could not then reasonably expect them to be so. For example, this allows police and prison officials to survey lock-ups and prison buildings, and shopkeepers to film their staff at work.

This also covers the example that was given of cameras being installed in the change rooms of a clothing shop. It is my expectation that it would not be reasonable for cameras to be installed in such a situation in general circumstances. If the proprietors of a shop wanted to install cameras in change cubicles and erect a sign to inform customers of that, that would be a reasonable situation. However, I suspect the owners of that business would not be prepared to do so because they would not maintain their business for long. I would not accept the situation that cameras were installed in clothing change rooms.

The member for Midland put an interesting argument. On the one hand she expresses concern about the invasion of privacy by the use of cameras, but on the other hand the argument was put, more so by other members of the Opposition, that the rights of the media would be infringed by this legislation. Members of the Opposition cannot have it both ways: Either they believe in putting in place reasonable protection for people's privacy, or they do not. Those protections must apply to everybody in the community.

Progress reported.

OSTEOPATHS BILL

Returned

Bill returned from the Council with amendments.

Council's Amendments - Committee

The Deputy Chairman of Committees (Mr Ainsworth) in the Chair; Mr Barnett (Leader of the House) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 3, page 3, lines 15 to 28 - To delete the lines and substitute the following lines -

"osteopathy" means the static and dynamic assessment of human bio-mechanics, the diagnosis of somatic dysfunction, and the alleviation of somatic dysfunction by the application of manual treatments complemented by health education, but does not include the use of drugs or operative surgery;

No 2

Clause 3, page 4, after line 12 - To insert the following lines -

"somatic dysfunction" means impaired or altered function of related skeletal, arthroidial and myofascial structures of the somatic system (body framework), including associated vascular, lymphatic and neural elements.

No 3

Clause 29, page 22, lines 2 and 3 - To delete all the words after the word "hours".

No 4

Schedule 3, page 75, lines 16 and 17 - To delete the lines and substitute the following -

(ii) the time for appeal against the refusal under section 89 has expired without an appeal being brought or an appeal has been brought but has been unsuccessful,

No 5

Schedule 3, page 76, line 4 - To insert after the word "and" the following -

(ii) during that period of time

Mr BARNETT: I move -

That the Council's amendments be agreed to.

Mr McGINTY: With the consent of the Opposition, I just say that when the substantive Bill was being debated, we were keen to see the registration of osteopaths in Western Australia match the registration process elsewhere in Australia. During the debate, an issue arose about whether masseurs were unintentionally caught by the definitions in this Bill, such as would prevent them from practising their trade or profession. A commitment was given in this place by the Minister for Health that he would take the opportunity of the passage of this Bill from this place to the other to look at an amendment which would meet the needs of the masseurs. Following significant discussion between the United Front of Professional Masseurs - it is a strange name, but it is the name of the body that represents the masseurs -

Dr Gallop: As opposed to the Judean People's Front!

Mr McGINTY: It is a very different organisation indeed. I must say that the United Front mounted a very effective

campaign on this issue, resulting in the amendments before us. There are amendments to the definition of osteopathy and somatic dysfunction, as well as some other minor amendments. Whether any legal effect will flow from these amendments is something about which we might speculate. The important thing is that at this stage the United Front, representing the masseurs, is happy and the osteopaths are happy, and if everyone is happy, so are we. Therefore, we support the amendments.

Question put and passed; the Council's amendments agreed to.

Report

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

ADJOURNMENT OF THE HOUSE - SPECIAL

MR BARNETT (Cottesloe - Leader of the House) [8.22 pm]: I move -

That the House at its rising adjourn until a date and time to be fixed by the Speaker.

Adjournment Debate- Complimentary Remarks

This year in the Legislative Assembly over 80 Government Bills have been introduced, of which 60 have been passed. That is about 20 or 30 fewer than might have been passed in preceding years. The House sat on 60 days. I note for the interest of members that 2 900 questions were asked in the Assembly during the year, of which over 90 per cent have been answered. In regard to unanswered questions, I assure members that I will be requesting all Ministers to reply to the appropriate members during the break. That will allow the questions and answers to be included formally in *Hansard* once we return.

This is a traditional time when we acknowledge the support and services provided within the Parliament. Before I make some comments in that regard, I am sure members will join with me in expressing regret at the sad passing during the year of Mr Jeremy Talbot, who was the Deputy Parliamentary Counsel. He had worked within parliamentary counsel for 20 years. As many members will be aware, in a most professional way he served successive Governments. I am sure members will join with me in sending our sympathy to his family and friends. I also acknowledge that Mr Tony Dowling, the Deputy Parliamentary Counsel, retired during the year. He also made a great contribution to the working of this Parliament. In that vein, I pass on my appreciation to Greg Calcutt and his colleagues at parliamentary counsel.

I also briefly acknowledge what has happened within Parliament during this year. I thank all members of Parliament for their contributions. Obviously we do not always agree but, contrary to what the public may view of Parliament, there is agreement and constructive debate. I particularly want to commend the newer members of Parliament on both sides of the House. This Parliament has significantly gained with the new members who were elected at the last election. Many, particularly over recent months, have gained in confidence in their parliamentary performance. Some have had what I think is an honour in their parliamentary career to find themselves in the position of Acting Speaker in their first year in the Parliament.

I thank you, Mr Speaker, for your efforts in your first year in this position. I think you have done an excellent job. I also thank the Deputy Speaker and the Acting Speakers, who have performed well in their roles. The job of the Whips, particularly the member for Bunbury who assists me greatly on this side of the House, is never easy. It tends to get progressively more difficult as the year progresses and people become tired and are put under pressure with other commitments. I thank the Whips from both sides.

I thank the Clerk, Peter McHugh; Doug Carpenter, his deputy; and John Mandy, the Sergeant at Arms, from whom we receive most professional advice which allows for the professional functioning of this House. I sincerely thank them. Similarly, I thank the attendants, Peter, Stefanie, Nigel, Victor, Tony, Nici and Ron, for all the work they do within this Chamber. I particularly extend good wishes to Stefanie, who is expecting a baby in the not too distant future.

To the Hansard reporters and to Neil Burrell, the Chief Hansard Reporter, I extend my appreciation. I think all members have a sense of empathy, if not sympathy, for Hansard reporters, who struggle away under duress, particularly when debate becomes heated and rapid in this place. Although there is opportunity for members of Parliament to relax, that opportunity is not available to the Hansard staff. I thank the Parliamentary Library staff, particularly the Deputy Parliamentary Librarian, Keith Hair; the dining room staff; the security officers; the gardeners; the cleaning staff; Vince Pacecca, the Executive Officer; and all within the Parliament. We are blessed in this place with a very professional staff, which results in a very well run Parliament. Perhaps we will see an improvement in the Parliament in a physical sense some day. I am talking about the building, the bricks and mortar! I think everyone agrees with that. Finally, I particularly thank Nick Hagley and his staff within Parliamentary

Services. He is a pleasure to work with and provides enormous assistance to me. I also thank Russell Stranger from the Premier's office, who helps greatly in the preparation of debates for this Parliament.

I thank all members for their contributions during this year. We have had our moments of excitement and tension, perhaps particularly in the first half of the year; however, I think this Parliament has had another successful year. While I am sure we all look forward to the break, I think we can equally look forward to another successful parliamentary year in 1998.

I conclude by wishing all members, their staff and their families a very happy and safe Christmas and holiday period.

MR COURT (Nedlands - Premier) [8.28 pm]: I also wish all of the members and staff a very merry Christmas and a happy and prosperous 1998. This is the first time I can recall when Parliament has finished at a respectable time of the year in the lead-up to Christmas. It means that, hopefully, members will be able to spend more time with their families in the lead-up to Christmas and not just have a mad rush when trying to find some time to do so. This is a good initiative because members of Parliament, whether they live in the country or the city, spend long periods away from their families. Those with young children know better than most that it is not always easy for those who are left at home to carry out those responsibilities. I hope the planning that has enabled us to finish in November, leaving December free in the lead-up to the Christmas period, provides an opportunity for people to spend the time with their families.

I thank all the people who have done so much work during the year. This has been a well run parliamentary year. For example, as you said today, Mr Speaker, many more questions have been asked in this place and that is a positive step. Both sides of the House have accepted changes to parliamentary procedures, and sitting times have been much more orderly than I can recall since coming to this place.

I thank the Chairman and Deputy Chairmen of Committees from both sides of the House, the Whips, the Clerks - Peter McHugh and Doug Carpenter; John Mandy, the Sergeant at Arms, and all the Chamber attendants. We wish Stefanie all the best for her forthcoming event. I thank the Hansard, Library and dining room staff, the switchboard team, the security officers, the ground staff, and our Executive Officer, Vince Pacecca. I thank also Nick Hagley and Russell Stranger and the team who work behind the scenes to make sure that Parliament operates smoothly and that we know what we are meant to do each day.

This is the time of the year when our families can take priority. Again, I wish all members and staff a very merry Christmas and all the best for 1998.

MR COWAN (Merredin - Deputy Premier) [8.32 pm]: I join the Premier and the Leader of the House in conveying some remarks to all the people including you, Mr Speaker, who make this Parliament function successfully. Notwithstanding the fact that many people believe that Parliament does not function successfully, it does! I am in a position where I can say that it performs equally as well if not better than it did in the past. Although at times there can be a great degree of tension, it means that for the good functioning of this place all participants in the operation of the House have had to work a little harder to ensure that Parliament works.

I congratulate and commend all people who have been involved in the functioning of this Parliament. I thank them for their ability in ensuring that not only has Parliament worked but that it has worked as well as it ever has. On behalf of the National Party I join the Premier and the Leader of the House in conveying to everyone our best wishes for the festive season and for the new year.

Mr Premier, I would dearly love to share your thoughts that many of us will be able to spend more time with our families, but I regret to say that because it is the festive season many of us are in demand to service the wishes of our constituency that may not necessarily be the case. However, it was ever thus during the festive season. I am sure that because the Premier has given us some extra time, and because of the way the House has been managed by the Leader of the House, ultimately we will be able to stop working for our constituency and start looking towards our families and spend a longer time with them closer to the Christmas period.

Again, I thank everyone involved in the functioning of this House. It has performed very well, under your leadership, Mr Speaker. On behalf of my National Party colleagues I wish the staff and members of Parliament a very merry Christmas and a prosperous 1998.

DR GALLOP (Victoria Park - Leader of the Opposition) [8.34 pm]: I can assure the Leader of the National Party and Deputy Premier that while he turns his attention away from parliamentary duties for the short Christmas period I will not send any of my troops from this side into Merredin to try to undermine his position in that seat! However, I cannot guarantee that over the Christmas period I will not send out a press release or two on the uniform tariff.

Mr Barnett: I do not know that the Liberal Party could make that commitment!

Dr GALLOP: This has been a very interesting year since the last state election. I think it was this weekend last year that we slept out in Parliament with Graham Maybury in support of the Livingstone Foundation. We began the parliamentary session with some very contentious industrial relations legislation which caused much pressure within Parliament. Certainly the parliamentary year has finished on a much more harmonious tone than it began. Whether it is in that environment or the one we had earlier this year, I thank all my colleagues for the efforts they have made in putting across our point of view in Parliament, to make sure they were doing their work in the committee system; and making the process of Parliament work properly.

In that light, I thank our Whip and his assistant for their work this year. I thank also the member for Midland who has been our organiser of House business during the year. It is important that we acknowledge the important role they play in making sure that Parliament functions properly. As we say to all members who come here, if they want to vote in Parliament they must be here. That is good discipline for everyone, but it requires the Whips to make it happen.

As the Premier said, Parliament is an interesting working environment. We might like to think that when we give speeches or deliver reports, that is the icing on the cake, but underneath all that people are working to make it possible for us to deliver reports or make speeches. Both the Premier and the Leader of the House have mentioned all the people involved in making that happen. It is a very interesting working environment. At times it appears it could all fall apart. I am reminded of scenes in the Uttar Pradesh Parliament this year on television in which opposition members pulled out the microphones and used them as spears on the Government of the day. In our Parliament we accept that we will be very vigorous at times but we know where to draw the line. Without the hard work of staff, that would not be possible. I wish all staff the very best for the Christmas period. They have made a solid effort this year, and I hope they can have a very enjoyable Christmas. I hope that Stefanie's Christmas and new year is very productive. I wish her all the best in the year coming up.

I would like to finish by making reference to the conduct of the House. The Opposition thanks you, Mr Speaker, for your hard work not only in this Chamber but also outside. We have much confidence in the role you play as Speaker. On very few occasions, we have become angry. We are delighted with your performance as Speaker. As the Premier said, Mr Speaker, the way you have conducted yourself in the Chair and in Parliament generally has assisted the functioning of the Parliament enormously.

I wish every member opposite all the best for Christmas. I hope that we will return to this place with our batteries recharged, ready to go again next year. It is important that we keep this forum alive and interesting. Despite what people say, when visitors come to Parliament they like to see some vigour in the parliamentary contest, but without that vigour going over the top.

This is the occasion each year when the raindrops of civilisation fall on the deserts of parliamentary conflict, and we express more goodwill towards one another than we normally do. I am reminded of the famous "Not the Nine o'clock News" skit in which Rowan Atkinson played the role of a compere of a late night television show in Britain. Mel Smith, I think, played a Labour Party member in the House of Commons, and Grif Rhys Jones played a Conservative member. They were going hammer and tongs, debating the issues of the day. It became very heated. The Conservative turned to the Labourite and said, "You are no better than those terrible, snivelling, devious foxes that I hunt on my property every week." The Labourite said to the Tory, "You are nothing but an aristocratic waster who does absolutely nothing!" The debate heated up as they were getting stuck into one another, at which point the Conservative member had a terrible heart attack and died. The Labour man said, "He was a great man."

People outside this place on occasions have a cynical view of us when we express goodwill to one another. However, those of us in the Chamber, despite our differences, mean the words we say at this time of the year. I wish a happy Christmas and a healthy and prosperous new year to you all and your families.

THE SPEAKER (Mr Strickland): It is not often that the Speaker gets an opportunity to say a few words in this House. I assure members that I will not fall into the trap which has befallen some Presiding Officers in the past.

I thank members who have spoken for their kind words.

The President and I have thanked the staff who work in this place in what we think was a real way. We held a series of functions to say thank you, and we think that was a first for this Parliament. The feedback on those functions has been tremendous. On behalf of members, we took the trouble to thank our staff.

I thank the Deputy Speaker for his strong support, and the Acting Chairmen who at times have been on a steep learning curve. I am sure that they have grown as people and gained much from their experiences. They have been a very competent team.

I will not thank all the staff one by one. However, I extend thanks to Peter McHugh, Doug Carpenter and John

Mandy as the key people in the Assembly. In a couple of weeks the Assembly Christmas party will be held with staff and I will attend. I am sure a few words will be said on that occasion.

The productivity in this place depends on its climate, and that relies on the cooperation we receive from members. We have had a reasonable year. I have tried to implement the concept of a fair go, and I have appreciated the comments made by members in that regard. A decrease in tension has occurred overall, although we will always have our highs and lows - it is a Parliament after all.

I thank all members for the cooperation they have given the Chair, including the Deputy Speaker and the Chairmen of Committees. In fact, we did not throw anyone out of the House this year.

Mr Barnett: We will do better next year!

The SPEAKER: Also, a big decrease has occurred in the number of formal calls to order, which has been a very good thing.

I hope Stefanie Dobro has a great maternity leave. I think she is the first parliamentary officer from the Assembly to take maternity leave - enjoy it Stefanie.

If the new members realise that they have much to learn, they are making progress. I hope members have had a fruitful and productive year. As the Premier said, I hope members go away and have a good break. January tends to be a quiet time in electorate offices, and if members do not take some advantage of that, they should not be in Parliament.

I conclude by wishing everyone a merry Christmas and happy new year. Like all members, I am looking forward to enjoying a bit of break.

Question put and passed.

ADJOURNMENT OF THE HOUSE - ORDINARY

MR BARNETT (Cottesloe - Leader of the House) [8.43 pm]: It is with a great sense of anticipation and relief that I move -

That the House do now adjourn.

Question put and passed.

House adjourned at 8.44 pm

QUESTIONS ON NOTICE

EMPLOYMENT AND TRAINING - TRAINING

Courses - Fees

1924. Ms MacTIERNAN to the Minister for Employment and Training:

(1) How much was obtained in fees in -

(a) 1995;
(b) 1996,

through courses conducted by Technical and Further Education (TAFE) for prospective real estate representatives?

(2) What grants were made from the Government in respect to each course?

(3) What was the total running cost for the courses in -

(a) 1995;
(b) 1996?

Mrs EDWARDES replied:

(1)-(3) Information at the level of detail requested by the member is unavailable. I have requested the relevant autonomous colleges and the Department of Training to extract information relevant to the member's request at the level of detail which their reporting systems support. As soon as the information is available I will forward it to the member directly.

SENIORS - INFLUENZA VACCINATIONS

Free

1962. Dr CONSTABLE to the Minister for Seniors:

Does the Government provide free vaccinations against influenza for all Western Australians over the age of 65, as promised in the lead up to the December 1996 State election?

Mrs PARKER replied:

A working group comprising officers of the Office of Seniors Interests and Health Department of WA is progressing the introduction of this initiative. The working party is currently developing policy and program options to meet the commitment during this term of Government.

FAMILY AND CHILDREN'S SERVICES - CHILD CARE CENTRES

Funding Cuts - Effect on Patronage

1974. Mr CARPENTER to the Minister for Family and Children's Services:

(1) Is the Minister aware of the effect on patronage of the Federal Government's cuts to childcare funding?

(2) Does the Minister have data which illustrates the effect of those cuts in Western Australia?

(3) Has the Minister received any deputations or submissions in relation to those cuts and the effect in Western Australia?

(4) If so, from whom and what was the nature of those submissions/deputations?

(5) Has the Minister communicated with the responsible Federal Minister about the cuts to funding for community based childcare facilities?

(6) If yes, what was the nature of that communication?

(7) If not, why not?

(8) Does the Minister support the Federal Government's cuts to funding to community based childcare facilities?

(9) If yes, why?

(10) If not, why not?

Mrs PARKER replied:

(1)-(2) Changes to the child care industry came into effect on 1 July 1997. It is too early to determine the effect of those changes; as such no data is available.

(3) Yes.

(4) Carewest (the Association for community based child care centres in WA) and the Independent Child Care Centres WA Inc, regarding the removal of operational subsidy from community based centres and the changes to the delivery of Child Care Assistance. A "Child Care Crisis Working Party" comprising representatives of both private and community based child care has met with the Minister on a number of occasions. Discussion related to - increase in child care fees, planning of new child care centres, utilisation within centres and Commonwealth funding cuts.

(5) Yes.

(6) Communication with the Hon Judi Moylan MP raised concerns about the scope of the restructuring assistance made available to community based long day centres. The response was that the Commonwealth Government has set aside $8.3 million over two years to help community based centres to purchase financial and management advice to assist centres operate without operational subsidy. Additional funds have also been approved for services to engage a second advisor to address industrial issues, and funds have been allocated for minor capital improvements to extend an area within a centre to increase licence capacity or upgrade a centre to improve viability. Also under discussion was the issue of allocation of the Disadvantaged Area Subsidy. Concerns were raised with the Commonwealth Minister regarding the allocation of subsidy to a relatively small number of services in rural and remote areas. As a result, another four services became eligible for the subsidy. The issue of the perceived oversupply of child care in Western Australia was also raised. The Hon. Judi Moylan explained that the proposed National Planning Framework due to commence its work in September, would address this issue by allocating child care assistance to only new centres built in areas designated as high need.

(7) Not applicable.

(8)-(9) See answer to (6). The Commonwealth Minister has given a commitment to retain operational subsidy or Disadvantaged Area Subsidy to rural and remote services where no other child care is available. Issues of concern have been addressed and the situation will be monitored.

(10) Not applicable.

GOVERNMENT INSTRUMENTALITIES - INDEMNITIES

Nature and Extent of Liability

2037. Mr KOBELKE to the Minister for Family and Children's Services; Seniors; Women's Interests:

(1) Have any agencies or departments for which the Minister is responsible offered any form of indemnity or remain liable under any indemnity?

(2) If any such indemnity has been offered then -

(a) to whom has it been extended;
(b) what is the reason for the indemnity;
(c) what is the maximum potential liability that could be called on through this indemnity?

Mrs PARKER replied:

(1) There are two sources of power for the Government to offer a guarantee or indemnity. They are either:

(a) offered pursuant to a specific statutory power to do so, in which case they are characterised as a Statutory Guarantee or Indemnity or,

(b) if there is no specific statutory provision, the guarantee or indemnity is referred to as a Surety.

Some common guarantees and indemnities, generally those which are not offered pursuant to a statute, referred to above as "sureties", are:

(c) incidental to another function, such as the purchase of a good or service (for example a contract where the purchaser indemnifies the supplier of software against any unauthorised use of that

software or a contract for advertising where the advertiser indemnifies the publisher against legal action arising out of the publication of the advertisement) or,

(d) granted to persons or officers in the performance of their duties for the State or for any public authority or public body of the State (some of which are statutory).

All Statutory Indemnities, Guarantees and Sureties which are either (c) or (d) are excluded from the operation of Treasurer's Instruction 821 (TI 821).

TI 821 requires all indemnities and guarantees which are not of the excluded types, statutory and otherwise, to be entered in a register. They are then included in the Treasurer's Annual Statements which are tabled in Parliament. For details of all such guarantees and indemnities as at 30 June 1996 see the Treasurer's Annual Statements 1995-96. TI 821 does not apply to indemnities falling within (c) and (d). This is appropriate as the nature of these indemnities means that they arise as part of the everyday affairs of government.

(2) Researching contracts entered into in order to ascertain whether there is an incidental indemnity in each contract would be an unreasonable diversion of resources. It would also not be a particularly useful exercise because:

(a) in many instances the contract has already been successfully completed;

(b) circumstances surrounding a contract and an arising claim may give rise to an implied obligation to indemnify even where there is no express obligation; and

(c) it would be impossible to state any maximum potential liability.

COLLEGES OF TAFE - KARRATHA, PORT HEDLAND AND PUNDULMURRA

Amalgamation

2063. Dr GALLOP to the Minister for Education:

(1) Does the Government intend to amalgamate the three Technical and Further Education colleges of Karratha, Port Hedland and Pundulmurra?

(2) If yes, when will this take place?

(3) Can the Minister give the local communities served by these three institutions an assurance that there will not be any reduction in staffing, other resources or range of programs offered?

Mr BARNETT replied:

(1) The Government has announced the amalgamation of Hedland College and Pundulmurra College.

(2) The amalgamation of Hedland and Pundulmurra will occur on 1 January 1998.

(3) The intent of the amalgamation is to make more effective and efficient use of the resources and infrastructure of both colleges for all Hedland residents, especially young Aboriginal people.

HEALTH - DENTAL SERVICES

Schools Service - Expenditure and Proposals for Change

2077. Mrs ROBERTS to the Minister for Health:

(1) Can the Minister advise the State expenditure on dental services to school in the last five financial years?

(2) Can the Minister please give a commitment that there will be no reduction to the number of dental therapists in relation to this service?

(3) What year levels and ages does the school dental therapy service cover?

(4) Are there any proposals to change the school dental therapy service or eligibility for access to that service?

(5) If so, what are the proposals?

Mr PRINCE replied:

(1)

1992/93	$13,237,589
1993/94	$13,403,431

1994/95	$13,673,993
1995/96	$14,136,127
1996/97	$15,224,735

(2) No.

(3) Pre-school to Year 11 with Year 12 in remote areas. The age range is 4-17 years.

(4) No.

(5) Not applicable.

GOVERNMENT INSTRUMENTALITIES - NORTH WEST

Employees and Programs

2186. Mr GRAHAM to the Minister for the Environment; Employment and Training:

(1) What departmental staff in departments under the Minister's control are located in the following towns -

(a) Port Hedland;
(b) South Hedland;
(c) Tom Price;
(d) Paraburdoo;
(e) Telfer;
(f) Marble Bar;
(g) Nullagine;
(h) Karratha;
(i) Halls Creek;
(j) Wiluna;
(k) Dampier;
(l) Roebourne;
(m) Wickham?

(2) What are the classifications of those staff?

(3) What programs are currently being funded in the towns listed in (1) above, in the departments under the Minister's control?

Mrs EDWARDES replied:

Kings Park and Botanic Garden

(1)-(3) Not applicable.

Department of Environmental Protection

(1) (a)-(g) None.
(h) Three (3)
(i)-(m) None.

(2) Manager Level 6
Environmental Officer Level 2/4
Administrative Assistant Level 2

(3) All statutory functions under the Environmental Protection Act 1986 (as amended), and non statutory matters, eg the provision of advice and assistance to all members of the community with regard to environmental protection.

Perth Zoo

(1)-(3) Not applicable.

Conservation and Land Management

(1) (a)-(g) Nil.
(h) Karratha Department of Conservation and Land Management
(i)-(m) Nil.

(2) Level
8 Regional Manager
6 Senior Operations Officer
3 Operations Officer
5 Regional Ecologist

RG2	Ranger In Charge
3	Wildlife Officer
3	Regional Admin Officer
3	Information Officer
2/4	Reserves Management Officer
1	Clerical Officer
	Wages Employee

(3) CALM's Nature Conservation and Recreation programs.

WA Department of Training

(1) (a)-(g) Nil
(h) Karratha, 1.
(i)-(m) Nil.

(2) 1 x Level 5

(3)

Port Hedland	Serviced by South Hedland Programs
South Hedland	Job Link, Contracted Entry Level Training Agency (CELTA), Inwork
Tom Price	Job Link
Marble Bar	Inwork
Karratha	Job Link, Group Training Company
Halls Creek	Aboriginal Economic and Employment Development Officer Program, Inwork
Roebourne	Inwork

Kimberley College of TAFE

(1) (a)-(h) Nil.
(i) Halls Creek, 13.
(j)-(m) Nil.

(2) 1 x Level 6
1 x Level 2
1 x Level 1
1 x Level 1 Lecturer
1 x Level 2 Lecturer
1 x Level 3 Lecturer
4 x Level 1 Casual Lecturers
3 x Level 2 Casual Lecturers

(3) Halls Creek - Vocational Education and Training Programs

Pundulmurra College

(1)

(a)			Nil
(b)	South Hedland	45	
(c)-(k)			Nil
(l)	Roebourne		10
(m)			Nil

(2) South Hedland
1 x Level 9
2 x Level 7
1 x Level 6
2 x Level 4
2 x Level 3
9 x Level 2
12 x Level 1
2 x Level 12 Lecturers
1 x Level 11 Lecturer
2 x Level 10 Lecturer
2 x Level 9 Lecturer
3 x Level 8 Lecturer
1 x Level 7 Lecturer
1 x Level 5 Lecturer
4 x Wages Staff

Roebourne
1 x Level 1
1 x Level 2
1 x Level 5
1 x Level 9 Lecturer

1 x Level 8 Lecturer
1 x Level 6 Lecturer
1 x Level 5 Lecturer
3 x Casual Child Care Givers

(3)

Port Hedland	Vocational Education and Training Programs
South Hedland	Vocational Education and Training Programs
Roebourne	Vocational Education and Training Programs

Karratha College

(1)

(a)-(b)		Nil
(c)	Tom Price	6
(d)	Paraburdoo	2
(e-g)		Nil
(h)	Karratha	89
(i)-(l)		Nil
(m)	Wickham	1

(2) Tom Price
1 x Level 2
1 x Level 3
1 x Level 7
1 x Lecturer Level 8
1 x Lecturer Level 9
1 x Lecturer Level 10

Paraburdoo
1 x Level 2
1 x Lecturer Level 10

Wickham
1 x Level 2

Karratha
8 x Level 1
6 x Level 1
13 x Level 2
3 x Level 2
1 x Level 2/4
6 x Level 3
1 x Level 4
2 x Level 4/5
2 x Level 4/5
1 x Level 5
4 x Level 7
1 x Level 9
1 x Lecturer Level 8
3 x Lecturer Level 9
10 x Lecturer Level 10
1 x Lecturer Level 11
5 x Lecturer Level 12
1 x Lecturer Level 13
2 x Lecturer Level 14
6 x Senior Lecturer
11 x Wages Staff
1 x Creche Worker

(3)

Tom Price	Vocational Education and Training Programs
Paraburdoo	Vocational Education and Training Programs
Karratha	Vocational Education and Training Programs
Wickham	Vocational Education and Training Programs

Hedland College

(1)

(a)		Nil
(b)	South Hedland	170
(c)-(m)		Nil

(2) South Hedland
16 x Level 1
9 x Level 2
9 x Level 3
5 x Level 4
1 x Level 5

2 x Level 6
2 x Level 7
1 x Class 1
11 x Child Care Givers
4 x Wages Staff
3 x Level 9 Lecturers
7 x Level 10 Lecturers
4 x Level 11 Lecturers
8 x Level 12 Lecturers
3 x Level 13 Lecturers
8 x Level 14 Lecturers
2 x Level 1 Head of Department
1 x Level 2 Head of Department
1 Part Time Level 1 Lecturer
3 Part Time Level 2 Lecturers
10 Part Time Level 3 Lecturers
59 x P/Time Level 4 Lecturers
1 Part Time Level 5 Lecturer

(3) Port Hedland — Vocational Education and Training Programs
South Hedland — Vocational Education and Training Programs

GOVERNMENT ADVERTISING - DEPARTMENTS AND AGENCIES

Video and Audio Tapes and Schedules - Tabling

2226. Mr KOBELKE to the Premier:

(1) Will the Premier table video and audio tape copies of all television and radio advertisements run so far during 1997 by the Department of Premier and Cabinet along with the schedules for the placement of those advertisements with commercial television and radio stations in Western Australia?

(2) If not, why not?

(3) What was the total cost of the development of these particular advertisements?

(4) What was the cost for the broadcasting of these advertisements?

Mr COURT replied:

(1) Yes.

(2) Not applicable.

(3) The production cost of the "Heroin" advertisements was $26 894. There were no production costs to the Government with the revamped versions of the "Listen to your head" advertisement as these were met by TVW Channel 7 which had agreed to do the work in the public interest. The cost of the 1996 production of the original advertisement featuring Lisa McCune was $34 427.23.

(4) The Government's Master Media Agency advises that the media purchase for the "Heroin" advertisement was $150 925 and for the "Listen to your head" advertisement $113 376.74. All commercial television and radio stations gave free bonus spots because these were in the public interest. In the case of the Heroin advertisements, the resulting "on-air" value was about $300 000. The ABC also took the rare step of agreeing to broadcasting the advertisements on both radio and television because it considered they reflected wide community concern.

GOVERNMENT INSTRUMENTALITIES - OCCUPATIONS AND PROFESSIONS

Registered or Licensed

2259. Dr CONSTABLE to the Minister for the Environment; Employment and Training:

Which occupations and professions operate in Western Australia under a system of registration or licensing administered by an agency within the Minister's portfolio?

Mrs EDWARDES replied:

Perth Zoo: Not applicable.

Kings Park and Botanic Garden: Not applicable

Department of Environmental Protection: Not applicable

Conservation and Land Management: Timber workers in accordance with Forest Management Regulations (1993). CALM also licenses various activities in respect of wildlife under the Wildlife Conservation Act such as kangaroo shooters and licenses tour operators in national parks, but does not license the occupation or profession as such.

Department of Training: Hairdressers Registration Board.

ENVIRONMENTAL PROTECTION AUTHORITY - ADVISORY COUNCIL

Number of Meetings

2287. Dr CONSTABLE to the Minister for the Environment:

In each of the last five years -

(a) how many times has the Advisory Council (the Council) to the Environmental Protection Authority (EPA) met;

(b) how many matters has the EPA referred to the Council?

Mrs EDWARDES replied:

(a)

1992/1993:	6 times
1993/1994:	5 times
1994/1995:	8 times
1995/1996:	11 times
1996/1997:	6 times
1997 to date:	twice.

(b) The Chairman of the EPA has advised me that there is not a formal referral process of matters from the EPA to ACTEPA. The Chairman attends each ACTEPA meeting and brings to those meetings matters which either have been raised by EPA members for discussion and advice or matters which the Chairman wants to raise on behalf of the EPA. The number of separate items discussed at each meeting ranges from 2 to 5. The minutes of the ACTEPA meetings are tabled at the following EPA meeting. The Chairman of the EPA would be pleased to brief the member on the role of ACTEPA in the work of the EPA.

COMMITTEES AND BOARDS - MEMBERS

Appointment and Remuneration

2290. Dr CONSTABLE to the Minister for Emergency Services:

(1) With reference to the Minister's question on notice 35 of 1997, who are the current members and chairpersons of the Boards and Committees noted in your answer?

(2) When was each member appointed and for what period of time?

(3) How much remuneration is each member paid?

Mr DAY replied:

Bush Fires Board

(1)-(3)				
	M Lang (Chairperson)	10/5/96	3 years	$97 (half day)
	R Sneeuwjagt	10/5/96	3 years	
	R Mitchell	10/5/96	3 years	
	L Dickson	10/5/96	3 years	$73 (half day)
	W Dinnie	10/5/96	3 years	$73 (half day)
	R Lees	10/5/96	3 years	$73 (half day)
	M Hector	17/6/97	1 year	$73 (half day)
	S Hart	17/6/97	1 year	$73 (half day)
	B Dawson	23/9/97	1 year	
	E Ferraro	10/5/96	3 years	

Fire & Rescue Service

(1)-(2)			
	B MacKinnon (Chairperson)	07/10/97	1 year
	R Jones	01/01/95	3 years
	M Lang	27/09/96	3 years
	J Leahy	09/05/95	3 years
	R Lees	01/01/96	3 years
	E Lennon	01/01/96	3 years
	A Llewellyn	01/01/95	3 years
	R McNally	01/01/96	3 years

S Mola	01/01/96	3 years
P Pearse	01/01/97	3 years
B Willoughby	11/02/97	3 years

(3) Board members are paid in accordance with Government rates as follows:

Half day attendance payment for a member	$ 73
Full day attendance payment for a member	$ 108
Chairperson annual fee	$25,000

State Emergency Service

(1) B Mulroney (Chairperson)
K Lawry (Deputy Chairperson)
K Parker
R Holman
T Brown
S Cable
N Davidson
K Owen
T Capp
B McLennan
C Abell
T Dawson
G Hall
D Boothman
R Dyson
B McNamara
B Hamilton

(2) Each member is appointed by a vote of local SES Unit Managers for the region that the member is representing. The member is replaced by a vote of SES Unit Managers for the region to replace a member as their delegate, at any time.

(3) Expenses.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - PENSIONS

Reversionary - Widowers

2298. Dr CONSTABLE to the Minister representing the Minister for Finance:

(1) Further to the Minister's answer to question on notice 1773 of 1997 -

(a) how many years of reversionary pension payments were the 1991, 1994 and 1996 actuarial costings based upon;

(b) what is the estimated annual cost of providing an unconditional widower pension in Western Australia according to the most recent actuarial calculations; and

(c) what were the estimated number of reversionary pensioners in the 1991, 1994 and 1996 calculations?

(2) What is the actual annual cost of providing widower pensions under the existing conditions of the Western Australian Government Employees Pension Scheme?

Mr COURT replied:

The Minister for Finance has provided the following reply:

(1) (a) The calculations were based on the most recent (at the time) membership data and projected the costs forward until membership of the scheme was exhausted, based on demographic assumptions regarding marriage, divorce, mortality etc. of contributors and pensioners.

(b) The 1996 actuarial calculations did not include an estimate of the annual cost of providing unconditional widower pensions.

(c) Information is not available in respect of the 1991 and 1994 calculations. The 1996 calculations did not include an estimate of the total number of reversionary pensions that would arise. The GES Board’s consulting actuary has advised that this figure could be derived, but would require further actuarial calculations.

(2) The current cost of providing widower pensions is $114,300 per annum, based on the current fortnightly pension payments.

Additional Note

The member for Churchlands has asked several questions which relate to the lack of automatic widower pensions in the old Pension Scheme. The Minister for Finance has corresponded with the member for Churchlands on this issue several times since January 1994. More recently he has responded to a series of Questions on Notice on the same issue - Nos 19-23, No 1317 and Nos 1773-1775. The amount of time and effort required to investigate and respond to the member for Churchlands' enquiries is increasing. Some of the current questions relate to matters in other jurisdictions and the information sought is not readily available. Others relate to the detail of complex actuarial calculations, the nature of which requires lengthy explanations to ensure accuracy. It has reached a stage where the information being sought by the member for Churchlands is difficult to provide in the form of answers to Questions on Notice. I have previously invited the member for Churchlands to meet with the Executive Director of the Government Employees Superannuation Board and its Actuary to discuss in detail any questions she may have on this issue. This invitation remains open and I urge the member for Churchlands to accept this offer in the interests of resolving this issue in a more timely fashion than it has been able to be progressed to date.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - PENSIONS

Reversionary - Widowers

2299. Dr CONSTABLE to the Minister representing the Minister for Finance:

(1) Since December 1996, has any other actuary calculated the cost of providing unconditional widower reversionary pensions under the Western Australian Government Employees Superannuation Scheme?

(2) If yes to (1) above -

(a) when;
(b) who provided the costings; and
(c) what were the results?

Mr COURT replied:

The Minister for Finance has provided the following reply:

(1) No.

(2) Not applicable.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - PENSIONS

Reversionary - Widowers

2300. Dr CONSTABLE to the Minister representing the Minister for Finance:

(1) Why were the actuarial calculations of the cost of providing an unconditional widower reversionary pension under the Western Australian Government Employees Superannuation Scheme conducted in 1991, 1994 and 1996?

(2) Are the calculations evidence of the Government's desire to introduce a reversionary benefit if economically feasible?

(3) At what actuarial calculation level would the Government be prepared to introduce an unconditional reversionary benefit?

Mr COURT replied:

The Minister for Finance has provided the following reply:

(1) 1991: In response to requests from various pensioner groups
1994: In response to claims raised in the Human Rights and Equal Opportunity Commission
1996: In response to enquiries from the Member for Churchlands.

(2) No.

(3) I refer the member for Churchlands to my answer to Question on Notice No 21 of 1997 which explains why the Government is not prepared to introduce such a benefit.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - PENSIONS

Reversionary - Widowers

2301. Dr CONSTABLE to the Minister representing the Minister for Finance:

Further to the Minister's answer to question on notice 23 of 1997, when did each other Australian State and the Commonwealth first provide reversionary pensions to widowers on the same basis as paid to widows?

Mr COURT replied:

The Minister for Finance has provided the following reply:

The Commonwealth, Tasmanian and Victorian schemes have provided reversionary spouse cover to male and female members on the same basis, since inception. New South Wales introduced the same level of cover after the scheme's inception although the precise date is unavailable. Queensland has provided the same cover since 1984. South Australia has provided the same level of cover since at least 1988 but details are not available prior to that date.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - PENSIONS

Widowers - New South Wales and Tasmania

2302. Dr CONSTABLE to the Minister representing the Minister for Finance:

Further to the Minister's answer to question on notice 1775 of 1997 -

(a) for how many years do New South Wales and Tasmania estimate that widower pensions will be paid at the annual rates mentioned (or any other rate); and

(b) how many -

(i) contributory members; and
(ii) pensioners,

are there in the Tasmanian and New South Wales pension schemes?

Mr COURT replied:

The Minister for Finance has provided the following reply:

(a) The period will depend upon the mortality experience of both existing widowers and spouses of existing female contributors and pensioners who attain a future entitlement to a widower pension.

(b) (i) As at November 1997 there are 18,172 contributors to the Tasmanian State pension scheme and as at 30 June 1997 there were 50,770 contributors to the main NSW State pension scheme.

(ii) As at November 1997 there are 7,800 pensioners in the Tasmanian State pension scheme and as at 30 June 1997 there were 44,811 pensioners in the main NSW state pension scheme.

GOVERNMENT EMPLOYEES SUPERANNUATION SCHEME - CONTRIBUTORY MEMBERS AND PENSIONERS

Number

2303. Dr CONSTABLE to the Minister representing the Minister for Finance:

How many contributory members and pensioners are there in the Western Australian Government Employees Superannuation Scheme?

Mr COURT replied:

The Minister for Finance has provided the following reply:

As at 30 June 1997 there were 1187 contributors and 12,749 pensioners in the Pension Scheme.

ENVIRONMENTAL PROTECTION AUTHORITY - ADVISORY COUNCIL

Membership

2307. Dr CONSTABLE to the Minister for the Environment:

(1) When was the last meeting of the Advisory Council (the Council) to the Environmental Protection Authority (EPA)?

(2) Who were the members of the Council when it was last convened, and when did their terms of office expire?

(3) Who is responsible for appointing the members of the Council?

(4) Under what legislative power are members appointed?

(5) What person or provision determines the functions of the Council?

Mrs EDWARDES replied:

(1) The last meeting of ACTEPA was held on Tuesday 21st October, 1997.

(2) The members of ACTEPA are:-

Councillor Jan Star (Chairperson)
Mr Harry Butler
Mr Simon Holthouse
Dr Des Kelly
Mr Alex Gardner
Mr Graham Slessor
Dr Sue Graham-Taylor
Mr Norman Halse
Prof Frank Murray
Mr Ian Le Provost
Mrs Jos Chatfield
Ms Linda Siddall

They have recently been appointed. Their term of office was finalised at the meeting of the EPA on 6 November, 1997. Previous ACTEPA members were appointed for an additional two years. New members were appointed for three years.

(3) The EPA.

(4) Under Section 25 of the Environmental Protection Act 1986. This section sets out, inter alia, that the EPA may appoint advisory groups, committees, councils and panels.

(5) Under Section 25 (1) (a)and (b), of the Environmental Protection Act 1986, the EPA may establish these advisory instruments as it thinks are necessary for the purpose of advising it on the administration of the Act, and with such terms of reference in each case a it thinks fit. The EPA determined the terms of reference of ACTEPA.

SUPERANNUATION - LEGISLATIVE CHANGES

Choice of Funds

2314. Dr CONSTABLE to the Minister for Labour Relations:

Does the Government intend introducing changes similar to the changes introduced by the Federal Government in which workers under Federal Awards will have a choice of superannuation funds, and if so, when?

Mr KIERATH replied:

In 1995, Parliament passed the Industrial Relations Legislation Amendment and Repeal Act 1995 which included choice of superannuation fund provisions for employees covered by State awards, orders and industrial agreements. These provisions will be proclaimed shortly.

EMPLOYMENT AND TRAINING - NEWMAN

Number of Unemployed - Government Action

2369. Dr GALLOP to the Minister for Employment and Training:

(1) Is the Minister aware that the Newman Employment Taskforce has over 200 unemployed people registered with them with a further 80 potential clients currently considered ‘at risk'?

(2) What action is the Minister taking to address this problem?

(3) When will this action be implemented?

Mrs EDWARDES replied:

(1) The actual number of unemployed people registered is 120. The additional 80 people are either in full or part-time employment and looking for other employment opportunities.

(2) The Newman Employment Taskforce is currently funded by the Western Australian Department of Training through the State Employment Assistance Strategy funding to operate Newman Jobmate. It has received $73,000 for the current financial year, to provide employment and training initiatives for the region.

(3) Newman Jobmate has been operating for eight years and performs an outstanding service, matching unemployed clients to available jobs in the town and surrounding areas. In 1996 Newman Jobmate placed some 572 people into employment at an average cost per placement of approximately $128. From January to September 1997 it has already placed 432 people into employment.

POLICE - APPLICANTS

Family History - Preference

2394. Mrs ROBERTS to the Minister for Police:

(1) Is any preference given to applicants for the Police Service or other emergency services that have a family history of involvement in these services?

(2) If not, did there used to be any such preference?

(3) When did any change take place and why?

Mr DAY replied:

(1)-(3) No.

WOMEN'S INTERESTS - AFFIRMATIVE ACTION

Reporting Requirements - Waiving

2561. Mr BROWN to the Minister for Family and Children's Services:

(1) Is the Minister aware of the Federal Government's policy statement entitled "More Time for Business" in which the Prime Minister responded to recommendations emanating out of the Bell Report ?

(2) Is the Minister aware that, as a result of Government policy, the affirmative action agency has implemented a policy of waiving affirmative action reporting requirements for organisations which meet the requirements of the Commonwealth Affirmative Action (Equal Employment Opportunity For Women) Act 1986?

(3) Has this changed policy been considered by the Women's Advisory Council?

(4) If so, has the Council expressed any concerns or reservations about the change?

(5) If not, why not?

Mrs PARKER replied:

(1) Yes.

(2) Yes, however, these organisations must have consistently complied with the Commonwealth Affirmative Action Act to a very high level.

(3) No.

(4) Not applicable.

(5) It has not been referred to the Women's Advisory Council for consideration. The Women's Advisory Council provides advice to the Minister for Women's Interests.

SCHOOLS - TRANSIENT STUDENTS

High Numbers - Additional Resources

2589. Mr RIPPER to the Minister for Education:

(1) Does having high numbers of transient students create difficulties for schools in managing their education programs?

(2) Is it State Government policy to provide additional staffing to schools with high numbers of transient students?

(3) If not, why not?

Mr BARNETT replied:

(1) Student transiency does create difficulties for schools in managing their educational programs - more particularly, it creates problems for individual classroom teachers. For schools, it means irregular induction of incoming students; and for classrooms, it means teachers need to prepare catch-up programs to meet the needs of individual students, and it creates some level of disruption for teachers and students in classrooms which need regular adjustments to their physical and social environments.

Schools with a high number of transient students have adjusted their operations accordingly. Principals are responsible for student outcomes under all circumstances and processes are in place to ensure that the needs of these students are met.

(2) All schools in the State are staffed via a staffing formula which has the flexibility to deal with variables. Schools with a high level of transient students receive an additional staffing allocation that is indexed for social disadvantage. In addition, these schools:

- receive a Priority School allocation as additional financial support;
- have entitlements to Aboriginal Education Workers for support to teaching staff; and
- have access to district support staff selected by district management groups.

(3) Not applicable.

SCHOOLS - PRIMARY

Nulsen - High Transient Student Population

2590. Mr RIPPER to the Minister for Education:

(1) Is the Minister aware that 30 per cent of students at the Nulsen Primary School are transient?

(2) What action is the Education Department taking to assist this school?

(3) How many other schools in the Government school system experience a high transient factor?

Mr BARNETT replied:

(1) Yes. Nulsen Primary School has a high percentage of transient students. The current figure is approaching 30%.

(2) Nulsen Primary School receives a staffing allocation that is weighted for social disadvantage, a Priority School allocation as additional financial support, and it has an entitlement to Aboriginal Education Workers for support to teaching staff. All schools receive additional funding for transiency via the School Grant. This is allocated to schools in February and again in July. The February component of the grant is based on the census of the previous October. Schools are given the opportunity to apply for additional funding as each new year's figures become clear.

(3) Being what it is, the transiency factor varies from year to year. Generally, a figure of up to 15% is considered normal. To date this financial year, only two schools have applied for additional funding linked to the transiency factor. However, it is understood that in certain areas, the factor is consistently high. The schools in the mining towns in the Pilbara and the remote schools are examples of this. The particular needs of these schools are monitored by District Directors and principals and, as already indicated, staff allocations and budgets are indexed to assist them in achieving their outcomes.

EDUCATION - TEACHERS

Workplace Agreements - Professional Development Component

2603. Dr GALLOP to the Minister for Education:

(1) What monetary component of the Teacher Enterprise Bargaining Agreement is available for teachers taking part in professional development?

(2) Is there any extra funding provided to those teachers working in country Western Australia?

(3) If yes, how much extra is provided?

(4) If no, why not?

Mr BARNETT replied:

(1) The current Enterprise Bargaining Agreement includes a commitment that "the Department will resource professional development and career training for teachers and to meet the obligation to maintain and update teachers' professional skills". A total allocation of $5.9 million in the school grant called the School Development Grant which is for professional development meets this commitment. The amount allocated to each school is determined by a base allocation, an amount per teacher, a per capita allowance and a distance factor for country schools. The school is at liberty to allocate from the school grant any amount for professional development.

(2) The formula used to allocate these funds takes into account the additional impost on country schools. The formula weighting towards country schools help to offset the impact of relatively higher costs associated with the delivery of professional development in country locations.

(3) This is difficult to determine other than by applying the formula to individual country schools.

(4) Not applicable.

POLICE - KIMBERLEY

Crowd Control at Public Events - Responsibility

2609. Dr GALLOP to the Minister for Police:

Can the Minister confirm that police officers in the Kimberley will no longer accept responsibility for crowd control at public events, even those organised by non-profit community organisations?

Mr DAY replied:

Police Officers in the Kimberley and the Northern Region accept a responsibility for the preservation of public order, which is one of the Police Service's core duties. The Northern Police Region is encouraging event organisers, to responsibly address their event planning process in particular, the safety and security needs of patrons, and duty of care for patrons they invite into their forums, whether a fee is charged or not. Police Officers in the Northern Police Region have, and will continue to work in partnership with organisers of events to jointly cater for the safety and security needs of patrons.

EDUCATION - TEACHERS

Education Programs - Accreditation

2665. Dr CONSTABLE to the Minister for Education:

What is the system in Western Australia for recognising and/or accrediting teacher education programs?

Mr BARNETT replied:

Teacher education courses are delivered by the five major universities operating in Western Australia. Courses comprise a four year teaching degree course or a three year undergraduate course in any discipline followed by a one year Graduate Diploma in teacher training. The universities are conscious of their responsibilities for delivering quality education in this important discipline and deliver a range of courses which meet the standards established by employing agencies and are approved for accreditation by the respective university councils. To ensure a level of uniformity and quality assurance in the delivery of teaching degree courses, Western Australian universities collaborate and exchange information with other universities around Australia. As an employer of teachers in the public school system, the Education Department has convened a Teacher Qualification Review Panel comprising senior representatives from the Faculty of Education of each university and senior officers from the Department. This Panel has undertaken responsibility for according recognition to teacher education courses from each of the universities for purposes of employment of graduates. The Education Department holds regular meetings with the Deans of Education to discuss curriculum issues and course content. It also convenes meetings with education coordinators of the universities with a view to exchanging information on trends with regard to teacher demand/supply and the content of new teacher training programs.

FAMILY AND CHILDREN'S SERVICES - REPORTS

Child Maltreatment and Family Concern - Time Limits for Responding

2673. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) What are the various priority levels for responding to -

(a) family concern, and

(b) child maltreatment,

reports?

(2) What are the Department of Family and Children's Services' time limits for responding to each priority level of family concern and child maltreatment reports?

(3) In each of the last five years, what were the success rates for responding within the time frame at each priority level?

Mrs PARKER replied:

I advise that the correct term is "Child Concern Report" and not "Family Concern" as stated in the question.

(1) (a) The priority levels for responding to Child Concern Reports are as follows:

Priority 1	High
Priority 2	Medium
Priority 3	Low

(b) The priority levels for responding to Child Maltreatment Allegations are as follows:

Priority 1	High
Priority 2	Medium

Prior to the introduction of the New Directions policy in May 1996 the priority levels for responding to Child Maltreatment Allegations were as follows:

Priority 1	High
Priority 2	Medium
Priority 3	Low

(2) The time limits for responding to each priority level for Child Concern Reports are as follows:

Priority 1	Within one working day
Priority 2	Within two to five working days
Priority 3	Within ten working days

The time limits for responding to each priority level for Child Maltreatment Allegations are as follows:

Priority 1	Within one working day
Priority 2	Within two to five working days

(3) The rates for responding to Child Concern Reports within the time frames at each priority level are available only for 1996/97 as the State wide implementation of the New Directions policy which introduced the concept of a Child Concern report occurred in May 1996.

In 1996/97:

83% of Child Concern Reports with a Priority 1 rating were responded to within the time frame
77% of Child Concern Reports with a Priority 2 rating were responded to within the time frame
84% of Child Concern Reports with a Priority 3 rating were responded to within the time frame

For Child Maltreatment Allegations during 1996/97 only Priority 1 and Priority 2 timeframes apply due to changes introduced as part of the New Directions policy. For previous years Priority 3 is also included. (Note that the department's data system does not allow for measurement of half days so that the priority 1 timeframe is reported as within one working day.)

In 1996/97:

76% of Child Maltreatment Allegations with a Priority 1 rating were responded to within the time frame
73% of Child Maltreatment Allegations with a Priority 2 rating were responded to within the time frame

Prior to the introduction of the New Directions policy in May 1996 the time limits for responding to each of the priority levels for Child Maltreatment Allegations were as follows:

Priority 1	Within half of one working day
Priority 2	Within two working days
Priority 3	Within one working week

This information is taken from the new Case Practice Manual (available on the Internet at the department's home page at http://fcsweb) and the Child Protection Guide to Practice 1992.

In 1995/96:
72% of Child Maltreatment Allegations with a Priority 1 rating were responded to within the time frame
78% of Child Maltreatment Allegations with a Priority 2 rating were responded to within the time frame
73% of Child Maltreatment Allegations with a Priority 3 rating were responded to within the time frame

In 1994/95:

73% of Child Maltreatment Allegations with a Priority 1 rating were responded to within one working day
64% of Child Maltreatment Allegations with a Priority 2 rating were responded to within two working days
75% of Child Maltreatment Allegations with a Priority 3 rating were responded to within the time frame

In 1993/94:

77% of Child Maltreatment Allegations with a Priority 1 rating were responded to within the time frame
64% of Child Maltreatment Allegations with a Priority 2 rating were responded to within the time frame
73% of Child Maltreatment Allegations with a Priority 3 rating were responded to within the time frame

In 1992/93:

83% of Child Maltreatment Allegations with a Priority 1 rating were responded to within the time frame
58% of Child Maltreatment Allegations with a Priority 2 rating were responded to within the time frame
82% of Child Maltreatment Allegations with a Priority 3 rating were responded to within the time frame

AGRICULTURE - RUMINANT ANIMALS

Feeding - Departmental Policy

2687. Dr CONSTABLE to the Minister for Primary Industry:

Further to part (3) of the Minister's answer to question on notice 1766 of 1997 -

(a) when does the Minister expect the consultative process to be complete;

(b) will the consultation process include critically examining whether the ban should be extended to protein derived from bird life, fish or crustaceans;

(c) what are the reasons for exempting porcine and equine protein;

(d) why do the USA regulations differ from the Australian regulations; and

(e) will the results of the consultation process be publicly available?

Mr HOUSE replied:

(a)-(e) Consultation culminated in a SCARM/ARMCANZ resolution on 6-8 August 1997 to agree to broaden the ban to prevent the feeding of mammalian material to ruminants. The consultation considered the broadening of the ban to fall in line with USA regulations for trade purposes and did not include assessment of whether the ban should be extended to protein derived from bird life, fish or crustaceans. Australia had originally followed the World Health Organisation recommendation to ban the feeding of ruminant protein to ruminants. Subsequently USA banned the feeding of mammalian protein to ruminants with exemptions for porcine and equine protein and milk products as they are not considered to be a risk.

POLICE - CHILDREN WHO HAVE LEFT HOME

Whereabouts Reported to Parents

2689. Dr CONSTABLE to the Minister for Police:

(1) When a child aged 16 years or under has been reported missing by the child's parents, is found, is the child's whereabouts reported to his or her parents?

(2) If no, why not?

Mr DAY replied:

(1)-(2) The child's whereabouts is reported to the inquirer, that is, the parent who reports the child missing. In the instance where the inquirer is not the parent e.g. school teacher, the custodial parent is advised.

POLICE - CHILDREN WHO HAVE LEFT HOME

Allegations of Abuse - Investigation

2690. Dr CONSTABLE to the Minister for Police:

Where a child aged 16 years or under has made allegations of abuse against any member of the child's family, are these allegations thoroughly investigated before making a decision about whether to return the child to his or her parents?

Mr DAY replied:

Yes, the matter is referred to the Child Abuse Unit for investigation. In all cases, Family and Children's Services are involved to make arrangements i.e. if alternative accommodation is required for protection of the child.

FAIR TRADING - MINISTRY

Mr Neil Stockton - Interview with Ms Judy Bell

2696. Mr CARPENTER to the Minister for Fair Trading:

(1) Does the Ministry employ a Mr Neil Stockton as an investigator?

(2) Has Mr Stockton interviewed a Ms Judy Bell in relation to the sale of a unit at Parkside Mews, Ashford Avenue, Rockingham?

(3) Did Mr Stockton tell Ms Bell that he was a former New South Wales policeman?

(4) If yes, was it for the purpose of intimidating Ms Bell?

(5) If it was not for the purpose of intimidating Ms Bell, then why was it said?

(6) Does the recorded tape of the interview of Ms Bell conducted by Mr Stockton record Mr Stockton telling Ms Bell he was a former New South Wales policeman?

(7) If not, then why not?

(8) Was Ms Bell advised of her right to have an independent witness present during her interview with Mr Stockton?

(9) If not, then why not?

(10) Did Ms Bell request to have a Mr Mich Nella present during her interview with Mr Stockton?

(11) Was that request refused?

(12) If yes, why was that request refused?

Mr SHAVE replied:

(1)-(2) Yes.

(3) No, not to his recollection.

(4)-(5) Not applicable.

(6) No.

(7) It was not discussed during the interview.

(8) No.

(9) There is no entitlement for a person being interviewed who is not a minor to have any persons other than the interviewers present. However, a legal practitioner can be present should the interviewee make such a request. It would therefore be inappropriate for the Ministry to advise persons being interviewed that they have such an entitlement.

(10) No.

(11)-(12) Not applicable.

EDUCATION - BEECHBORO DISTRICT EDUCATION OFFICE

Number of Staff Before and After Restructuring

2698. Mr BROWN to the Minister for Education:

(1) Prior to the recent restructuring of the Education Department, how many staff were employed at the Beechboro District Education Office/Centre?

(2) What was the classification of each staff member i.e. Superintendent etc?

(3) How many schools was the Beechboro District Education Office/Centre responsible for?

(4) How many staff will be employed at the Beechboro District Education Office/Centre after the restructuring?

(5) What is the designation of each person i.e. District Director (schools)?

(6) How many schools will the District Office/Centre be responsible for?

(7) Has the District Office/Centre been given additional responsibilities that were previously carried out by Head Office of the Education Department?

(8) If so, what responsibilities have been given to the District Office/Centre?

Mr BARNETT replied:

(1) The 1997 staffing allocation for the Beechboro District Education Office was 58.00 Full Time Equivalent (FTE).

(2) The current district office staffing profile contains the following Education Act and Public Service (PS) positions:

District Superintendent PS L8
Education Officer L3
Senior School Psychologist
Education Officer L2
School Psychologist
School Development Officer
District Officer PS L4
Welfare Officer PS L2/3
Social Worker PS L3/5
Aboriginal Liaison Officer PS L2
Administrative Assistant PS L2
Clerical PS L1
Cleaners PS L1

(3) The district office was responsible for 97 schools. This excludes pre schools and several district support centres (e.g. Language Development Centre) for which the office has responsibility.

(4) The 1998 staffing allocation for the Swan Education District (operating from the Beechboro office) is 63.1 FTE.

(5) There have been changes to some roles and positions. A major difference is the change of all Education Act positions to Public Service, with comparable classifications. The exception is the position of school psychologist which will be reviewed during 1998. The following positions will make up the district's staffing profile:

District Director PS L9
Manager Student Services PS L8
Manager District Operations PS L7
Manager Curriculum Improvement PS L7
Coordinator Student Services PS L7
School Psychologist
Curriculum Improvement Officer PS L5
Finance and Administration Officer PS L5
Corporate Services Officer PS L4
Welfare Officer PS L2/3
Social Worker PS L3/5
Aboriginal Liaison Officer PS L2
Administrative Assistant PS L2
Clerical PS L1
Cleaners PS L1

(6) The district office will be responsible for 92 schools, excluding the institutions referred to in the answer to question (3) above.

(7)-(8) The Education Department is continuing its program to provide support services closer to schools. While the number of functions district offices are required to carry out has not altered significantly, the level of responsibility for the functions has. In a number of cases, this has resulted in the splitting of positions and their reclassification to take into account the increased level of responsibility. An example of this is the new position of Manager Curriculum Improvement. Some of this work is currently being done by the Education Officer positions. However, new requirements in the form of the outcome-based curriculum framework set by the Curriculum Council and the Department's curriculum reform program have required a stronger focus on implementing and supporting schools from the district level, rather than through the advisory service provided from central office. A new position, and one that contains considerable devolved responsibility, is the Finance and Administration Officer position which will provide financial support services to schools, including a training component for school registrars.

GOVERNMENT CONTRACTS - FINANCIAL NEGOTIATIONS ASSESSMENT COMMITTEE

Tabling

2705. Mr BROWN to the Deputy Premier:

(1) Further to question on notice 2092 of 1997, will the report of the Financial Negotiations Assessment Committee be tabled in Parliament, and if so, when?

(2) If not, why not?

(3) When does the Government intend releasing its strategy to give effect to Commission on Government recommendation number 11?

Mr COWAN replied:

(1)-(2) No. However, the recommendations endorsed by Cabinet include -

(a) Establish a Small Business Procurement Advisory Council

(b) Commence review of the State Supply Commission Act and complimentary legislation contained within the Land Acquisition and Public Works Act.

(c) Introduce a new risk assessment process and management tool.

(d) Establish an expert panel of procurement consultants

(e) Produce best practice guidelines on business case development, contract negotiation, due diligence, bid assessment and contract management planning.

(f) Fully implement State Supply Commission accreditation process

(g) Establish a Contract Management Reference Group.

(h) Clarify roles of key central agencies in procurement.

(i) Establish Contracts Referee function.

(j) Strategy to implement the Government response to Commission on Government Recommendation 11

(k) Develop guidelines on the establishment of agency contract management units.

(3) The Government has already announced its strategy to give effect to this recommendation. It is anticipated that the electronic bulletin board to allow simple access to the data will be operational next year.

FAIR TRADING - MINISTRY

Investigators - Former New South Wales Police Officers

2717. Mr CARPENTER to the Minister for Fair Trading:

(1) How many former New South Wales policemen are employed as investigators by the Ministry of Fair Trading?

(2) What are their names?

(3) When and under what circumstances were they employed?

(4) What was their rank and office (ie squad, station etc) at the time of exiting the New South Wales police force?

(5) What other positions and stations did they serve in the New South Wales police force?

(6) Why did they exit the New South Wales police force?

(7) When did they exit the New South Wales police force?

(8) How long was each of them in the New South Wales police force?

(9) Given the finding of the Wood Royal Commission, that corruption and improper conduct were endemic in the New South Wales police force, what information was sought by the ministry about the former New South Wales policemen it employed?

(10) From whom was that information sought?

(11) By whom was that information sought?

(12) When was that information sought?

(13) What did that information reveal?

(14) If such information was not sought, why was it not sought?

(15) What specific questions were asked about the background of each of the former New South Wales policemen the ministry has employed?

(16) Were any of the former New South Wales policemen now employed by the ministry ever the subject of formal complaint by a member of the New South Wales public when those former policemen were serving in the New South Wales police force?

(17) If yes, what was the nature of such complaint?

(18) Were any of the former New South Wales policemen now employed by the Ministry ever the subject of internal investigation whilst serving in the New South Wales police force?

(19) If yes, what was the reason for such investigations and what was the outcome of such investigations?

(20) Have any of the former New South Wales policemen now employed by the Ministry of Fair Trading ever been charged with any offence in any State or Territory?

(21) If yes -

(a) what were those charges;

(b) when were those charges laid;

(c) what was the outcome of those charges?

(22) If the ministry does not know or cannot answer the above questions, why does it not know and why will it not answer such information?

Mr SHAVE replied:

(1) Two.

(2) Mr Ross Alexander Emerson and Mr Raymond Neil Stockton.

(3) Mr Emerson is a permanent public servant who was transferred from the WA Insurance Commission on 31 October 1997 following a period of secondment to the ministry. Mr Stockton was employed on 16 January 1997 on a one year contract.

(4)-(8) Detective Senior Constable in both instances. Emerson was an investigator with the NSW Police Service Internal Affairs Branch. Stockton was Commander District Anti Theft Squad, Mid North Coast District.

(9)-19) Position and information are detailed as above. Further information is not relevant to this Parliament.

Neither is it in the public interest for the member for Willagee to attack Public Servants in this manner. I do not propose to provide personal details in this place.

(20) The ministry is satisfied that neither officer has ever been charged with any offence in Western Australia and, to its knowledge, any other state or territory.

(21)-(22) Not applicable.

FAIR TRADING - MINISTRY

Mr Neil Stockton - Employment

2718. Mr CARPENTER to the Minister for Fair Trading:

(1) Does the Ministry employ a Mr Neil Stockton as an investigator?

(2) Is Mr Stockton a former New South Wales policeman?

(3) How long has Mr Stockton been employed by the ministry?

(4) Has Mr Stockton ever been the subject of complaint by any member of the Western Australian public since his employment by the ministry?

(5) Has Mr Stockton recently been the subject of internal investigation as a result of any complaint by a member of the public?

(6) Was the investigation carried out by a consultant hired by the ministry?

(7) What experience as an investigator did that consultant have?

(8) Was the consultant in any sense a trained investigator or a person with a background in the legal profession?

(9) Did that consultant meet the complainant during the course of his inquiry?

(10) If not, why not?

(11) Was any formal interview held with the complainant?

(12) Without even interviewing the complainant, did the consultant hired by the ministry find that the complaint was largely unsubstantiated?

(13) Does the Minister consider that to be a satisfactory method of dealing with complaints by members of the public against investigators employed by the ministry?

(14) If yes, why?

(15) If not, why not and what will he do about it?

(16) Who was interviewed by the consultant?

(17) What format did such interviews take?

(18) Has it been found that Mr Neil Stockton tells members of the public he interviews that he is a former New South Wales policeman?

(19) If yes, what explanation does he provide for that?

(20) Does the ministry condone such behaviour?

(21) Has it been found that Mr Stockton does not tell people that they are entitled to have their own independent witness present at interviews he conducts with them?

(22) Can the ministry point to any case where Mr Stockton has told a person he is interviewing that they are entitled to have their own independent witness present?

(23) Does the ministry have a policy of informing members of the public that they are entitled to have their own independent witness present during interviews with ministry investigators?

(24) If not, why not?

(25) If so, is Mr Stockton aware of that?

(26) Does the ministry have a code of conduct by which it expects its investigators to carry out their professional duties?

(27) If yes, what is it?

(28) If no, why not?

Mr SHAVE replied:

(1)-(2) Yes.

(3) Ten months.

(4)-(6) Yes.

(7) The independent consultant has undertaken a number of previous investigations for government agencies and is on a list provided by the Public Sector Standards Commission as a person available and suitable to conduct enquiries of this nature.

(8) The independent consultant was a senior retired public servant and the nature of the investigation did not require formal training as an investigator or a legal background.

(9)-11) The independent consultant held two telephone discussions with the complainant, Ms Lorraine Luscombe. Also he had Ms Luscombe's letter which stated her grievances and a transcript of the interview between Mr Stockton and Ms Luscombe. Ms Luscombe resides in Albany and the consultant was satisfied that the information he required could be obtained through telephone contact.

(12)-(15) Not applicable.

(16) Ms Luscombe, Mr Stockton and a second officer.

(17) The consultant interviewed Ms Luscombe and the second officer by telephone. Mr Stockton was interviewed in person. Furthermore, a transcript of the interview between Mr Stockton and Ms Luscombe was provided.

(18) The consultant found that on this occasion, Mr Stockton had told the complainant the he was a former police officer. The independent consultant also found the complainant made no complaint at the conclusion of the taped interview.

(19) I have been advised that Mr Stockton's reference to his former employment as a police officer was to assure the complainant he was an experienced investigator.

(20) As a result of the consultant's recommendations, Mr Stockton has been directed by the A/Executive Director of the Ministry of Fair Trading to refrain from advising persons whom he interviews that he was formerly a police officer.

(21)-(24) There is no entitlement for a person being interviewed who is not a minor to have any persons other than the interviewers present. However, a legal practitioner can be present should the interviewee make such a request. It would therefore be inappropriate for the ministry to advise persons being interviewed that they have such an entitlement.

(25) Not applicable.

(26)-(27) Although there is no specific code of conduct, Public Sector Standards apply.

(28) Not applicable

SCHOOLS - PRIMARY

East Maddington - Special Arrangements

2734. Mr RIPPER to the Minister for Education:

(1) What arrangements have been made for the education of the two children that the Director General has determined will not be enrolled at East Maddington Primary School?

(2) What is the cost of these arrangements?

Mr BARNETT replied:

(1) The two children from East Maddington Primary School are currently engaged in an approved home tuition program at the request of the children's mother.

(2) The cost of supervising the program is met within the provision of the Cannington Home Tuition Program and as such is not specifically costed.

ROADS - FUNDING

Fix the Roads Campaign

2743. Mr BROWN to the Minister representing the Minister for Transport:

(1) Further to question on notice 2360 of 1997, can the Minister provide a copy of the newspaper advertisement/s that appeared in *The West Australian* newspaper and other regional and interstate newspapers?

(2) Can the Minister advise the first date each different advertisement was run in each newspaper in relation to the $46 894.94 spent on newspaper advertising?

(3) Of the $128 814.74 spent on the "Fix the Roads" campaign in the 1996-97 financial year, how much was spent on other than newspaper advertising?

(4) What were the major items of that expenditure?

Mr OMODEI replied:

(1)-(2) The advertisements dated March 1, 1997 and February 1, 1997 used in different parts of Australia, varied only in the reference to the White Pages to enable the telephone numbers of Federal Members of Parliament to be located in each State.

June 1997
The West Australian
Wednesday 4 June 1997
Wednesday 11 June 1997
Wednesday 18 June 1997
Wednesday 25 June 1997

May 1997
The West Australian
Wednesday 7 May 1997
Wednesday 14 May 1997
Wednesday 21 May 1997
Wednesday 28 May 1997

April 1997
The West Australian
Wednesday 2 April 1997
Wednesday 9 April 1997
Wednesday 16 April 1997
Wednesday 23 April 1997
Wednesday 30 April 1997

March 1997
The Age
Saturday 1 March 1997
Courier Mail
Saturday 1 March 1997
The Advertiser
Saturday 1 March 1997
Sydney Morning Herald
Saturday 1 March 1997
The West Australian
Saturday 1 March 1997
The West Australian
Wednesday 5 March 1997
Wednesday 12 March 1997
Wednesday 19 March 1997
Wednesday 26 March 1997

February 1997
The Age
Saturday 1 February 1997
Courier Mail
Saturday 1 February 1997
The Advertiser
Saturday 1 February 1997
Northern Territory News
Saturday 1 February 1997
Sydney Morning Herald
Saturday 1 February 1997
The West Australian
Saturday 1 February 1997
The West Australian
Wednesday 5 February 1997
Wednesday 12 February 1997
Wednesday 19 February 1997
Wednesday 26 February 1997

January 1997
The West Australian
Wednesday 8 January 1997
Wednesday 15 January 1997
Wednesday 22 January 1997
Wednesday 29 January 1997

November 1996
The West Australian
Wednesday 6 November 1996
Wednesday 13 November 1996

October 1996
The West Australian
Wednesday 16 October 1996
Wednesday 23 October 1996
Wednesday 30 October 1996

(3) $81 919.80

(4) Professional services including data entry, concept development, design visuals, writing copy, desk top publishing, photographic development, illustrations, archiving, proofing, laser proofing, scanning, supervising print jobs, visuals/storyboard for TV, production management TV, crew briefing TV, desk top publishing graphics, location scouting, casting, consulting services including strategy development, campaigning and public relations, campaign administration, miscellaneous suppliers for printing, production house film, copy centres, photography, sound studio, photo library, audio visual studio TV, and Internet website development and maintenance.

HOSPITALS - FREMANTLE

Directorate Positions - Funding

2757. Mr CARPENTER to the Minister for Health:

(1) Can the Minister provide details of where the funding has been obtained for the new Directorate positions that have been created out of the restructure of the Fremantle Hospital?

(2) How many Medical Directors have been appointed and what are their salaries?

(3) How many Business Managers have been appointed and what are their salaries?

(4) Have any of the Business Manager's positions been upgraded from Level 8 to Level 10?

(5) How many Nursing Director positions have been created in surgery, medicine and psychiatry and what are their salaries?

(6) How many Business Analyst positions have been created and what are their salaries?

(7) How many secretarial positions have been created and at what level?

(8) Why was one of these secretarial positions upgraded and not advertised for all staff to apply?

(9) Why has a Director of Nursing position been advertised in *The West Australian* after the CEO has stated

on a number of occasions that the Director of Nursing position would not be needed with the Directorate restructure?

(10) Is this Director of Nursing position now funded at a higher level than the previous Director of Nursing?

(11) The Director of Clinical Services position was to be abolished under the Directorate Model and is now the Executive Director of Clinical Services, why is this position still functioning and how is it funded?

(12) Is the new Executive Director of Clinical Services the son-in-law of the previous Chair of the Board, Mr Warren Jones?

(13) Is the new Executive Director of Clinical Services position funded at a higher level than the previous directors position?

(14) How many positions were created in the project team to create the directorate mode and what were their salaries?

(15) How many positions have been made redundant, what are these positions and are they still being funded?

(16) What other expenditure has occurred in creating the directorate model?

(17) What overhead costs has Fremantle Hospital retained such as corporate overheads and capital works and how have they been spent on patient care in program funding on -

(a) renal;
(b) cardiothoracic;
(c) youth self harm follow up;
(d) psychiatric rehabilitation?

(18) Has the CEO of Fremantle Hospital, Peter Howe, been to see the Commissioner of Health in the past to explain expenditure for capital works that was used from a trust fund?

(19) If yes to (18) above was this a misuse of the purpose of the trust fund?

(20) What action did the Commissioner of Health take regarding this matter?

(21) Have any trust funds been used in the past year to fund capital works for the children's ward, renal services or cardiothoracic services?

(22) Is the reason the Fremantle Hospital cannot recruit nurses for the new emergency ward because nurses are only offered part time employment for this ward?

Mr PRINCE replied:

(1) From within the operating budget for Fremantle Hospital and Health Services in 1996-97.

(2) Four clinical directors from within the previously existing medical establishment. In addition to their clinical salaries - previously paid - three of the four clinical directors receive an allowance for management responsibilities equivalent to two sessions of payment under the WA Government Health Industry Medical Officers and Medical Practitioners' Agreement 1996.

(3) Four business managers. HSOA level 10.

(4) Nil. All created and advertised at HSOA level 10.

(5) One nursing director position in each of these directorates. Workplace agreement; salary within HSOA level 10 range.

(6) Four - one in each directorate. HSOA level 5.

(7) Four - one in each directorate. HSOA level 4.

(8) None of these positions was upgraded. One of the positions has not yet been filled and one position was filled through internal redeployment.

(9) Incorrect. The position of executive director, nursing and patient support services was advertised in *The West Australian*. The chief executive officer has not stated that this position would not be needed.

(10) No. The executive director, nursing and patient support services has been advertised at the same level as the previous director of nursing position.

(11) It was never intended to abolish this position. It is funded as a continuation of the established position. Retitled only.

(12) The executive director, clinical services is the son-in-law of the chairman of the previous board of management, Mr Warren Jones. Mr Jones was not involved in the selection process for the director of clinical services' position which occurred in excess of three years ago.

(13) No.

(14) Three temporary positions were created. Two individuals were on secondment at HSOA level 8 and returned to their substantive positions following implementation. The other individual - salary as per WA Government Health Industry Medical Officers and Medical Practitioners' Agreement 1996 - has been redeployed to other duties.

(15) 17 positions -

	Still funded
Director, administration and support services	No
Secretary to director, administration and support services	No
Coordinator, nursing management	No
Coordinator, clinical nursing	No
Coordinator, mental health nursing	No
Chief occupational therapist	No
Chief speech pathologist	No
Manager, psychiatric services	No
Business manager, pathology services	No
Business services officer	No
Financial and budget officer	No
Financial and budget officer	No
Secretary, psychiatric services	No
Chief medical social worker	Yes*
Chief physiotherapist	Yes*
Deputy director clinical services	No
Assistant director clinical services	No

*On secondment - funded in accordance with redeployment obligations.

(16) Minimal additional expenditure as a consequence of some reclassifications and restructuring in clinical and clinical support areas.

(17) The question is not understood. It is not possible to provide an answer without clarification.

(18) No.

(19)-(20) Not applicable.

(21)

Children's Ward	$250 000	Amount received from Telethon Trust for this purpose and paid into trust fund.
Renal dialysis	$129 000	Board approved - furniture, fittings.
Cardiothoracic services	No	

(22) No. The majority of nurses who are employed to work in the emergency department work full time equivalent hours unless they choose otherwise. The difficulty in recruiting nurses to this area is attributable to a shortage of appropriately qualified and experienced nurses.

POLICE - FIREARMS TRAINING

Up-to-date

2761. Mr PENDAL to the Minister for Police:

(1) Is it a fact that nearly 3000 of Western Australia's police officers are currently out of qualification/proficiency in firearms training?

(2) Is this the result of budgetary constraints preventing the Firearms Branch from purchasing the necessary ammunition to conduct this training?

(3) Is it intended that those officers who are not current in their firearms qualification/proficiency will be given the necessary training?

(4) If so, when?

(5) Is it a fact that Police Service guidelines require police officers to undergo firearms training every six months?

(6) Does not the situation of nearly 3000 officers out of 4700 not being current in firearms training leave those officers who are not currently qualified/proficient open to possible civil and criminal action if they discharge a firearm and another person is injured as a result?

Mr DAY replied:

(1)-(2) No.

(3) Yes.

(4) This commenced in September at a rate of approximately 500 per month.

(5) Yes. Operational Officers every 6 months and non operational every 12 months. The question of liability in civil or criminal proceedings is a matter that would be determined by a properly constituted tribunal which may consider the issue of training during its inquiry. Officers receive considerable weapons instruction during their career and a high standard of proficiency is demanded. While the "500" recruitment program was in full operation, the emphasis was on training those new personnel. Now that this has been completed, priority has been placed on updating out of qualification personnel. Amongst the group who have not re-qualified are officers who are presently involved in non-operation duty.

(6) The question of liability in civil or criminal proceedings is a matter that would be determined by a properly constituted tribunal which may consider the issue of training during its inquiry. Officers receive considerable weapons instruction during their career and a high standard of proficiency is demanded.

SMALL BUSINESS - SALES TAX

Impact on Retailers Operating through Cooperatives

2768. Mr BROWN to the Minister for Small Business:

(1) Is the Minister aware how independent retailers who operate through a cooperative or collective wholesale warehouse are disadvantaged in the way sales tax is applied in comparison to the way such taxes apply to large supermarket chains?

(2) If not, will the Minister make the appropriate inquiries to ascertain how the sales tax impacts on such retailers?

(3) Will the Minister or his officers hold discussions with the National Association of Retail Grocers of Australia to ascertain how the application of the sales tax unfairly discriminates against such businesses?

(4) If not, why not?

(5) Will the Minister make representations to the Federal Government to change the sales tax arrangements so the sales tax is applied uniformly irrespective of the internal structure of the business operations?

(6) If not, why not?

Mr COWAN replied:

(1) I am aware the current arrangements for collection of wholesale sales taxes may impact adversely on some small retailers who are unable to buy direct from a manufacturer and obtain products through wholesale warehouses or cooperatives. In the case of large supermarket chains dealing direct with the manufacturer or supplier, where quantity discounts and rebates effectively reduce the wholesale price, the proportion of sales tax applied may be less for the supermarket than for smaller independent retailers. These discounts and rebates that allow for a lower wholesale price may also result in benefits being passed to customers by way of cheaper retail prices. In a competitive retail market, with long-established and legal quantity discounts and rebate schemes, it may be difficult to argue that these benefits should be passed on to small retailers, irrespective of their purchasing power, in order to reduce their sales tax liability. Similarly, it would be difficult to support a case that larger supermarkets are not entitled to discounts and rebates, thereby effectively increasing their sales tax liability, if the end result is likely to be higher prices to retail customers. While sympathetic to the plight of small retailers finding themselves paying a higher proportion of sales taxes, this issue must be examined in conjunction with other measures proposed for reform of the

national taxation system to reduce the burden on the whole business community. I understand this matter has been raised with the Australian Tax Office and the Commonwealth Treasurer by representative business associations.

(2) Not applicable.

(3) No.

(4) I am aware of the problem and the matter is being monitored by the Small Business Development Corporation, as part of an ongoing brief to examine taxation and other issues that may impact adversely on small business. I understand the National Association of Retail Grocers, and other business organisations, are making representations to the Commonwealth Government on this matter.

(5) No.

(6) As previously indicated, it is necessary to consider this matter as part of a total package for national reform of the taxation system. The issue should be taken into account, along with other matters affecting small business, in future tax deliberations by the Federal Government. I do not consider it appropriate to make separate representations to the Federal Government at present on this issue.

SMALL BUSINESS DEVELOPMENT CORPORATION - REGULATION REVIEW PANEL

Matters under Review

2774. Mr BROWN to the Minister for Small Business:

(1) Did the Minister issue a media statement on 24 October 1997 concerning the Government "red tape" forum organised by the Small Business Development Corporation?

(2) Has the Small Business Development Corporation established a regulation review panel?

(3) Does the panel have a number of matters under review at the present time?

(4) What is the nature of the matters the panel has under review?

(5) When does the panel expect to make recommendations on each of those matters?

Mr COWAN replied:

(1)-(3) Yes.

(4) The matters before the panel are primarily in relation to existing State and Local Government regulations that are having an impact on small business. In recent times, matters have covered such issues as form simplification, the issuing of licences, delays in approval processes and alleged duplication between government agencies.

(5) Given the range of issues brought to the panel's attention, and the necessity in some cases to treat information as commercially sensitive, or to respect the confidentiality of material provided by complainants, it is not possible to give precise dates when recommendations may, or may not be made by the panel on any particular matter. Issues are dealt with on an ongoing basis. "Red tape" issues are researched by the SBDC secretariat and where appropriate recommendations for change are developed. The panel may make representations to the relevant regulatory agency on such issues or advise the Minister responsible through the Minister for Small Business.

TRANSPORT - DERBY EXPORT FACILITY

Earthquake Activity - Additional Conditions

2776. Dr EDWARDS to the Minister representing the Minister for Transport:

(1) Has the works approval for the Derby export facility been revised since the earthquake of 20 August 1997?

(2) If not, why not?

(3) If so, what additional conditions have been included in response to the possibility of future earthquake activity?

(4) Given that Derby is located in a recognised earthquake zone, why were no conditions pertaining to earthquakes included in the original works approval?

Mr OMODEI replied:

(1) No.

(2)-(4) It is not normal or necessary to stipulate conditions on engineering structures in an earthquake zone. The design engineer has the responsibility for the integrity of a structure and that includes responsibility for following the Australian Standards for design of structures in an earthquake zone.

(3) Not applicable.

WASTE DISPOSAL - MUNDIJONG LANDFILL SITE

Conformity to Guidelines

2784. Dr EDWARDS to the Minister for Water Resources:

(1) In relation to the landfill site located at Lot 12, Bird Road, Mundijong which is adjacent to an environmental protection policy wetland, does the landfill site conform to Water and Rivers Commission guidelines for landfill sites?

(2) If not, which guidelines does the site not conform with?

(3) Has advice been offered to the Department of Environmental Protection in relation to these guidelines?

(4) If not, why not?

(5) If so, what advice was given?

(6) Has advice been offered to the owner of the site in relation to the Water and Rivers Commission guidelines on landfill sites?

(7) If not, why not?

(8) If so, what advice was given?

Dr HAMES replied:

(1)-(2) The Water and Rivers Commission does not have a regulator role in determining conformity to its "guidelines for inert landfills" outside public drinking water source areas. Land fills are controlled under the Environmental Protection Act, which is administered by the Department of Environmental Protection with the assistance of local government authorities.

(3)-(4) Yes.

(5) The Water and Rivers Commission has non-statutory guidelines on inert landfills which it uses to provide consistent advice to customers. The Commission provided advice to the Department of Environmental Protection in March 1997, which included reference to these guidelines.

(6) No.

(7) The responsibility for advice on the landfill operations at this location rests with the Department of Environmental Protection.

(8) Answered by (6).

ENVIRONMENT - MUNDIJONG LANDFILL SITE

Management Plan

2786. Dr EDWARDS to the Minister for the Environment:

(1) How long has the landfill site at 12 Bird Road, Mundijong been in existence without a site management plan?

(2) Given that the Department of Environmental Protection (DEP) expressed "significant concerns regarding the operation of such a significant inert landfill site in a sensitive area which is subject to periodic inundation" in correspondence from Cameron Schuster dated 2 September 1996 (ref: WM/308/94), is the Minister satisfied that those concerns have been adequately addressed?

(3) If not, why not?

(4) Have the requirements for the management of surface water flow on Lot 12 been put in place?

(5) If not, why not?

(6) Does this landfill site conform to Water and Rivers Commission guidelines for landfill sites?

(7) If not, which guidelines have not been met?

(8) Given that the level of dieldrin contamination in a surface water sample from Lot 12 collected by Mr Nield and made available to the DEP in February 1997 was significantly higher than the guideline for the protection of marine and freshwater ecosystem integrity, why was no further sampling to verify these results undertaken by the DEP?

(9) Has the DEP since undertaken water sampling from surface run-off at Lot 12?

(10) If not, why not?

(11) If so, on what dates were the samples collected?

(12) From where on Lot 12 were the samples collected?

(13) What were the results of those samples?

(14) Has the DEP received results of surface water monitoring undertaken by the proponent?

(15) On what dates were the water samples collected?

(16) From where on Lot 12 were the samples collected?

(17) Did any of the results exceed the guidelines for the protection of freshwater ecosystem integrity?

(18) If so, what action has been taken to protect the adjacent environmental protection policy wetland?

(19) Given that the land in the vicinity of Lot 12 is known to contain numerous subterranean streams, has sub-surface water monitoring been undertaken on Lot 12?

(20) If not, why not?

(21) Given that dieldrin levels as high as 0.05 micrograms per litre have been recorded from surface water run-off from Lot 12, is the Minister concerned about the threat to local freshwater ecosystem integrity?

(22) If not, why not?

(23) Following a site meeting on 13 September 1996, Cameron Schuster from the Waste Management Division of the DEP, in correspondence dated 17 September 1996 to Mr McLean (ref: WM/308/94) expressed concern over the storage of green waste on Lot 12. What was the estimated tonnage of this greenwaste?

(24) How was this greenwaste subsequently disposed of?

(25) Was the method of disposal considered appropriate by the DEP?

(26) If not, why not?

(27) When was this greenwaste disposed of?

(28) Has any further greenwaste been brought onto the landfill site?

Mrs EDWARDES replied:

(1) The site commenced operations in January 1995 and has operated actively up until July 1997. The management plan and application for works approval were lodged in July 1997. Landfill operators are only required to submit a management plan when making an application for works approval to the DEP.

(2) Yes. The DEP has instructed the proponent to design and construct an extensive stormwater collection system. This will ensure all water is contained onsite and does not enter the Birrega Drain thereby preventing the possibility of any potential environmental impacts.

(3) Not applicable

(4) No.

(5) The stormwater drainage system is not yet in place due to current negotiations over licence conditions

between the DEP and McLean Recycling Industries, the proponent. As a condition of licence, the proponent will be required to contain surface water runoff on the site.

(6) Not as yet, because the management plan is still being implemented (the landfill is not receiving waste at this time).

(7) Guidelines 4 and 5 have not been met at this stage. These conditions are addressed in the management plan for the site.

(8) The location where the sample was taken, namely Lot 12 Bird Road, is not considered to be a marine or freshwater ecosystem and therefore the guideline levels are not applicable. In response to the level of Dieldrin found in Mr Nields sample, the DEP has conducted sampling on two separate occasions since then.

(9) Yes.

(10) Not applicable.

(11) An officer from the Water and Rivers Commission conducted sampling for the DEP on 3 March 1997, and subsequently on 21 July 1997.

(12) Samples were collected from the Birrega Drain and Serpentine River on 3 March 1997, and at five points on the perimeter of Lot 12 and Lot 1, Bird Road on 21 July 1997.

(13) Analysis of the samples, by the Chemistry Centre, taken on 3 March 1997 revealed that Dieldrin was not detected above the minimum detection limit of 0.001 micrograms per litre. Analysis of samples, by Australian Environmental Laboratories, taken on 21 July 1997 revealed that Dieldrin was not detected above the minimum detection limit of 0.01 micrograms per litre (1×10^{-8} gm per litre).

(14) No. The proponent has not been instructed by the DEP to undertake any sampling.

(15)-(18) Not applicable.

(19) No.

(20) It is not considered necessary to monitor ground water at the site due to the impervious nature of the soil. The Water and Rivers Commission has advised the DEP that potentially contaminated water would most likely be present in surface water runoff, therefore sampling of this water has been conducted.

(21) Dieldrin levels of 0.05 micrograms per litre have been recorded but have not been validated by the DEP. Results of sampling conducted by the Water and Rivers Commission indicate there is no significant threat to the environment. The works approval application and management plan are currently under consideration by the DEP. The management plan incorporates an extensive drainage system designed to contain any water runoff from the filled area.

(22) Not applicable.

(23) The estimated tonnage of greenwaste stored on the property at the time of the meeting was 5 tonnes.

(24) There are no records of the manner in which the greenwaste was disposed of.

(25)-(27) Not applicable.

(28) Not to the knowledge of the DEP.

ENVIRONMENT - MINIM COVE

Resolution of Environmental Management Issues

2787. Dr EDWARDS to the Minister for the Environment:

(1) What environmental considerations in the concept plan for the subdivision of the CSR site in McCabe Street, Mosman Park, were determined by the Environmental Protection Authority (EPA) to be adequate to protect the environment when the plan was submitted to the EPA in March 1992?

(2) Which additional environmental matters did the EPA consider could be further addressed through the planning approval process as stated by the Minister in correspondence dated 27 August 1997 (ref: 05213/05724)?

(3) Does the Minister consider that these additional environmental matters identified by the EPA have been adequately addressed by the planning approval process?

(4) Does the Minister consider that all current environmental management issues have been adequately resolved?

(5) If not, why not?

(6) Does the Minister agree that the final subdivision plan is significantly different, by virtue of the increase from 47 to 76 lots, to the original concept plan submitted with the rezoning application on which the EPA based its assessment of potential environmental impact?

(7) If not, why not?

(8) Does the Minister agree that the general public, community and environment groups have not been given the opportunity to comment on the environmental management issues associated with the final subdivision plan?

(9) If not, why not?

(10) Did the EPA seek comment from the Swan River Trust (SRT) in determining the environmental management issues relevant to the subdivision concept plan?

(11) If not why not?

(12) If so, what were the reported concerns of the SRT?

(13) What rare plants have been identified on the CSR site?

(14) How much regionally significant bushland will be lost through the adoption of a 30 metre foreshore reserve rather than the 50 metres recommended by the SRT?

(15) How much locally significant bushland will be lost through the adoption of a 30 metre foreshore reserve rather than the 50 metres recommended by the SRT?

(16) Given the recommendation by the SRT that "a foreshore reserve be ceded to the Crown and that this reserve should be at least 50 metres in width to safeguard the significant areas of vegetation and rocky shoreline habitat", does the Minister consider that best practice in river foreshore management has not resulted from the planning approval process?

(17) If not, why not?

(18) Will the Minister be recommending to the Minister for Planning that the land adjoining the 30 metre foreshore reserve be acquired due to its recognised conservation status?

(19) If not, why not?

(20) Is the Minister concerned at the potential environmental impact of the developer making use of the limestone cliff outside the 30 metre foreshore reserve?

(21) If not, why not?

Mrs EDWARDES replied:

(1) The environmental considerations in the concept plan for the subdivision of the CSR site in Mosman Park included the provision of an adequate buffer for the Swan River; the provision of a reticulated sewer; no loss of significant remnant vegetation and a minimal risk of contamination of the site from the past land use.

(2) The planning approval process would be adequate to provide for the management of possible edge effects on the existing vegetation proposed to be included in the foreshore reserve as a result of the development, and the retention of the majority of remnant vegetation on site and the provision of fencing guidelines and a nature walk trail.

(3) I am advised that the environmental management issues have been adequately addressed through the planning process and subdivision conditions.

(4)-(5) I believe that the planning system can adequately manage the environmental management issues.

(6)-(7) While there is an increase in the number of lots from 47 to 76 the environmental impacts have not changed significantly.

(8)-(9) The public has been given two opportunities to comment on the environmental matters associated with the development. Firstly, during the public review period for rezoning process with the local government and secondly, during the appeal period for the level of assessment of the proposal set by the EPA. No appeals were received.

(10)-(11) The EPA did not seek comment from the Swan River Trust (SRT) in regard to the rezoning of the CSR site in Mosman Park as information from the SRT was provided as part of the referral documentation.

(12) The concerns of the SRT included the setback of the road on top of the escarpment from the bank; the form of access to and management of the existing Parks and Recreation reserve; and the links between the development and the Reserve to the west.

(13) No rare plants have been identified on the CSR site.

(14) No regionally significant bushland will be lost through the adoption of a 30m foreshore reserve rather than the 50m recommended by SRT.

(15) I understand that some vegetation will be lost as a result of the proposed development.

(16)-(19) I believe that the foreshore together with the adjoining POS indicated in the final subdivision plan is adequate. The land outside the proposed foreshore reserve and POS is not of regional conservation significance.

(20)-(21) The area of cliff outside the foreshore reserve has been included in the area allocated for POS which abuts the foreshore reserve.

ENVIRONMENT - MINIM COVE

Foreshore Reserve

2788. Dr EDWARDS to the Minister for Planning:

(1) Why has the application for subdivision at the CSR site in McCabe Street, Mosman Park, been approved when the design does not meet regional planning requirements for an adequate foreshore reserve with respect to environmental constraints, topography, geomorphology, recreation and landscape issues?

(2) Could the Minister explain why the Planning Commission chose to ignore the recommendation of the Swan River Trust (SRT) in relation to foreshore width as well as the provisions in policy DC2.3 ss3.2.2 in allocating a foreshore reserve that finishes part way up a cliff?

(3) Is the Planning Commission aware of any proposals to utilise the limestone cliff?

(4) If so, what has been proposed?

(5) Should the limestone cliffs be safeguarded under appropriate management to prevent loss of ecosystem integrity and possible injury through destabilisation related to the development?

(6) If not, why not?

(7) If so, what management process is considered adequate?

(8) Will the Planning Commission be looking to acquire land to increase the foreshore reserve beyond 30 metres as recommended by the SRT?

(9) If not, why not?

(10) Why has the Planning Commission over-ruled the concerns of the Mosman Council and local residents in relation to the road proposal in the final development plan?

(11) Is the Minister satisfied that all traffic safety issues have been addressed with attention to the existing tragic record of accidents and near misses in the vicinity of the proposed development?

(12) Is the Minister concerned that the planning approval process makes no allowance for public comment on the final subdivision plan?

(13) If not, why not?

(14) If so, what is proposed to rectify the situation?

(15) Does the Minister agree that the original concept plan submitted with the application for rezoning is significantly different to the final subdivision plan?

(16) If not, why not?

(17) Is the Minister concerned that the planning approval process makes no allowance for public comment on the original concept plan for subdivision since only the application for rezoning is open for public comment?

(18) If not, why not?

(19) Does the Minister agree that support for an application to rezone does not necessarily translate into support for the subsequent development proposal?

(20) Why has the Planning Commission made specific reference to the fact that no objections were raised to the rezoning application when reporting on its decision to approve the subdivision proposal?

(21) Does the Minister acknowledge the objections of local residents to the subdivision proposal?

(22) If not, why not?

(23) What advice was received by the Planning Commission from the Urban Bushland Advisory Group in relation to the Concept Plan for the subdivision of the CSR site?

(24) How much regionally significant bushland will be lost through the adoption of a 30 metre foreshore reserve rather than the 50 metres recommended by the SRT?

(25) How much locally significant bushland will be lost through the adoption of a 30 metre foreshore reserve rather than the 50 metres recommended by the SRT?

Mr KIERATH replied:

Although the information requested in the member's 25 part question is held by the Ministry for Planning, it will take considerable time to collate, and I am not prepared to allocate valuable departmental resources for this purpose.

ENVIRONMENT - SHARK BAY

Salt Pond Expansion - Threshold Limits of Turbidity

2792. Dr EDWARDS to the Minister for the Environment:

(1) Has the Department of Environmental Protection received confirmation of aerial monitoring and threshold limits of turbidity from Shark Bay Salt Joint Venture in relation to the expansion of the pond system at Useless Inlet?

(2) If not, why not?

(3) If so, have threshold limits of turbidity been exceeded?

(4) Are the threshold limits of turbidity the same for areas inside and outside the adjacent World Heritage area?

(5) How far has the silt plume resulting from the construction of the levee extended into the World Heritage area?

(6) For what period of time has the silt plume extended into the World Heritage area?

(7) Has monitoring inside the World Heritage area indicated any impact from the silt plume on heritage values?

(8) If so, what is the nature of the impact of the silt plume?

(9) Why has Shark Bay not been proclaimed to be an area to which section 10 of the World Heritage Conservation Act 1993 applies?

(10) What biological surveys have been carried out within the salt pond expansion area to determine the existence of biological components with high conservation value?

(11) When were these studies undertaken?

(12) Due to the very particular environment of the salt pond expansion area was advice sought from local

fishermen as to when biological studies would most likely encounter the greatest representation of fish species?

(13) If not, why not?

(14) Have the claims of Denham fishermen that the salt pond expansion area contains distinct variations of species found outside the expansion area been investigated?

(15) If so, what were the results of that investigation

(16) If not, why not?

Mrs EDWARDES replied:

(1) The Department of Environmental Protection (DEP) has received confirmation that Shark Bay Salt Joint Venture has in place procedures to meet all the requirements of the recommendations made in audit report 20/97. In particular, aerial monitoring has commenced and advice has been sought from the Denham Regional Office, Department of Conservation and Land Management (CALM), regarding threshold limits for turbidity.

(2) This question is not applicable.

(3) It is difficult to set absolute threshold limits for turbidity due to natural variability within the marine environment. The Australian Water Quality Guidelines for Fresh and Marine Waters suggests that for the protection of aquatic ecosystems, there should be less than 10% change in the seasonal mean concentration for turbidity levels. On this basis, and at the time of the compliance audit inspection, only changes of less than 10% nephelometric turbidity units (ntu) had been recorded by the company.

(4) Yes.

(5) At the time of the compliance audit inspection on 18 August 1997, the records indicated that from the start of monitoring on 26 July 1997, the greatest distances of the plume from the levee were 500 metres north and 500-800 metres north-northeast. As the levee is situated 400 metres south from the boundary of the lease and the World Heritage Marine Reserve interface, the silt plume had, on occasions, extended up to 400 metres within the World Heritage area during this period

(6) The duration of the plume in the World Heritage Area was not continual and log books that were sighted at the time of the compliance audit inspection would have to be referred to in order to determine the exact duration of each time the silt plume extended in the World Heritage Area of Shark Bay.

(7) Monitoring of turbidity levels has recorded levels within natural variation.

(8) Turbidity levels are within natural variation.

(9) Because the administration, management and protection of the Shark Bay World Heritage area is carried out in accordance with the 1997 Commonwealth/State Shark Bay Agreement where the Commonwealth has acknowledged that it does not intend to regulate, under Commonwealth legislation, action carried out is in accordance with the WA management plan which has been accredited by the Commonwealth.

(10) Biological surveys carried out within the salt pond expansion area were carried out as part of the environmental assessment of the proposed SBSJV's salt ponds in Useless Inlet. The studies were undertaken in 1990, and included the following:

Technical report of fish down exercise;
Technical report of fish nursery survey;
Waterbird usage of the Useless Inlet Salt Ponds, August 1989;
Net Fishing Catch and Effort Data from Useless Inlet, an area of Shark Bay subjected to reclamations for Salt Production;
Technical report of Biohabitat and quantitative benthic faunal survey;
Technical report on dugong usage of Useless Inlet.

The results of these reports and surveys were discussed in the proponent's PER document, which was assessed by the Environmental Protection Authority and reported on in EPA bulletin 542, June 1991. Baseline studies of the marine environment of the World Heritage Area of Shark Bay were commenced by CALM in 1996.

(11) In 1990, see above.

(12)-(13)
The fish down exercise undertaken for the proponent's PER document were carried out in consultation with a number of local professional fishermen and a Denham Fisheries Inspector.

(14)-(16)
The presence of Pygmy Snapper in Useless Inlet has not been determined. Any future questions regarding this issue should be referred to the Minister for Fisheries. As part of the environmental assessment of the proposal by SBSJV to expand the salt ponds in Useless Inlet, a number of studies of existing fish stocks in Useless Inlet were carried out. These studies include:

Technical report of fish down exercise;
Technical report of fish nursery survey; and
Net fishing catch and effort data from Useless Inlet.

Reports of these studies did not identify that an unusual pygmy snapper species exist in this area. Furthermore, if the pygmy snapper is found to exist in the area proposed for the pond extension, there is no evidence that the extension would cause adverse impacts on this species. However, the proponent has committed to installing fish gates in the new bar to allow movement of fish stocks into the adjacent marine environment. It is my understanding that DNA testing of an assumed 'pygmy' snapper has recently been undertaken on behalf of the Denham Fisherman's Association. I have not been informed on the results of this test.

ENVIRONMENT - CANE RIVER STATION

Purchase

2795. Dr EDWARDS to the Minister for the Environment:

What contribution was made by -

(a) the Department of Conservation and Land Management;
(b) the Australian Nature Conservation Agency,

to the purchase of the Lane River Station?

Mrs EDWARDES replied:

I assume the member is referring to the Cane River Station in the Pilbara. Contributions made by each of the two agencies were:

(a) $150 391
(b) $150 000

ENVIRONMENT - KINGS PARK AND BOTANIC GARDEN

Annual Report - Lost Time Incidents

2799. Dr EDWARDS to the Minister for the Environment:

(1) With reference to the Kings Park and Botanic Garden Annual Report 1996-1997, how many hours were lost during the eight lost time incidents?

(2) What has been done to prevent similar events in the future?

(3) What is the anticipated cost per research project for 1997-1998?

(4) Will the Minister table the field survey of the spread of Phytophthora in the Botanic Garden?

Mrs EDWARDES replied:

(1) Approximately 60 hours in total.

(2) Staff and management are working collaboratively to ensure lost time incidents are reduced to an absolute minimum. The Occupational Health and Safety Committee has initiated staff training activities in support of this objective.

(3) The cost of research projects for 1997-98 is expected to be similar to the previous year ($19,808) but is dependent on the success of applications for external funds.

(4) Yes. [See paper No 979.]

ENVIRONMENT - MINIM COVE

Containment Cell - Criteria for Cell Failure

2800. Dr EDWARDS to the Minister for the Environment:

(1) What are the defined criteria for the definition of cell failure of the containment cell at Minim Cove, Mosman Park?

(2) As contaminated soil has been shifted from a contaminated area to a non-contaminated area what responsibility, if any, do LandCorp and Octennial Holdings have to correct any environmental impact at their cost?

Mrs EDWARDES replied:

(1) A revised contingency plan for the containment cell is being developed as a major component of the Environmental Management Plan that will control activities at the site both during site remediation and into the future. It is proposed that criteria which will initiate a designated level of response will be based in the first instance upon any unseasonal increase in background levels of designated parameters, and linked to Australian and New Zealand Environment and Conservation Council Drinking Water Guidelines. Response will be tiered, and also take into account the potential environmental and health impacts of any leakage. The contingency plan will allow for an increased frequency of sampling and cell cap inspection, the construction of additional lines of monitoring and recovery bores, and the recovery, treatment and evaporation or removal off-site of contaminated groundwater as is applicable. The document will be publicly available prior to the recommencement of remediation at the site.

(2) Long term responsibility for the site will be held by the Department of Land Administration. Accordingly LandCorp and Octennial Holdings P/L will not carry any long term contingent liability.

ENVIRONMENT - MINIM COVE

Contaminated Waste Licence - Conditions

2802. Dr EDWARDS to the Minister for the Environment:

(1) Is the contaminated waste stored at the LandCorp development at Minim Cove, Mosman Park licensed by the Department of Environmental Protection?

(2) If so, what are the conditions of that licence?

(3) If not, when will the site be licensed and what will be the conditions of that licence?

Mrs EDWARDES replied:

(1) No.

(2) Not applicable.

(3) The primary goal of licencing would be to ensure the implementation of the post closure management plan. The Department of Land Administration, who will carry responsibility for long term management of the site, will be required to comply with a number of conditions and commitments in accordance with my statement for approval of the project. These conditions and commitments stipulate requirements in excess of that which would be required under licence.

POLICE - WUNNGAGATU PATROL

Funding

2807. Ms ANWYL to the Minister for Aboriginal Affairs:

(1) I refer to the Wunngagatu patrol and ask, is the Minister aware that the patrol is without funds?

(2) What moneys have been contributed by the Aboriginal Affairs Department to the patrol for the financial years ending -

(a) 30 June 1994;
(b) 30 June 1995;
(c) 30 June 1996;
(d) 30 June 1997;
(e) year to date?

(3) Does the Government policy support the findings of the enquiry into Deaths in Custody and, if so, are the patrols an important part of the strategy to prevent deaths?

(4) Has the Minister now been briefed about the Kalgoorlie regional office's support for the Aboriginal and Torres Strait Islander Commission (ATSIC) wet/dry area project?

(5) If so, is this in line with Government policy?

(6) If not, why not?

Dr HAMES replied:

(1) 1997/98 funding for the Wunngagatu Patrol will be released once 1996/97 funds provided for the patrol have been satisfactorily acquitted.

(2) (a) AAD Grant 94078 of $35,884.00 was released to the Kalgoorlie Aboriginal Liaison Unit on 21 February 1994 for the purchase of a 15 seater bus for an Aboriginal Street patrol.

(b) Nil.

(c) AAD Grant 96083 of $50,000.00 was released to the Eastern Goldfields Aboriginal Resource Agency for the Wunngagutu Patrol on 29 April 1996.

(d)-(e) Nil.

(3)-(4) Yes.

(5) The Government supports the development of local area agreements between the owners of public land (such as local government authorities) and community groups that provide for consumption/non consumption of alcohol in public places.

(6) Not applicable.

SUICIDES - GOLDFIELDS

Number

2810. Ms ANWYL to the Minister for Health:

(1) How many suicides have occurred in the Goldfields region for the years ending -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996;
(e) 1997?

(2) How many of those have occurred within the Kalgoorlie-Boulder postcodes?

(3) Is the cause of death known for each of the cases?

(4) If so, what were the causes?

(5) Is the age of the deceased in each case known?

(6) If so, what were the ages?

(7) What resources are available to detect clinical depression or other mental illness in children and adolescents in Kalgoorlie-Boulder?

Mr PRINCE replied:

(1) (a) 1993 - 6
(b) 1994 - 6
(c) 1995 - 7
(d) 1996 - 10
(e) 1997 - not yet available.

(2) In 1993 - 3
In 1994 - 5
In 1995 - 4
In 1996 - 7

(3) Yes.

(4)

Causes	1993	1994	1995	1996
Poisoning by drugs or medicinal substance	1	0	0	0
Poisoning by motor vehicle exhaust gas	1	2	4	0
Hanging	1	3	2	5
Firearm	3	1	1	2
Poisoning by solid or liquid substances	-	-	-	1
Soffocation by plastic bag	-	-	-	1
Jumping or lying before moving object	-	-	-	1

(5) Yes.

(6) In 1993 - 21, 25, 40, 40, 44, 62
In 1994 - 20, 21, 22, 28, 37, 68
In 1995 - 25, 30, 30, 30, 55, 55, 42
In 1996 - 23, 27, 28, 31, 32, 32, 35, 51, 56, 68

(7) The following resources are available -

The Kalgoorlie-Boulder community mental health service;
Two visiting child and adolescent psychiatrists who visit monthly - a service each fortnight;
Two visiting child and adolescent clinical psychologists who visit monthly from Princess Margaret Hospital for Children - a service each fortnight;
Goldfields district education office which provides a school psychology counselling service;
A pediatrician based in Kalgoorlie;
A private psychologist based in Kalgoorlie;
Centrecare - offering services to families and children;
General practitioners;
Family and children's Services have a clinical psychologist as part of their team.

HOSPITALS - FREMANTLE

Executive Director of Nursing - Advertising of Position

2828. Mr CARPENTER to the Minister for Health:

(1) Was the Acting Executive Director of Nursing and Patient Support Services in Fremantle Hospital given approval for a new hospital vehicle for her use?

(2) Was this car an upgraded model over that used by the previous Executive Director of Nursing?

(3) If so -

(a) why was she given an upgraded model;
(b) who gave the approval?

(4) What was the model that the previous Executive Director of Nursing had for her use?

(5) What model was the acting Executive Director given?

(6) What is the difference in cost to the hospital between the two models?

(7) How many kilometres had the previous vehicle done?

(8) What is the usual number of kilometres a hospital vehicle must have travelled before it is replaced?

(9) Had the previous vehicle travelled this number of kilometres?

(10) If no to (9) above, why was it replaced?

(11) Is the replaced vehicle still in the hospital car pool?

(12) Was the replacement of the vehicle in accordance with public sector standards, particularly taking into account the fact that the Acting Executive Director was only acting in a temporary position?

(13) What refurbishments has the Acting Executive Director had carried out to her office?

(14) What items have been refurbished and what are their costs?

(15) What was the need for those refurbishments and who approved them?

(16) Were all the circumstances of the office refurbishment in accordance with public sector policy, particularly taking into account the fact that the Acting Executive Director was only acting in a temporary position?

(17) In what newspapers and other print media was the position of Executive Director of Nursing and Patient Support Services for Fremantle Hospital advertised and on what dates?

(18) In what section of each newspaper was this position advertised?

(19) Was the position advertised as widely as was appropriate for the level and seniority of the position?

(20) Who was responsible for the advertising of the position?

(21) Was the advertising of the position in accordance with guidelines set down within the hospital by the hospital executive board or other authority?

(22) If not -

(a) why not;
(b) in what way?

(23) What role, if any, did the Chief Executive Officer of Fremantle Hospital have in the advertising of the position?

(24) Was the advertising of the position in accordance with public sector standards?

(25) If not, why not and in what way?

(26) Has or will the position be readvertised?

(27) How many applications have been received in relation to the position?

(28) Was one of the applications from the Acting Executive Director of Nursing?

(29) Has Fremantle Hospital recently purchased a new tea/dinner setting for use by the hospital executive or senior hospital management?

(30) Where was it purchased and what was the cost?

(31) Why was it purchased and were there any alternatives to doing so?

(32) If it was not purchased within Western Australia -

(a) why not;
(b) what was the cost of transporting it?

Mr PRINCE replied:

(1)-(2) Yes.

(3) (a) To ensure parity with other Executive level positions.
(b) Chief Executive Officer

(4) Previous Director of Nursing had a Holden Commodore Executive.

(5) The Acting Executive Director of Nursing and Patient Support Services was initially given the previous Director of Nursing's Holden Commodore Executive. This was subsequently replaced with a Holden Commodore Berlina. The Hospital traded a Holden Commodore Executive which had travelled 39,718 kilometres when the new vehicle was purchased.

(6) $3,748.

(7) The traded vehicle had done 39,718 kilometres. The previous Director of Nursing's vehicle had done approximately 30,000 kilometres and was then used as a Hospital Pool vehicle.

(8) 40,000 kilometres or two years of service.

(9) Refer to Question (7) above.

(10) A Hospital vehicle due to be traded, in accordance with policy guidelines, was traded.

(11) No.

(12) The replacement of the vehicle complies with State Supply Commission guidelines for the supply of motor vehicles. The acting status of the incumbent was not a relevant consideration.

(13) Exchange second-hand Executive chair
Re-cover existing visitors' chairs
Re-carpet office.
Replace small table with meeting table.

(14) Re-cover four chairs: $272.00
Install carpet: $900.00
Meeting table: $417.00

(15) Normal refurbishment following wear and tear on existing furniture and fittings approved by the Chief Executive Officer.

(16) Yes. The acting status of the incumbent was not a relevant consideration.

(17) West Australian Newspaper, Saturday, 18 October 1997.

(18) The Hospital Appointments section of The West Australian.

(19) Yes.

(20) The Manager, Human Resources.

(21) Yes, in accordance with the Fremantle Hospital and Health Service Human Resource Management Policies and Procedures Manual.

(22) (a)-(b) Not applicable.

(23) Chief Executive Officer instructed the Manager, Human Resources to advertise the position.

(24) Yes.

(25) Not applicable.

(26) Only if a suitable applicant is not identified through the recruitment and selection process.

(27) Eleven: 8 from within Western Australia; 2 from Interstate; 1 from overseas.

(28) Public Sector Standards require appropriate confidentiality be maintained during the recruitment, selection and appointment process, therefore this question cannot be answered.

(29) Twenty four cups, saucers and side plates were purchased for use at the meeting of the Metropolitan Health Services Board (25 persons) and for on-going use for Hospital meetings.

(30) Myers, Fremantle $341.08 plus delivery fee $5.00.

(31) Partially to meet the needs of a larger Board meeting and to match existing crockery stock, and as partial replacement of loss and breakages to existing stock. The alternative was to purchase a different or complete new setting.

(32) (a) Not applicable.
(b) Delivery fee.

INDUSTRIAL RELATIONS - MINIMUM WAGE

Lowest Award

2829. Mr KOBELKE to the Minister for Labour Relations:

(1) What was the minimum wage payable to an adult working a 38 hour week under the State award system in February 1993?

(2) Which award paid the lowest wage to workers within the State award system in February 1993?

(3) Were any Western Australian workers paid the minimum rate of pay under the award given for (2) above and, if so, how many?

Mr KIERATH replied:

(1) $275.50 per week (73 WAIG 4).

(2)-(3) This information is not readily available and I am not prepared to devote the resources required to collate this information. It can be ascertained by researching the Western Australian Industrial Relations Gazette.

COLLEGES OF TAFE - HEDLAND AND PUNDULMURRA

Amalgamation - Date of Approval

2830. Mr GRAHAM to the Minister for Employment and Training:

(1) On what date did Cabinet formally approve the amalgamation of Hedland College and Pundulmurra College

(2) Will the Minister provide the decision in full?

(3) Was the Governor's approval required for the decision?

(4) If no to (3) above, why not?

(5) If yes to (3) above, on what date was approval given?

(6) What were the reasons for the amalgamation?

Mrs EDWARDES replied:

(1) 8 September 1997.

(2)-(3) No.

(4) Section 35(b) of the *Vocational Education and Training Act 1996* empowers the Minister to "amalgamate a college or part of a college with another college or close a college".

(5) Not applicable.

(6) Following the implementation of the *Vocational Education and Training Act 1996* on 1 January 1997 the Government reviewed the structure of the publicly funded State training system to ensure it is well placed to meet the challenges of an increasingly open and competitive training market. The decision to amalgamate Pundulmurra and Hedland College was taken in this context.

An important consideration in arriving at the decision was the recognition that the two colleges share a common industry base and a need to provide programs and services for Aboriginal communities and enterprises. The location of the two colleges in South Hedland has involved a duplication of corporate infrastructure and substantial difficulty in recruiting suitably qualified staff. The amalgamation will address both administrative efficiencies and provide students with access to a broader range of programs under a single college administration.

To ensure the vocational education and training needs of Aboriginal people are appropriately addressed, an Aboriginal advisory board will be established to provide practical and strategic advice to the college governing council and managing director. Pundulmurra will retain its specific focus on meeting the needs of Aboriginal students and will be encouraged to develop as a centre of excellence in this area. The Department of Training is providing assistance to both colleges to ensure the amalgamation proceeds with a minimum of dislocation to students and staff.

GOVERNMENT CONTRACTS - SCHOOLS

Bunbury - Transport of Children with Disabilities

2831. Mr RIPPER to the Minister representing the Minister for Transport:

(1) Further to question on notice 1848 of 1997, why has the Minister not tabled copies of all contracts relating to the transport of children with disabilities to schools in Bunbury?

(2) Does this indicate an intention to deter Parliamentary and community scrutiny of all of the details of these contracts?

(3) When will the Minister make the contracts available to the Parliament and the community?

Mr OMODEI replied:

(1)-(3) As previously advised in my response to Question on Notice 1848 of 1997 I have asked the member to provide me with specific details about the services. When he is able to give me that information I will table the relevant documentation.

TELECOMMUNICATIONS - COUNTRY AREAS

Study

2842. Mr BROWN to the Minister for Regional Development:

(1) Did the Minister issue a media statement on 27 October 1997 advising that residents of the Wheatbelt will be drawing up an Online framework for their communities?

(2) Did the Minister say that a series of studies on telecommunications needs analysis would be conducted in country Western Australia over the next twelve months?

(3) Will copies of the studies be made publicly available?

(4) If not, why not?

(5) When is it expected the first study will be made available?

Mr COWAN replied:

(1)-(2) Yes.

(3) When they have been completed they will be made publicly available.

(4) Not applicable.

(5) It is expected that the Wheatbelt Region Study will be released first in early 1998 by the Wheatbelt Development Commission.

DEPARTMENT OF COMMERCE AND TRADE - INFRASTRUCTURE COORDINATION UNIT

Coordinator - Appointment

2843. Mr BROWN to the Minister for Commerce and Trade:

(1) Did the Minister issue a media statement on 27 October 1997 concerning the appointment of the Coordinator of the Infrastructure Coordination Unit in the Department of Commerce and Trade?

(2) Is the coordinator responsible for coordinating State Government strategies for identifying industry infrastructure needs and overseeing their provision?

(3) Does the Government have a clear understanding of the infrastructure needs of the State today?

(4) If so, what are those infrastructure needs?

(5) Will the coordinator be responsible for preparing a report on industry infrastructure needs?

(6) When will that report be prepared?

(7) Will the report be publicly made available?

(8) If not, why not?

(9) Will the coordinator be examining ways of obtaining public and private funding to meet infrastructure needs?

(10) Will the coordinator be preparing a report on that matter?

(11) Will that report be publicly available?

(12) If not, why not?

(13) If so, when is it envisaged that it will be available?

Mr COWAN replied:

(1) Yes.

(2) The Co-ordinator is responsible for co-ordinating strategies for identifying the infrastructure needs of industries within the portfolio of the Department of Commerce and Trade.

(3) Yes.

(4) There is an increasing need for public infrastructure in regional Western Australia. In addition the State is implementing infrastructure that will promote and facilitate industry expansion in Western Australia.

(5) The Co-ordinator will be responsible for identifying the infrastructure needs of the specific industry groups assigned to the Commerce & Trade portfolio.

(6) Reports will be prepared in consultation with the appropriate industries and released progressively.

(7) Reports will be made public.

(8) Not applicable.

(9) Yes.

(10)-(11) As they are identified, all opportunities for private investment in infrastructure profits will be advertised.

(12) Not applicable.

(13) Reports will be released as opportunities arise.

COMPUTERS - MILLENNIUM BUG

Awareness Campaign

2844. Mr BROWN to the Minister for Commerce and Trade:

(1) Did the Minister issue a media statement on 22 October 1997 concerning the "millennium bug"?

(2) In that media statement did the Minister say an awareness campaign would be jointly conducted by the Department of Commerce and Trade, the Ministry of Fair Trading, the Small Business Development Corporation and the Chamber of Commerce and Industry?

(3) Have any funds been allocated to conduct the awareness campaign?

(4) What funds will be contributed by the -

(a) Department of Commerce and Trade;
(b) Ministry of Fair Trading;
(c) Small Business Development Corporation; and
(d) Chamber of Commerce and Industry?

(5) How much has been allocated to the media advertising campaign?

(6) Will the media advertising campaign include -

(a) television commercials;
(b) radio commercials;
(c) newspaper advertisements;
(d) other?

Mr COWAN replied:

(1)-(3) Yes.

(4) (a) In Commerce and Trade an immediate allocation of $200,000 has been made for 1997/98, out year funds have not yet been determined.

(b) Nil.
(c) $10,000.
(d) Nil.

(5) Currently $36,000 for newspaper advertising.

(6) At this stage it is confirmed the campaign will include newspaper, radio, Internet and direct mail. Television advertising is currently under consideration.

GOVERNMENT CONTRACTS - CONTRACTS REFEREE AND REGISTER OF CONTRACTS

2856. Mr BROWN to the Minister for Works and Services:

(1) Is the Minister aware the Chamber of Commerce and Industry presented at its October Annual General Meeting a report entitled "Annual Review"?

(2) Is the Minister aware that in that report the Chamber of Commerce and Industry reiterated its call for the appointment of an independent umpire to arbitrate on contract problems and the establishment of a register of contracts to ensure transparency?

(3) Does the Government intend to appoint an independent umpire?

(4) If so, will that umpire be given the authority to arbitrate on contract problems?

(5) What arbitration powers will be given to that independent umpire?

(6) Will the powers of the umpire be established by way of legislation?

(7) If not, why not?

(8) Does the Government intend to establish a central register of contracts to ensure transparency?

(9) Will that central register of contracts be open to anyone who wishes to view it?

(10) Will the central register of contracts record -

(a) the name of the successful contractor;

(b) contract price;

(c) the nature of the product or service provided under the contract; and

(d) duration of the contract?

(11) When will the central register be established?

Mr BOARD replied:

(1)-(2) Yes.

(3) Yes. Reporting to the Minister for Services through the State Supply Commission.

(4) No, however the Contracts Referee will -

- provide a mechanism to respond quickly to complaints as they arise, diffusing potentially contentious issues;
- intervene at any stage in the procurement process up to the formal execution of a contract;
- be an avenue for early intervention, enabling problems to be resolved prior to awarding contracts;
- encourage agencies to give increased emphasis to the proper application of procurement policies and procedures which will in turn benefit Western Australian industry; and
- provide industry and the public with greater confidence and satisfaction in the Government purchasing process because of access to an impartial third party.

(5) None. (See above.)

(6) No. Initially, the Contracts Referee is to have the power to -

- formally acknowledge the validity of the complaint; and
- recommend that action be taken by an agency to reform a process or procedure which was the cause of a problem and request the State Supply Commission follow up to ensure that the recommendation has been implemented.

After an initial period of operation, the Contracts Referee will be reviewed to assess whether statutory powers and protection would enhance the effectiveness of the role.

(7) See (6) above.

(8) Yes. In response to the Commission on Government Recommendation 11, a centrally based electronic bulletin board will be established.

(9) Yes. It is an Internet based electronic bulletin board.

(10) (a)-(d) Yes.

(11) The Consultants' Report into the feasibility of the electronic bulletin board has indicated that the system should be available to progressively accept contract award information towards the end of June 1998.

SUPERANNUATION - EMPLOYER CONTRIBUTIONS

Employees' Choice of Funds

2857. Mr BROWN to the Minister for Commerce and Trade:

(1) Is the Minister aware the Chamber of Commerce and Industry presented at its October Annual General Meeting a report entitled "Annual Review"?

(2) Is the Minister aware that in that report the Chamber expressed serious concern about new Federal requirements that give employees the choice of superannuation funds for employer contributions?

(3) Is the Minister also aware that in the report the Chamber expressed concern at the risk of exposing employers to litigation through involvement of employees in the choice of funds?

(4) Does the Minister and/or the Government intend to make any representations to the Federal Government to amend these superannuation arrangements to overcome the concerns of the Chamber of Commerce and Industry?

(5) If so, what is the nature of the representations the Government will seek?

(6) If not, why not?

Mr COWAN replied:

(1)-(3) Yes.

(4)-(6) State Government representatives on the matters referred to will not be necessary. The Federal Assistant Treasurer, Senator the Hon Rod Kemp, announced on 25 November 1997 that the Federal Government will be introducing legislation which will ensure that employers cannot be held legally liable for actions they take to satisfy choice of fund obligations.

PLANNING - INFRASTRUCTURE COORDINATING COMMITTEE

2859. Mr BROWN to the Minister for Commerce and Trade:

(1) Is the Minister aware the Chamber of Commerce and Industry presented at its October Annual General Meeting a report entitled "Annual Review"?

(2) Is the Minister aware that the review reported the Chamber has called for the establishment of an Industry Infrastructure Council to obtain greater priority for infrastructure funding by Government and to assist in the ranking of needs?

(3) Does the Government intend to establish an Infrastructure Council or a similar body to examine the State's infrastructure needs?

(4) If so, when?

(5) If not, why not?

Mr COWAN replied:

(1)-(2) Yes.

(3) The Government already has an Infrastructure Coordinating Committee chaired by the Ministry for Planning with all relevant agencies represented.

(4)-(5) Not applicable.

BANKRUPTCIES - BUSINESSES

Increase

2861. Mr BROWN to the Minister for Commerce and Trade:

(1) Is the Minister aware of an article that appeared in *The West Australian* on 13 November 1997 concerning personal and business linked bankruptcies in Western Australia?

(2) Is the Minister aware that business linked bankruptcies in Western Australia in the 1996-97 financial year increased to 516 from 275 the previous year?

(3) Why has there been such a large increase in business bankruptcies when the State, according to the Government, is booming?

Mr COWAN replied:

(1)-(2) Yes.

(3) The increase can be partially explained by the dramatic jump in bankruptcies within the building and construction industry. The current figure follows four successive years of declining business bankruptcies figures and remains below the level recorded in 1991/92. Bankruptcy numbers are *persons* filing for bankruptcy not *businesses* and the 516 represents less than half a percent of all self-employed persons in Western Australia. All other major indicators point to growth for the WA business sector. For example, in 1995/96, two thirds of net employment growth in Australia came from small business - most of this growth from micro businesses. Also there were over 30,000 new business names registered during 1996/97.

The Small Business Development Corporation's Business Information and Licence Centre recorded a 27% increase in its inquiry rate in 1996/97, over the previous year, and WA currently has the lowest unemployment figures in Australia. Overall, the outlook for WA's economy is favourable, with growth forecast to be well above the national average for the next two years.

QUESTIONS WITHOUT NOTICE

RESOURCES DEVELOPMENT - KINGSTREAM PROJECT

Commencement

860. Dr GALLOP to the Minister for Resources Development:

I refer the Minister to an article in *The Geraldton Guardian* of Monday, 24 November headed "December take off for mill site works". Can the Minister explain to the House how An Feng-Kingstream can announce a December start to site works at Oakajee when approvals for the project are yet to be given?

Mr BARNETT replied:

I cannot speak for Kingstream-An Feng. I do not know what they are doing. The agreement Act which was passed by this Parliament sets down the approval process. When they have all the approvals in place and they have raised their finance, they will be in a position to start. At the moment, through LandCorp, the Government is still acquiring the land and is setting about, with that land already acquired, to make -

Dr Gallop: How can there be site works if they do not have the land?

Mr BARNETT: Exactly. I am not responsible for public announcements made by a private company. The Government is working with the group to make the land available and to make final decisions on the port.

PORTS AND HARBOURS - OAKAJEE

Finalisation of Plan

861. Dr GALLOP to the Minister for Resources Development:

When will the final decision on the Oakajee port proposal be made?

Mr BARNETT replied:

I cannot put a precise date on that. However, it is our intention, as soon as we are in a suitable position, to seek expressions of interest in the development of the port. As members opposite will appreciate, that is not a simple thing. To get binding bids on building a port requires that substantial amounts of technical information be provided to the bidders. Already close to $2m has been spent on various surveys, environmental reports, drilling the seabed, testing rock types, and making sure the rock does not fracture into smaller parts. It is estimated that several more

million dollars might be needed before a final and binding bid can be prepared. To build this port is a significant engineering feat. It is not a simple project. It requires substantial technical, financial and engineering information. I hope that within the next one to two months we will be in a position to seek expressions of interest. We will not rush into it for the sake of putting out a press release or answering questions from the Opposition. We will do it when all of information is on a sound reliable basis so bidders can bid in an environment of certainty.

POLICE - CORRUPTION

List of Allegations

862. Mr BLOFFWITCH to the Minister for Police:

Has the member for Fremantle given the Minister a list of allegations about corrupt police officers?

Mr DAY replied:

I am pleased to say that I have been handed the list by the member for Fremantle to which he referred earlier today. The member for Fremantle has acted in a grossly irresponsible manner in waving around that list in this Chamber of the Parliament.

Mr McGinty: I did a damn sight more than your members on the committee who did not even draw it to your attention.

The SPEAKER: Order!

Mr DAY: The allegations are outside the terms of reference of the select committee. More particularly, it would have been entirely inappropriate for a parliamentary committee to become involved in investigating allegations of corruption against individuals.

Mr McGinty interjected.

The SPEAKER: Order!

Mr DAY: This list should have gone to the Anti-Corruption Commission the moment it came into the hands of the member for Fremantle. For how long was the member in possession of this information?

Mr McGinty: A couple of months. I have been arguing on that committee that we should pursue the matter, not turn our backs pretending it does not exist.

Mr DAY: The member for Fremantle sat on a list of allegedly corrupt police officers for a couple of months.

Mr Court interjected.

The SPEAKER: Order!

Mr McGinty interjected.

The SPEAKER: Order! I formally call the member for Fremantle to order for the first time on the ground that he should not be interjecting when I am on my feet.

Mr McGinty: The Premier did.

The SPEAKER: Order! I formally call the member for Fremantle to order for the second time. Perhaps I will get the message across eventually. It is unacceptable for members to interject across the Chamber at the same time.

Mr DAY: The member for Fremantle has admitted he has had that list for a couple of months and he sat on it. It should have gone to the Anti-Corruption Commission. If it is true that some of the people named on that list are engaged in corrupt activities, the member for Fremantle has sat on that information and has inhibited the investigations that should be undertaken by the Anti-Corruption Commission.

Ms MacTiernan: Is the Minister proposing the member breach privilege?

Mr McGinty: Is the Minister proposing I should distribute it in breach of parliamentary privilege?

The SPEAKER: Order! I have allowed a little interjecting because I understand the circumstances, but once again many people are interjecting at the one time.

Point of Order

Mr McGINTY: The Minister in his answer is advocating a breach of parliamentary privilege. He has been

advocating that I should give material which is confidential to that committee to other people. I would have thought that is highly disorderly, and I ask that you rule it is unparliamentary to advocate a breach of the law.

The SPEAKER: Order! That is not a point of order but it is an important point of which members must be aware. As a member of a select committee, one is duty bound to wait until the committee reports to Parliament with all the evidence that its collect. Bearing that in mind, I call on the Minister for Police to continue.

Questions without Notice Resumed

Mr DAY: I am appreciative that the member for Fremantle has now provided me with the list and I will outline the action that I have taken. I understand that list was never formally tabled in the committee.

Mr McGinty: It was presented to the committee.

Mr Court: It was not tabled in the committee.

Dr Gallop: The Premier seems to know a lot about it.

Mr Brown: What is the Premier doing interfering with the committee again? He seems to know a lot about what is going on behind closed doors. What is the Premier doing? No wonder we need an Anti-Corruption Commission.

The SPEAKER: Order! I formally call the member for Bassendean to order for the first time.

Mr DAY: In contrast, what I have done with the list supplied to me by the member for Fremantle is to immediately transmit it to the Anti-Corruption Commission with a copy to the Commissioner of Police. I table a copy of my letters of transmittal to those two individuals.

[See paper Nos 977A-B.]

Mr DAY: Will the member for Fremantle provide every possible assistance to the Anti-Corruption Commission in the investigation of allegations that have been made?

Mr McGinty: Absolutely.

Mr DAY: It also worth observing some of the comments in the recent report of the Anti-Corruption Commission. The report stated that it should be noted that the commission is concerned about the increasing number of allegations which amount solely to assertions by complainants about corruption, but which are unsupported by any tangible evidence. Similarly, allegations involving events of up to 40 years ago often face serious evidentiary problems due to the effluxion of time. The commission will generally be unable to assist complainants unless they can provide objective facts in support of their allegations.

Mrs Roberts interjected.

The SPEAKER: Order!

Mr DAY: It is important that the people behind the preparation of this list be prepared to provide the relevant information to the Anti-Corruption Commission, so that it can appropriately investigate. It is not appropriate for a parliamentary committee to become involved in investigations of allegations of corruption. These matters should be passed immediately to the Anti-Corruption Commission, and that is what I have done.

POLICE - DRUG SQUAD

Comments by Director of Public Prosecutions

863. Mrs ROBERTS to the Minister for Police:

(1) Is the Minister concerned about the statement from the Director of Public Prosecutions in evidence to the select committee on drug abuse that it has a trust problem with the drug squad, and that the DPP barely trusts the squad and it certainly does not trust the DPP?

(2) When did the Minister become aware of the trust problem between the DPP and the drug squad?

Mr DAY replied:

(1)-(2) Yes, I am concerned about any suggestions of problems in working with the drug squad, especially when the suggestion comes from the Director of Public Prosecutions. It is necessary that the Anti-Corruption Commission investigate the allegations of corruption and get to the bottom of them, and report to me and the Premier as soon as possible. That is being done.

DRUGS - CANNABIS

Three Strikes Cautioning System

864. Ms ANWYL to the Minister for Family and Children's Services:

A State Government survey has found that 60 per cent of 16 and 17 year old schoolchildren have admitted using cannabis at least once in the past 12 months, and the Commissioner of Police, Bob Falconer, has expressed concerns about wasting scarce police resources and court time on low level cannabis prosecutions. Given those facts, I ask whether the Minister agrees with the assessment by the Commissioner of Police that a three strikes cautioning system, along the lines of the Victorian model, would give Western Australian police an effective and proper way of dealing with the issue?

Mrs PARKER replied:

It is important that the Government respond to the interim report of the select committee tabled in the Parliament this morning. I have not had time to go through it thoroughly, but will do so and look at the arguments, particularly those referred to by the member for Kalgoorlie in the minor report about the decriminalisation of cannabis.

The South Australian and Victorian models were mentioned by the member for Kalgoorlie, and particularly the South Australian model. I will update the House on what is happening in South Australia. It must be understood that the possession of cannabis has not been decriminalised, but rather small amounts will invite a fine and not a criminal prosecution. It is important to note that in South Australia the number of cannabis offences created by this new law has trebled. The number of people going to the courts has increased significantly. Because members of the public are able to have in their possession 10 plants for their own consumption, syndicates have moved in. Homeowners have been induced into syndicates, and ordinary homeowners are able to earn $50 000 a year, within the framework of the law, by supplying organised crime syndicates with homegrown cannabis.

It is important to note that the Government in South Australia is considering reducing the number of plants a person may own from 10 to three. When I have had time to look at the report and the recommendations, that will be considered. I understand from my research that the evidence around the world is that when the possession of cannabis is decriminalised and it is made more available, use increases. In South Australia there has not been a decrease in the number of charges laid or the amount of cannabis used, particularly by young people. The courts have not been cleared of the process. The Government must be very careful about this. Cannabis is known to be a dangerous drug. Research released this year indicates that 10 per cent of people who experiment with marijuana will become addicted, and that long term use leads to a causal effect of mental illness.

Several members interjected.

The SPEAKER: Order! There seems to be a problem with several members wanting to interject in the same way. Someone has made an interjection, and there is no need for others to repeat it. The member for Midland is coming to my attention as the main offender. I ask the Minister to bring her answer to a close.

Mrs PARKER: It is a very important issue, and I will certainly look at the recommendations of the report. It is rather absurd that the member should ask a question about my consideration of the report when it was tabled so recently. I understand that not even the chair of the committee had a copy of the minority report until minutes before it was tabled.

I will give this matter due consideration, look at the arguments presented and judge it with due prudence. Marijuana is a dangerous drug, and this Government has a firm stand and comprehensive policy of opposing all drug abuse. It will continue with that policy to protect the young people of this State against the hazards of drug abuse.

DRUGS - CANNABIS

Three Strikes Cautioning System

865. Ms ANWYL to the Minister for Family and Children's Services:

Has the Minister been aware of Commissioner Falconer's views before, and does she agree that the Victorian cautioning system would provide an effective and proper way of dealing with the issue, as stated by the commissioner?

Mrs PARKER replied:

I understand the Commissioner of Police is looking at that matter. I understand the Minister will bring this issue to the attention of the ministerial council on drug abuse, which meets regularly, and that the matter will be discussed and consideration will be given to the way to proceed.

SPORT AND RECREATION - ARENA JOONDALUP

Retrenchment of Manager

866. Mr BAKER to the Parliamentary Secretary:

Mr Ron Eley, the manager at the Arena Joondalup, was retrenched from that position approximately 10 days ago.

(1) Why was Mr Eley retrenched?

(2) In view of Mr Eley's excellent management of the Arena, can he expect to receive an appropriate redundancy package and assistance in obtaining suitable alternative employment?

Mr MARSHALL replied:

I thank the member for some notice of this question. The Minister has provided the following response.

(1) The WA Sports Centre Trust is carrying out an organisational review, given that it now has management responsibility for Challenge Stadium, Arena Joondalup and the Midvale Speed Dome. The organisational review has recommended the abolition of the position of general manager at both Challenge Stadium and Arena Joondalup. That position will be replaced by the position of operations manager.

Mr Eley was retrenched, as the position of general manager at Arena Joondalup was abolished.

(2) Mr Eley was employed under a fixed term contract and, as such, redundancy provisions do not apply. Mr Eley has been offered an appropriate termination package and assistance from an employment agency with regard to obtaining alternative employment.

FAMILY AND CHILDREN'S SERVICES - MIDLAND OFFICE

Death of Child - Report

867. Ms ANWYL to the Minister for Family and Children's Services:

(1) Is the Minister continuing to cover up the crisis in her department by refusing to table in this place the report into the death of a child at Midland?

(2) How can the Minister seriously expect the public to accept her glib assurance that everything is okay in her department, when she is sitting on a report that may reveal otherwise?

(3) What further action is being taken under the Public Sector Management Act, as alluded to in the Minister's complacent statement delivered today?

Mrs PARKER replied:

(1)-(3) I made a statement to the House earlier today regarding the report into the operations of the Midland office and its handling of the case under its care. On advice from both the Crown Solicitor and the Public Sector Management Office, that report will not be tabled at this time because further investigations must be done. I repeat: On that advice and as I advised the House this morning, that report will not be tabled.

ECONOMY - SOUTH EAST ASIAN CURRENCY CRISIS

Impact on Western Australia

868. Mrs van de KLASHORST to the Premier:

We are all aware that some of our Asian trading neighbours are experiencing some financial difficulties. Some of the engineering and small businesses in Midland and surrounding areas have asked about this issue. Can the Premier advise what impact these financial difficulties will have on the Western Australian economy in both the short and long term?

Mr COURT replied:

There are some very serious financial difficulties in a number of Asian economies. Initially it started with the South East Asian economies. It has now spread to Korea and there is concern about a number of financial operations in Japan. The Under Treasurer was in Japan and Hong Kong last week. He has given me a report on the effects he sees of these financial problems.

Mr Riebeling: Will the Woodside expansion go ahead?

Mr COURT: Similarly our representative for Japan and Korea, Michael Walker, has also been keeping us informed. He has just returned from a visit to Korea. Korea is a major trading partner with us. Our trade with Korea, which is our second largest export market, is currently $2.4b. Our trade with Thailand, Indonesia and Malaysia combined represents $1.6b and the trade with both Korea and Japan accounts for about 40 per cent of our exports.

The member for Burrup mentioned the Woodside project. The Japanese economy has been flat for some time. Basically it is looking at a situation of no growth. The Korean economy is also moving from very high levels of growth in the short term, back to very low levels. Fortunately the export component of both of those economies is strong, and that requires the raw materials we are providing - energy, iron ore, etc. The domestic component, particularly of the Japanese economy, is weak.

As I have said, it should not have a great effect on our major exports to those companies. Hopefully they will be able to sort out the financial problems for their corporations and financial institutions. It will be a rocky road, but Korea, in particular, could well come out of it in a much more competitive situation. It must be examined on an industry by industry basis.

I had a brief discussion with the Minister for Education about the effect of this issue on universities. It could be that Australian universities, relative to those in Europe and the United States, may become more competitive because of the currency changes. It may be an opportunity for us to improve our markets in those areas.

Treasury officials are monitoring the situation closely. As I mentioned, it must be looked at on an industry by industry basis, but fortunately most of our trade is providing materials that those countries require for their export markets, and their export markets are continuing to be reasonably strong.

WORKSAFE WESTERN AUSTRALIA - PROSECUTION POLICY

Protection of Insurance Industry

869. Mr KOBELKE to the Minister for Labour Relations:

My question relates to the public concern, and even disbelief, at the prosecution practices of WorkSafe WA highlighted, in particular, by the Thorpe case. Are the prosecutions of injured workers by WorkSafe WA undertaken, at least in part, because of the Minister's declared support for the insurance industry and his desire to protect those interests?

Mr KIERATH replied:

No.

WORKSAFE WESTERN AUSTRALIA - PROSECUTION POLICY

Protection of Insurance Industry

870. Mr KOBELKE to the Minister for Labour Relations:

On 15 July this year the Minister wrote to the member for Avon explaining the need to prosecute in the Rempel case by stating, "You would be well aware of the huge cost to the insurance industry in these instances. Their interests must be protected." If the Minister's support for certain WorkSafe WA prosecutions is not influenced by his desire to protect insurance companies from large claim payments, why did he write to the member for Avon in these terms?

The SPEAKER: Order! With respect to supplementary questions, I remind the House that we expect members just to ask their question and not use leading statements or follow-up statements by way of explanation.

Mr KIERATH replied:

The member did not quote the rest of the letter. It talks about the issue that when people have breached an Act it is required by law that prosecutions take place, and that insurance companies request that those prosecutions be completed in the first instance.

HEALTH - HEAD LICE

Distribution of Shampoo

871. Mr BARRON-SULLIVAN to the Minister for Health:

I refer to concerns raised by some parents regarding the supply of head lice lotion by local councils.

(1) Why have stocks of lotion allocated by the Health Department run out in some areas?

(2) Will the Minister undertake to ensure that parents with health benefit cards will not be refused free lotion distributed by their local council?

Mr PRINCE replied:

(1)-(2) The department has supplied various types of lotion through local authorities for some time for people who experience this problem and have difficulty in being able to afford to buy appropriate products from pharmacies. Unfortunately, and increasingly, quite a number of local authorities have simply handed out the bottles of lotion on the basis that anybody who comes in for one, gets it. It was always there for people who otherwise would have difficulty in buying the substances from the pharmacy or the supermarket. It has been a practice that the local authorities have simply handed it out. They have run out. I do not find that acceptable.

Mr Marlborough interjected.

Mr PRINCE: I am absolutely certain that the member for Peel could do with an enormous bath of this stuff! As a result of the problems experienced by people with very limited income who want to obtain the lotion and are not able to, I have asked the department to review the whole question of availability and distribution so that people who cannot afford to buy this product can get it through a local authority or through some other form of supply, possibly school nurses, so that they can treat their children, particularly at this time of the year.

HOSPITALS - MANDURAH

Comments by Hon John Cowdell

872. Mr BRADSHAW to the Minister for Health:

(1) Is the Minister aware of the disgraceful remarks made by Hon John Cowdell with regard to the future of the Pinjarra Murray District Hospital?

(2) If so, does he agree with those remarks?

Mr PRINCE replied:

(1)-(2) I am aware of the remarks made by Hon John Cowdell in the *Mandurah Telegraph*, and probably elsewhere, when he basically bucketed the development of the new hospital in Mandurah, saying that we were happy to put $38m into a new private hospital, that there was no sign of an upgrade of the Pinjarra Murray District Hospital, asking when we would see plans for the new 30-bed unit, and saying that pledges had been made that they would be provided. I have never given any such pledge. However, with regard to the redevelopment of the Pinjarra Murray District Hospital I have said this: Clearly, there must be a first-class emergency facility there to cater for the accidents that occur in the immediate vicinity of that neighbourhood. The hospital is on a busy road and a number of industrial sites are nearby. That facility is an absolute imperative. As to what else should be on that site by way of a service, that is a matter for the service planning for the whole district and regional area. The two facilities for the Murray district and Mandurah are very close together. It would be silly to duplicate that which should not be duplicated. It is a matter for planning. The Mandurah District Hospital will have a huge range of increased services as soon as it is commissioned, which will be next year.

Undoubtedly it is necessary to have a service at Murray, for emergency care. Whatever else should be there, is for the project control group to develop and advise on. That is the process that is under way.

Dr Gallop: That has been under way since 1994, and there is still no resolution. The previous Ministers for Health said that every time we asked questions: It is in process. It is the longest process we have seen for many years!

Mr PRINCE: At least we are doing some planning for the future -

Dr Gallop: You are not doing anything. You say the same thing every time.

Mr PRINCE: Just a minute! The former Minister for Health, Keith Wilson, for whom I have a lot of time, spent $1.1m of this State's money on a very thick plan from Deloitte and Touche Consulting Group, but it was shelved. We are planning to produce services for the people where they are needed. When we make promises, we do not shelve them.

POLICE - STATIONS

Budget Cuts - Amount

873. Mrs ROBERTS to the Minister for Police:

(1) Is the Minister so disinterested in the operational budgets of police stations that he has not even asked the Commissioner of Police what cuts have been made to the operating budgets of police stations?

(2) If he does know the answer, why does he treat this Parliament and the public with such contempt that he will not tell the House what budget cuts have been made?

Mr DAY replied:

(1)-(2) I am interested in knowing that the Police Service is properly resourced; that it has the financial, human and physical resources to enable offers to do their jobs adequately and, more importantly, to do them very well. That is being done. Is the headline in *The West Australian* yesterday big enough for the member for Midland to realise that police are doing their jobs? The headline yesterday was "BUSTED".

Mrs Roberts: I want to know about the operating budgets for police stations!

Mr DAY: Discretionary budgets of police stations and squads are determined by senior management of the Police Service. I have no direct involvement in that. The funding provided for the Police Service this year is far more than it was last year or the year before, and so on. Since 1992 there has been a 62 per cent increase in funding for the Police Service by this Government.

INDUSTRIAL RELATIONS - WORKPLACE AND ENTERPRISE BARGAINING AGREEMENTS

Department of Resources Development

874. Mr BLOFFWITCH to the Minister for Labour Relations:

Given the similarity between the workplace agreement and enterprise bargaining agreement for the Aboriginal Affairs Department, is the Minister aware of other workplace agreements and enterprise bargaining agreements with similar conditions? If so, can the Minister inform the House of the details of the agreements?

Mr KIERATH replied:

As I demonstrated yesterday in this House, workplace agreements in the public sector give rise to better wages and conditions than do awards. Awards have been fondly cherished by members opposite -

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: I have another example today, because members opposite enjoyed yesterday's example so much! The Department of Resources Development has a workplace agreement and an enterprise bargaining agreement. Under the workplace agreement, there has been a 9.32 per cent salary increase; a choice of a 37.5 or 40 hour week; a choice to trade off short leave in return for additional pay; a choice to trade the leave loading; and a choice of seven or 10 years' long service leave. Again, this is a case of giving the workers a choice. Members can imagine my surprise when I looked at the enterprise bargaining agreement -

Several members interjected.

Mr KIERATH: The EBA contains a 9.32 per cent salary increase; it allows a choice between a 37.5 or a 40 hour week; a choice to trade off short leave for an increase in pay; a choice to trade leave loading for an increase in pay, and a choice between seven or 10 years' long service leave.

Several members interjected.

The SPEAKER: Order! The member for Peel!

Mr KIERATH: It seems that members opposite are a bit sensitive about this matter because they have double standards. The unions say that it is okay to have only an EBA and not give people the choice of a workplace agreement; but when they offer a workplace agreement, it is not okay to have that without an EBA. That is an example of the double standards that prevail in the Labor movement in this State.

I think the workers understand which Government in this State has done most to improve wages and working conditions. Sadly, that was not a Labor Government.

Several members interjected.

The SPEAKER: Order! A group of members on my left are interjecting consistently. Perhaps the Minister for Labour Relations can finish his answer.

Mr KIERATH: I will, Mr Speaker. At least we on this side gave a choice, and we have improved wages and conditions. That is more than members opposite ever did. The reason members opposite yell so loudly is that we have pointed to their phoney standards. Their double standards are as phoney as a three dollar bill.

Several members interjected.

The SPEAKER: Order! The member for Peel has been very good this year!

HOSPITALS - WAITING LISTS

Increase

875. Dr GALLOP to the Minister for Health:

Given the Minister's statement today that the Health budget will still be in deficit to the tune of $55m despite a $30m top up, and given the unprecedented extent of elective surgery ward closures this summer, will the Minister now acknowledge that his election promise to reduce by 50 per cent in 1996-97 and 1997-98 the number of people on metropolitan and country waiting lists will not be honoured, and that under his management, waiting lists have blown out by 50 per cent since that promise was made?

Mr PRINCE replied:

I have given this answer a number of times. No doubt the Leader of the Opposition one day will hear it! The only waiting lists information that is known comes from the major teaching hospitals. The numbers and types of operations waiting in the metropolitan, smaller hospitals and country hospitals is not known. It should be known, because otherwise we are not able to manage the total capacity of the system to meet the total demand. The waiting list strategy is to get all the information in one place and to be able to use the total system. The strategy was developed by the people who run the system.

Dr Gallop: You are insulting the English language by using that word.

Mr PRINCE: I am not!

The SPEAKER: Order!

Mr PRINCE: That strategy is in place, it has been funded, and there has been a significant reduction in the number of people who have been waiting a very long time - not as great as I would like, because more people are being added to the list every day. There has been a 15.5 per cent increase in demand in the past couple of years.

Dr Gallop: Why did you make promises during the election campaign when you knew that you could not meet those promises?

Mr PRINCE: Because I thought at the time, on the advice given to me - and it was not political - that it could be done. I still say that if Medicare, which was a Labor-commonwealth commitment, and is now a commonwealth commitment -

Several members interjected.

Mr PRINCE: If the Commonwealth will meet its commitment to fund Medicare, as it should, in public hospitals - as it does with general practitioners and pharmacists - we will be able to fund properly the demand in the public hospitals as a result of Medicare. It will be as a direct result of Medicare that this happens.

The SPEAKER: For the interest of members, this year we have had an extra 181 questions without notice - although we did sit for five extra days; and that represents a 25 per cent increase, or an average of two extra questions a day.
