



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Thursday, 28 October 1999

Legislative Council

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

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Report on a Petition on Issues of Community Concern, City of Albany

Hon M.D. Nixon presented the forty-third report of the Standing Committee on Constitutional Affairs in relation to Standing Order No 134 concerning a petition regarding issues of community concern in regard to the City of Albany, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 306.]

REVIEW OF THE CRIMINAL AND CIVIL JUSTICE SYSTEM IN WESTERN AUSTRALIA

Referral to Standing Committee on Legislation

HON PETER FOSS (East Metropolitan - Attorney General) [11.04 am]: I move -

That tabled paper No 300 be referred to the Legislation Committee for review.

This motion refers to the Law Reform Commission report I tabled yesterday. It is naturally already within the committee's terms of reference to review such a report. However, I thought I should bring it to the committee's attention for such action as it thinks necessary.

Question put and passed.

GOVERNMENT PRIORITIES AND FUNDING COMMITMENTS

Motion

Resumed from 27 October on the following motion moved by Hon Tom Stephens (Leader of the Opposition) -

That this House -

- (a) condemns the Government for its misplaced priorities and funding commitments to projects such as the belltower and the convention centre at the expense of core areas of state government responsibility such as health, education, community safety and public transport; and
- (b) calls upon the Government to remedy its failure to deliver government services at affordable rates and give priority to hospitals, schools, police and public transport.

HON DERRICK TOMLINSON (East Metropolitan) [11.07 am]: In my introductory remarks yesterday I was demonstrating that, while the Burke Government in 1983 had the right priorities with regard to mental health services, it had no programs to support those priorities. The consequence of that, demonstrated in the report of the Mental Health Taskforce presented in March 1996, was that there were serious deficits in the provision of services. Between 1996 and 1998 not only had the Court Government eliminated those deficits but it had also placed Western Australia's delivery of mental health services at a level above the national average, except in the area of community-based services. A program has been put in place to address that area. That is the difference between the two Governments. The priorities have some commonality, but one Government did not have a program to meet those priorities. The Court Government has such a program and those priorities are being met by the appropriate allocation of funding and resources.

I will provide another example of the difference between priorities and programs. I refer to "An overview of the metropolitan hospitals plan - a master plan for the development of community hospitals in Perth to the year 2001", dated December 1989, and published under the names of Premier Peter Dowding and Hon Keith Wilson, Minister for Health. It outlines an excellent set of priorities and identifies the need to shift hospital services away from the centre of Perth; that is, away from the three major teaching hospitals - Royal Perth Hospital, Sir Charles Gairdner Hospital and Fremantle Hospital - to the growing dormitory suburbs to the north, the south and the east of the metropolitan area. That priority is very similar to the current Government's priority, which is to shift expenditure and provision of hospital services away from the centre - away from the three major teaching hospitals - and to allocate resources more equitably among the urban health centres.

In 1989 the Dowding Government published a list of health service priorities. It included the redevelopment of Swan District Hospital with 84 beds commencing in 1989-90 and to be completed at the end of 1998-99. Armadale-Kelmscott Memorial Hospital was to be redeveloped with 99 beds. Planning would commence in 1990-91, construction would commence in 1991-92 and the project would be completed in 2000-2001. The Wanneroo area would have a hospital comprising 120 beds. Planning would commence in the middle of 1991-92 and construction would be completed in 1994-95. Osborne Park was to have a major upgrade, with the commencement of planning in 1993-94, and completion of the program in 2001. Bentley was to have 132 beds, with the commencement of planning in 1994-95 and to be completed by 1999-2000. Rockingham was to have 119 beds, with the commencement of planning in 1995-96 and to be completed by 1998-99. The new north east suburbs hospital was to have 204 beds. Under this set of priorities, by the end of 1992-93 we

would have seen the first stage of the Swan District Hospital redevelopment completed; that is when the coalition came into Government. Fremantle Hospital was to have a major upgrade, with the second stage to be completed by the time the coalition came into government. The Armadale-Kelmscott Memorial Hospital was to have the first stage completed and the second stage underway by the same time. Construction of the new 204-bed hospital in the north eastern suburbs would not even have been started until 1997-98. What did we find when we came into government? We found that the Swan District Hospital had been redeveloped - but the redevelopment had commenced before the proposal was published! It was well and truly underway when the policy was published. It was completed by the time we came into government. What about the Armadale-Kelmscott hospital? It was not even a blush on its mother's cheek. Planning had not even commenced, let alone construction of stage 1, which was to be completed by the end of 1992. The north eastern suburbs hospital was somewhere in the distant future. There was no program. The priorities were fine, but the Government of the day had no program.

Hon Greg Smith: As Hon John Cowdell pointed out yesterday, they only talk about things.

Hon DERRICK TOMLINSON: Of course members opposite only talk about things. Worse than that, they had no capital works program. Why? Because their management of finances was so appalling that they took capital funds and allocated them to recurrent purposes. Let me give an example. We are being castigated for the very good program we have for government cars. What was their cars program? Their program was to take the expenditure for government cars out of recurrent expenditure and put it into capital works. No schools, no hospitals and no police stations, but cars, paid for out of capital works programs. I remember Hon Joe Berinson trying to defend the expenditure for computers in the 1992-93 budget. A recurrent expenditure item was put into capital works. No wonder they had no program - they had the wrong expenditure priorities. Their priority for building hospitals was excellent, but they had no program and therefore made no progress.

We find in the first six years of the Court Government that the new north eastern suburbs hospital at Joondalup, which was planned to commence in 1997-98 by the previous Government, has been built. A new hospital at Bunbury has been built. A new hospital at Mandurah has been built. A new hospital at Armadale is under construction. Let me explain what the people of Armadale are going to get in the new hospital. I do not know whether any members have visited Armadale hospital, but they should.

Hon B.K. Donaldson: I was born in the old one.

Hon DERRICK TOMLINSON: I suggest that the hospital is in the same condition as when the member was born 24 years ago - sorry, 64 years ago. So bad is the emergency ward that one-third of people in the Armadale catchment area seeking emergency hospital treatment bypass Armadale to go to Fremantle Hospital. Another one-third bypass it to go to Royal Perth Hospital. There was no resident doctor at Armadale. Hon Simon O'Brien spoke about dialysis services. During the 1996 election campaign the Premier, Hon Richard Court, caught a train at the Armadale station to ride to Perth, just to see what the service was like, as there was a great deal of criticism of it at the time. He struck up a conversation with a mother and her young son who were likewise travelling from Armadale to Perth. Whereas the Premier was travelling as an educative venture, the young boy and his mother were travelling to Perth so that the lad could have his regular dialysis treatment at Royal Perth Hospital. He travelled the route three times a week. Within six months of this Government being re-elected a dialysis program was operating, and continues to operate, at the Armadale hospital.

Hon Norm Kelly: Perhaps the Premier should catch more trains.

Hon DERRICK TOMLINSON: Wherever priorities come from does not matter.

The difference between Premier Court and Premiers Lawrence, Dowding and Burke is that when Premier Court identifies a need - as they identified needs - Premier Court institutes programs to meet that need. Priority is converted to program. Priority was never converted to program under the regime of the previous Labor Governments.

The new facilities at the Armadale hospital will provide a comprehensive secondary hospital. It will include an emergency department. A survey of the people of the catchment area of the Armadale-Kelmscott Memorial Hospital said that an emergency department was their first priority. The new facilities will also include an acute in-patient nursing unit, a general day surgery unit, an oncology and renal unit, an in-patient restorative unit, a day restorative unit, an out-patient rehabilitation unit, a mental health care day therapeutic unit, a mental health care adult in-patient unit, a mental health care aged day therapeutic unit, a mental health care aged in-patient unit, an operating suite, a day surgery and procedures unit, and a pharmacy and intensive nursing unit. They are not priorities that continued to stay in a glossy brochure. These priorities were originally published in 1989 by the Dowding Government and stayed there. These priorities have been converted to programs by us. The bulldozers are up there now preparing the ground. By the middle of 2001 the hospital will be fully operational. The dilapidated hospital that Hon B.K. Donaldson claims he was born in will be demolished. The Dowding Government was talking about restoring that hospital. The Court Government decided that restoration of that hospital was impossible. Priority converted to program. Needs identified and met by program. That is what good government is about.

Let me use another example from Premier Dowding's time, a document titled "Reducing Hospital Waiting Lists - A Health Policy Initiative for Western Australia." This was released in June 1988. What were the waiting list problems in Western Australia at that time? There was a blitz program. This is a photocopy of the glossy brochure of patient information available in the Parliamentary Library. I am a humble man - black and white does me, but technicolour was needed for then Premier, Hon Peter Dowding. That was the priority in 1988, when there was a two-year waiting list for hip replacement, a two-year waiting list for knee replacement and a two-year waiting list for a simple cataract operation. What is the situation in September 1999 after priority is converted into program? The mean waiting time for knee replacement is five months; the mean waiting time for hip replacement is four months; and the mean waiting time in a public hospital - I do not refer to

private health services - for cataract surgery is one month. There is the difference between priorities without a program, and priorities with a program!

Hon Norm Kelly: You must accept that it took six years before your Government could achieve that result.

Hon DERRICK TOMLINSON: Of course! We had an enormous backlog with 10 years of neglect. When one overcomes a backlog, the demand for resources is greater than simply maintaining a steady flow of services. That is where the program has two prongs. The Government met that program as it allocated resources to catch up on the backlog; and, having done so, it maintained services so the waiting lists are a reasonable time.

Hon Norm Kelly: You only allocated resources last year for the backlog for hip, knee and cataract surgery. It was \$25m last year.

Hon DERRICK TOMLINSON: The program is there! One might criticise that it takes time to prepare a program, but it is under way.

Hon Norm Kelly: I applauded it. I said that it takes time.

Hon DERRICK TOMLINSON: I indicated earlier that I would move to amend the motion. However, I have taken heed of your words, Mr President, that if I were to amend the motion in the manner I had a mind to do, I would negate the motion. Therefore, I will vote in the negative to negate the motion.

HON B.M. SCOTT (South Metropolitan) [11.23 am]: The motion reads -

That this House -

- (a) condemns the Government for its misplaced priorities and funding commitments to projects such as the belltower and the convention centre at the expense of core areas of state government responsibility such as health, education, community safety and public transport; . . .

I will identify one or two areas in which the Government, rather than having misplaced priorities, has offered this State a social dividend which the Opposition could not contemplate, plan for or deliver. I sit in the Chamber week after week as a compliant backbencher and listen to the Opposition. I am motivated to talk briefly this morning about some of the social dividends that the Government has delivered to the community.

Hon Tom Stephens: How briefly?

Hon B.M. SCOTT: Very briefly. I have only 45 minutes!

By their very nature, government backbench members must have good listening skills. It becomes rather tiresome to sit here week after week and be asked what social dividends the Government has provided. I take the opportunity in this debate to identify one or two social dividends of great value to the Western Australian community, particularly in health and education. At the cost of reiterating an area in which I have been involved, I will cover some issues of early education to remind the Opposition of the social dividend that such programs are proving to be. I will refer also to a couple of issues in health.

I firstly suggest that the Government does not have misplaced priorities. It is important, as other members have said, that the Government funds what people perceive to be the core government responsibilities in health and education. In addition, the Government provides inspiration and leadership for a community, which can be neglected without a vision for the future. Enough has been said about the belltower and the convention centre, but I have no difficulty standing in Parliament or anywhere in the community to defend the housing of the historic bells of St Martin's-in-the-Field in the magnificent building in Barrack Square. This will become one of the most people-friendly centres, especially for children, anywhere in the world. It will be a focus for visitors to Perth, and will be talked about around the world. As other speakers have said, like the Opera House in Sydney and the Eiffel Tower in Paris, it will be a feature of our State. The Eiffel Tower was erected for a world convention, but was left as a permanent feature of Paris. The Arc de Triomphe and other magnificent buildings in Paris, London and elsewhere are an attraction for visitors. One can see the interest which marvellous buildings attract.

Significant buildings upon which this and other Parliaments have drawn for their architecture are the cathedrals and churches built centuries ago. I prefer not to refer to the overused word "icon". My knowledge of religious and other history indicates that an icon is something very special; that is, it is a religious object which is admired and passed on. However, it is commonly used these days in reference to historical monuments. Historically, the Houses of Parliament in England and Australia are based on that model and replicate church history. When I bring visitors to this House, I explain the traditions of Parliament. Even the acknowledgement of the Chair when members of Parliament enter the Chamber - as Hon Ed Dermer is doing now - has nothing to do with the person sitting in the Chair. It is an acknowledgment of the position of President, and has a historical link to the church and the presence of the Blessed Sacrament in the churches. It is a religious tradition.

The belltower to be built in Western Australia will become an icon and the focus of Barrack Square. I find features of its design extremely attractive. Everyone, including young children and older people, will be able to climb the belltower - as one can climb the Eiffel Tower, the Tower of London and other places of significance around the globe - and be able to watch the campanologists. For the benefit of young people in the public gallery, campanologist is the name given to bellringers. A worldwide organisation of campanologists takes great pride in the musical acumen required to ring bells, which is not something done on the hour only to ring time. There is a long tradition of certain tunes representing certain parts of the local history of a place or the origins of the bells.

Western Australia very much needs a convention centre. My office is located in Fremantle, which has only one area to hold

many conventions that come to Western Australia. I refer to the Esplanade Hotel which has been expanded continually and is probably the only place outside of the Burswood International Resort Casino that can seat 400 people for dinner and a convention. Increasingly, large national and international conventions are held in Western Australia. I have no problem with the Government showing initiative, vision and leadership by putting funding into a convention centre.

Two years ago I had an opportunity to attend a function at a convention in Queensland's new convention centre in Brisbane. The changes in the use of the river and waterways there were dramatic. The interest engendered by the major attractions that the convention centre has been able to bring to Brisbane has been of great benefit and in fact has brought back life to that city. I support those projects and I object to hearing time and again the Opposition in this House saying that this government is dominated by those projects and has forgotten a social dividend.

It is wise to look at the meaning of a social dividend. I wonder sometimes whether the Opposition understands what "a social dividend" means. Other speakers before me have canvassed important health and education issues and described the history of plans made by the previous government and the plans implemented by this Government. I will talk briefly this morning about an initiative that is related to an issue raised by Hon Derrick Tomlinson. When this Government came into power our Premier, Mr Court, caught a train from Armadale to Perth. On that train he met a mother with a young child who was being brought to Perth for renal dialysis. Renal dialysis, for failure of the kidneys, is an extremely expensive and ongoing medical procedure. The initiative which the Minister for Health announced some weeks ago, with the support of the Premier and all members of the government, is DonateWest. I will spend a few moments emphasising the social dividend that DonateWest will bring to Western Australia.

DonateWest is the name that has been given to the project for organ donation in this State. The minister has allocated \$1m over three years for this project. The project is aimed at increasing organ donation in Western Australia. It is important to consider the detail of the project and the social dividend that it will bring to those people who are unfortunate enough to be recipients of either donor tissue or organs. There are a huge number of people waiting for tissue donation - for instance, matching bone marrow for leukaemia. There are many children in our hospitals awaiting matching bone marrow and it is tragic that many cancer patients die because there is no matching tissue for them.

The Government has recognised the importance of the social dividend to ill people in Western Australia because of the State's very low rate of organ donation. Western Australia has the lowest organ donation rate in Australia. In 1998 there were only 196 organ donors in all of Australia; that is, 10 donors per one million population. There were 13 donors in Western Australia; that is, seven donors per one million population. DonateWest, information about which the minister has just released and is promoting, will try to increase the level of awareness in the community of the importance of being an organ donor. DonateWest is based on a project that was initiated in South Australia some two years ago and, in that time, that State has increased its donors by 35 per cent. The South Australian project has set up a shopfront in Adelaide to concentrate on separating donors from recipients and families, and on raising the level of awareness in the community of becoming an organ donor. It has taken the issue of organ donation into the mainstream of Adelaide so that it is not hidden but will become a more talked about subject. Only one donor substantially improves the quality of life for more than 20 people. Organs that can be donated include kidneys, hearts, lungs, livers and the pancreas. Donor tissue includes corneas, bone and associated tissue, and heart valves. Western Australian hospitals are capable of transplanting kidneys, livers, hearts and tissues. As some members in the Chamber will be aware, Western Australia has an opting-in program for donor registration, with over 500 000 donors registered on a database at the Sir Charles Gairdner Hospital. Most of those donors have registered their intent on their drivers licence and through the Australian Kidney Foundation and/or the Lions Eye Bank.

In December 1998 there were approximately 148 Western Australians on the waiting list for kidneys, four for livers, three for hearts and more than 130 awaiting corneal transplants. I do not know the number awaiting bone marrow tissue transplants. However, I had the opportunity to speak with a young nursing friend of my daughter who has returned to Western Australia after working for three years in the transplant section of one of the best hospitals in London. She was very pleased to note that the Western Australian Government had implemented this initiative as we can model our system on those of other countries in the world. For instance, in Italy and France, when people receive a drivers licence they tick a box if they do not wish to be a donor; the opposite to the situation in Western Australia. These are aspects from which we can learn when we revisit the issue of the compatibility of Western Australian drivers licences with other States of Australia.

Yesterday morning I was invited to address the Standing Committee on Uniform Legislation and Intergovernmental Agreements on the transplant issue as I had suggested that the committee should consider uniformity in that area of legislation. The South Australian system has been modelled on the Spanish system of donors. In Spain, people do not have to wait very long at all for an organ if they are on a waiting list. I had a transplant experience in my own family some years ago. About 15 to 20 years ago, my husband, who has fair hair and blue eyes like most people of Celtic backgrounds, and, as a rower, spends a lot of time on the water, required a corneal transplant. He had to wait for three years before he could have that corneal transplant, which was successful. However, that is the sort of relief people can expect.

A number of issues involved with organ transplants will raise ethical and moral questions and will need to be looked at from the point of view of legislative framework. The important point is that the DonateWest program will be cost-effective and will make successful transplants much easier. As I said earlier, at the moment the number of donors in Western Australia is very low. This initiative by the Government is targeted at increasing the level of donor organs. The cost of keeping patients waiting for major organ transplants is huge, not only from a government financial perspective but also from an emotional, physical and financial perspective for the family.

Last year I had a close connection with this issue. Good friends of mine had a 26-year-old son who had an accident while working as a pilot in Queensland. He had chosen to be an organ donor, so his parents were flown to Queensland. The point

of raising a personal experience is to highlight the trauma suffered by the family when waiting at the hospital in Queensland for their son to be declared brain dead. We must look closely at this issue. When is a person dead? Currently in Western Australia it is when a person is declared brain dead, and then that person's heart is kept going so the organs can be taken. That family's connection with an issue like that was traumatic for them and difficult for friends who were awaiting the final outcome and declaration of death in that case. It highlights that much is to be done in the area of organ transplants. There are issues such as who brings back the body. If somebody is waiting for a lung in Western Australia and it becomes available in Queensland or New South Wales, how do we transport that person or the organ? There are issues such as the cold chain being kept in place and organs being kept ready for transplanting. In the end, DonateWest will decrease the trauma suffered by somebody who has the misfortune of needing a kidney, heart, liver or tissue transplant. If we can increase the donors in Western Australia, it will reduce the cost. The opportunity for Western Australians to have access to DonateWest will be based on the South Australian model, in which people can walk in and be comfortable about talking about whether they want to be a donor; what happens if they are a donor; and the issues involved with families. If someone has declared in his or her living will that he or she wishes to be a donor, part of our legislation is unclear as to whether a living will can be overridden. Once a person is dead, I understand that there is no legal ability to have his or her living wish carried out. Some ethical, moral and legal issues must be looked at and improved.

The DonateWest program will provide support to donor families. As I said, a very close friend lost a son in a crash. Fortunately my friend is a nurse and her father was Dr Dicks, who was the flying doctor in Western Australia, so that family had a very close connection with the medical fraternity. It was not an issue for them, but it was an issue for some of their friends. It confronted some of our group of friends with the issue of how grieving parents come to terms with the living will of a young person in the event of sudden traumatic death in a road, or in this case a plane, accident. This is what DonateWest will do. It will provide support to donor families during that sort of decision-making process. It will provide better services to enhance the bereavement process. It will educate the public and the medical community. We can say that this social dividend will have a multiplier effect: Not only will it bring about an increase in donor organs, but also it will increase the level of awareness of people's ability to give part of their body to help someone else and help them accept all of the difficulties or the issues that surround it.

The cost proposals will include some infrastructure funding and some salary components. The total cost of \$3m over three years will become one of the positive social dividends that this Government has supported and provided, and the Opposition would do well to seriously consider this initiative of the Government as a social dividend for the whole community.

Another issue I will look at is the area of child and maternal health in Western Australia, and some of the health programs we have initiated to target children from birth to 12 years to improve their health and fitness. Some of the programs are covered in the child health programs from the state Health Department. In 1994 a state health plan for children and adolescents was launched and, in 1996, a national health plan for young Australians. The state health plan for children and adolescents, which was launched on 21 September 1994 by the then Minister for Health, Hon Peter Foss, identified five priority areas for improvement: The health of Aboriginal children and adolescents; the health of children with special needs; rural, remote, chronic and multiple health problems; socioeconomic and linguistic disadvantages; and mental health problems. As I have said a number of times in this House, we have approached the areas of health and education with some depth and wisdom. We have not just gone headlong into them. There was criticism from the other side of the Chamber that it had taken five years to implement a program to which Hon Derrick Tomlinson referred earlier. Ever since I have been in Parliament, I have said that all of our policies should be driven by sound research. If we look at any portfolio under this Government, we can mount an argument for this Government's programs being based on good research. That is the way public policy should be driven. The Opposition has gone off on a tangent on this motion and has accused us of misplaced priority. Anyone with a skerrick of intelligence and who analysed our policies would find that those policies have been based on, and are driven by, sound research. Programs are not just put in place to gain pixie points or to appeal to the community on a short-term basis.

The health of Aboriginal children is of paramount importance to this Government. All Governments would agree it is a complex and difficult issue to resolve. I will identify some government initiatives in the area of Aboriginal health, particularly adolescent and child health, that have been carried out under the Health portfolio. Members who have had experience with young Aboriginal children in the health or education system would be aware that young Aboriginal children suffer enormously and commonly from ear, nose and throat problems. Dr Kim Hames, the current Minister for Aboriginal Affairs, who is a doctor, brought to our attention some time ago the physical differences in the make-up of the Eustachian tube of Aborigines and Europeans - it is not the same - which is one of the reasons for the more frequent need for the insertion of grommets in the ears of Aboriginal children. The Minister for Aboriginal Affairs initiated a program of additional free surgery to solve that problem.

The coordination of Aboriginal health programs is probably one of the most challenging issues for the Government. As I said earlier, I like the way that a former Minister for Health, Hon Peter Foss, and his subsequent ministers looked at what we have been doing. The ministers put on the table the "State Health Plan for Children and Adolescents" that was launched in 1994, and then identified the priority areas: The health of Aboriginal children and adolescents; the health of children with special needs; coordination of services; dissemination and utilisation of health services data in a timely manner for both analysis of needs and the measurement of the outcome; and standards of health care.

In the area of maternal and child health, considered opinions on child health include those by J.P. Grant. In a report titled "The State of the World's Children 1989:10" J.P. Grant states -

Protecting the health and the education of today's children is the most basic of investments.

I have referred to documents of this nature before, because there is never any harm in the Government looking at other models to see what other nations are doing. For example, DonateWest was modelled on the South Australian program that was based on the successful Spanish model. I like the Californian report card system that looks in-depth at portfolios and marks them almost like a report card, so that one analyses where the problems are and ticks them off when they have been achieved, and then looks at where one is going. It is a sensible way for Governments to plan and to put in place projects and programs. Again, the social dividends that come from increasing maternal and child health in this State will have repercussions right across the board. We need to go into the Aboriginal communities. The Government has funded projects like the Kalgoorlie project which I have spoken about before. That was identified and supported by the TVW Telethon Institute for Child Health Research under Professor Fiona Stanley's leadership. I am convinced about and committed to that sort of project in which community health nurses go into the communities and help young mothers and mothers of young children, particularly in Aboriginal communities, with the basic elements of raising young children - breast feeding, moving to solids, hygiene, planning menus and health and early education matters. In "The State of the World's Children 1998:28" C. Bellamy states -

In communities where mothers are supported and cared for they are in turn, better able to care for young children.

We need to be conscious that if we can support mothers in their child-rearing practices right across the board, and particularly in the Aboriginal communities, we will improve the social dividends for those children and their opportunities for good growth and development not only in their health but in their education. Those of us who have worked in the education area know that if one has an unhealthy little child before one or a child who comes from an unsettled or unstable background, it is difficult to pick up from where one is meant to be teaching that child and to move forward.

The Government has a good record in the area of birthing choice. "Your Birthing Choice" was published in 1998 by the Health Department. Although the Labor Government talked about providing women with better and different birthing choices, the present Government is on the record and is proud of the fact that it has provided this choice in some areas. I note for the attention of the House the new hospital in Rockingham which I visited, at which expectant mothers and their families can use a birthing suite. It is a very much different picture from that which Hon Bruce Donaldson's mother experienced in the Armadale hospital. When I had my children some years ago, mothers went into hospital for the mandatory 10 days, and we looked forward to that 10 days in hospital. The mothers of today, because of the high cost and other issues, go home too early. If we change our concept of birthing and involve the family, it is important to provide a birthing choice. There will always be women who prefer to go into hospital and stay there for some time, and if that is their choice, well and good.

"Your Birthing Choice" published in 1998 provides information to enable women to choose the type of care they want during and after pregnancy and where they deliver their babies. I am at the stage of life when although none of my children is married, I have two nieces about to deliver babies. One of them is due this week. She praised the prenatal care that is given in a hospital in my electorate which provides enormous health and support at no cost to young, first-time expectant mothers. These sorts of initiatives are a social dividend of which this Government should be proud. I stand here proud, as a member of this Parliament and as a woman, to know that a number of the issues that we are dealing with will improve the social dividend and social outcomes not only for women but for our children. All of us know that if we have positive birthing experiences and the birthing of a baby is successful and positive, that will often determine how a baby progresses in the first few months of life. That often dictates also how a child's health is determined later on.

A personal health record is given to all mothers on the birth of their children upon which health information about the children is recorded over time until they reach adulthood. The recent findings of the Select Committee on Immunisation and Vaccination Rates in Children highlighted the low rate of immunisation across Australia and the need to issue a personal health record for children to follow them through to adulthood. The Health Department gives a personal health record to all mothers upon the birth of their children. That initiative will help mothers when they leave hospital to access the care that they need and to know where they can safely take their children for immunisation. The committee found that one of the reasons for the low immunisation rate was the lack of access to after-hours clinics or after-hours surgeries. The information that is now being given to mothers when they leave hospital enables them to access the whole range of health services that are possible.

Debate adjourned, pursuant to standing orders.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Public Administration - Outsourcing and Contracting Out: Investigations in the United Kingdom

Resumed from 21 October on the following motion moved by Hon Barbara Scott -

That the report be noted.

The CHAIRMAN: Members, we are considering the thirteenth report of the Standing Committee on Public Administration in relation to outsourcing and contracting out and the committee's investigations in the United Kingdom. The question is that the report be noted.

Hon CHERYL DAVENPORT: Thank you, Mr Chairman; I note your derision. However, this is an important report. It

has taken some time to prepare but it gives us a good framework. I am pleased that this debate did not conclude last week when I was unfortunately not able to be in Parliament due to a family funeral. Having been a member of the committee, I want to address a number of issues. I have taken the opportunity of reading the *Hansard* of last week and I will try not to repeat too much of what has already been said.

I wish to make a few comments about one of the examples of privatisation that Hon Barry House gave in his contribution to the debate; that is, the sale of British Telecom. Hon Barry House likened it to the sale of Telstra in Australia. While I share some of those views, I will make a couple of comments about the sale of British Telecom. I have a little knowledge of this because of some research I did for an essay on privatisation back in the mid-1980s when Australia was moving down that path - the Labor Government was considering the sale of Qantas and the Commonwealth Bank of Australia and there was talk of Telecom being sold. Hon Barry House made the point that the employees took up many of the share offers when British Telecom was floated publicly and the same happened in Australia - although it was not necessarily the employees; more ordinary people have taken up those share offers. Like Hon Barry House, I make the point that in Britain those shares have since been bought up by the multinationals, and I share his concern that that may ultimately happen here. A point I will make that contrasts the British Telecom and Australian Telstra experiences is that Britain has a much bigger public sector than Australia in terms of percentage of population. Telstra is a major asset which we have moved at the commonwealth level to sell. I am concerned that while the reduction in the public sector in Britain occurred after the privatisation, in Australia the reduction in the public sector work force occurred before the privatisation. The potential for downsizing the work force in Australia is still being mooted but much of it has occurred already. After that privatisation in Britain in the early 1980s, it was very interesting that domestic call rates rose by 10 per cent. However, at that time Britain could also claim to have the lowest international call rates in the world. The benefit did not necessarily flow to the ordinary person in the street. The privatisation provided the corporate sector with more benefits than it did the local community. Another thing experienced in Britain at that time was a prohibitive rise in the cost of and access to installation of new lines for people in rural areas which was harder the further away one was from the bigger centres. There were benefits. However, I am not sure they were altogether reflected as benefits to the whole community. It was very much seen as a corporate windfall.

Hon Helen Hodgson made the point that we need to take real account of the social implications of privatisation in this whole debate about outsourcing, contracting out and privatisation. We heard anecdotal evidence to that extent. An area Hon Barbara Scott mentioned in her earlier contribution to the debate was the fact that women were a major part of the affected work force. The committee had documented evidence of that from the Centre for Public Services which we visited in Sheffield. The report the centre prepared on behalf of a number of local governments made clear the effect contracting had on women's lives and those of their families. After compulsory competitive tendering was introduced, many women were forced to accept split shifts if they wanted to stay in jobs and in many cases that had a big impact on family life.

While I am talking about compulsory competitive tendering, I want to enlarge further on the CityWorks program in Newcastle where the council was split into two sections. I will concentrate on the operations of the direct service organisation. On going back through my notes it was interesting to read that the direct service manager - whose name I have forgotten, I know his first name is Barry - revealed that in his view the original concept of CCT was to ensure the eventual privatisation of the asset but the byproduct created through CCT was higher quality service delivery through changing management and work practices. It also revealed to the wider community the fact that local government organisations could retain ownership of their service delivery units and that was what had occurred in Newcastle. There is no doubt that a good deal of pain was associated with the process of downsizing the work force. We must take our hats off to the local community that it was able, through the trade union movement, to work with the local government organisation to make sure as little pain as possible was felt by the local community.

I compare that with the situation in Western Australia. In many instances that downsizing of the work force, not necessarily in local government, but certainly in some local governments, has occurred without any privatisation. It has certainly occurred with the sale of public assets prior to privatisation. I highlight the Midland Workshops. I will not go into great detail, but that work force downsized significantly prior to the implementation of the privatisation of that service under the Court Government. I mentioned previously in the debate on Westrail that Westrail's work force had downsized significantly over the past decade, well in advance of the move to privatise it.

Hon KIM CHANCE: When dealing last week with this report and the motion to note the report, towards the end of that session I referred somewhat briefly to an issue which arises in paragraph 7.3 of the report. It deals with people's assessments - they are not much more than that - of the bottom line effect of compulsory competitive tendering - referred to as CCT in the report - which is the umbrella name for the driving legislation for the privatisation process in the United Kingdom.

The point made in paragraph 7.3 takes into account a range of issues. In that commentator's view, the bottom line effect for Britain is that the net impact on the economy has been a 10 per cent increase in the public cost of services. That figure has been arrived at through various processes. Principally, it seems to begin from a study performed by the Equal Opportunities Commission, which I understand is the only study that has examined the employment and public cost impact in any great detail, particularly in the building, cleaning, education, catering, refuse collection and sports and leisure management services. As reported in subparagraph 7.2.2. of the committee's report, that study revealed that tendering had had a 16 per cent increased impact on public costs. In 1996, an internal study by the Efficiency Unit of the Cabinet Office indicated savings of an average of 12 per cent. Admittedly, that was based on unaudited data and limited to the effect on central government, which is a very different baseline from that dealt with by the EOC. These are two very different pictures; one broader picture indicating an increase of 16 per cent in public costs, and another indicating an average saving of 12 per cent when the impact was applied to central government only.

Paragraph 7.3 of the committee's report tries to pull them together and states -

One commentator has stated that if the principles and findings of the EOC Study are applied to the Efficiency Unit findings, this produces a net impact of 10% increase in the public cost of competitive tendering by market testing and CCT.

It is an important issue to consider in terms of the overall approach Governments take to privatisation, outsourcing, contracting out and whatever element of that triage is involved. While not taking too much from that, the first point to arise is that privatisation and that group of initiatives are very clearly not an undisputed route to efficiency. To rely on privatisation to deliver bottom of the line cost savings is probably unwise. The second issue that arises - we can perhaps do something about this in a real sense - is that Governments should not proceed down the route of privatisation until they know precisely the current in-house service provision costs, with all its cost benefit and service outcomes. If or when it is decided to proceed to privatisation or contracting out in that service, it should not be done until we have that picture of the current service delivery equation. Also, it should not be done without knowing very clearly what the cost projections and the outcome projections for the privatised service will be. That is where some awful mistakes have been made.

Hon Cheryl Davenport referred, albeit fleetingly, to the Midland railway workshops. People have been told over the years that the workshops had to be privatised because they were losing \$20m a year. The Government has never been able to establish not only whether it was a correct statement, but also how the figure was worked out. Members on this side of the Chamber have never seen a document showing how the \$20m figure was arrived at. However, in every year since the Midland railway workshops closed, Westrail's maintenance costs have increased. Is it now losing \$25m or \$30m? The point I make is that before proceeding, we should have clearly defined targets, and the contracts which will put together the new format to replace the in-house service should be tied to those outcomes in a strict legal sense. If we do not know the outcomes, it should not be done.

I go to a current example of that with respect to another matter of privatisation. I have a letter from the Attorney General, dated 26 February 1999, part of which reads -

It is proposed, however, that the financials would be disclosed on successful conclusion of the contract negotiations. This is expected to be in the second half of March.

To me, that discloses good intent. The minister was prepared to say that he would disclose the financials at the appropriate time. Nobody suggests that sensitive commercial material should be disclosed when it might confound negotiations. The fact is that it is now late October and those financials are still to be released. We are now debating a Bill which I understand can be affected by the financials referred to in this letter which were expected - not promised - to be released in the second half of March. It is now late October, and we have not seen them. That is an example of what I am getting at. The Government is launching itself into privatisation processes, on faith. That was a term I used in respect of the Bill providing for the sale of Westrail freight. The Government expected members of the Opposition to take so much on faith. I and other members of the Opposition were not convinced of that. I can understand the Government's problem in that it cannot release certain information. Nevertheless, it should be able to show its objectives dollar by dollar. It should be able to show that the contract it negotiates with people, without disclosing the exact nature of the contract, will deliver certain outcomes.

Hon M.J. Criddle: If you pass the Bill, we might be able to get closer to giving that to you.

Hon KIM CHANCE: The difficulty is passing the Bill without knowing the objectives.

Hon M.J. Criddle: We have clearly identified the objectives. You are talking about dollar-for-dollar detail.

Hon KIM CHANCE: I acknowledge that the dollars are hard.

Hon M.J. Criddle: What do you want?

Hon KIM CHANCE: The Government should state the outcomes with freight rate, future investment and public participation, and give a number of reasons for that.

Hon M.J. Criddle: That is the first time I have had that pointed out in all the negotiations we have had.

Hon KIM CHANCE: Perhaps I should have been more precise in putting my argument.

Hon M.J. Criddle: The problem is that airy-fairy reasons are given for not going ahead. We put up a proposition, and cannot get any retort which is even responsive.

Hon KIM CHANCE: I accept that criticism. I have made those points before - not in respect of the Westrail debate, true - relating to the question of privatisation generally. We are expected to take so much on faith.

Hon CHERYL DAVENPORT: I was talking about the impact of compulsory competitive tendering, both positive and negative, before Hon Kim Chance spoke. I now raise some negative effects on workers from this policy. My concern was borne out in discussions with UNISON, one of the bigger public sector unions in Britain; it is the equivalent of the hospital services and miscellaneous workers unions in Australia, and has coverage of people in cleaning, gardening, hospital catering, orderly positions and the like. The union official to whom we spoke was invited to talk to us by CityWorks. I was interested in some of the union official's comments. It drove home that CCT particularly has concentrated on the blue-collar more than the white-collar work force, although that is starting to change now.

Hon Barry House: It is interesting that the general manager of CCT is an ex-union official.

Hon CHERYL DAVENPORT: He was not the big boss, but somebody lower down the scale.

He said in relation to the move to the white-collar work force, particularly in the IT area, that the emphasis would be on clerical workers, who are predominantly women. From my perspective, across the board, it has been essentially aimed at workers who are least able to protect their jobs. It will be interesting to watch how that progresses through the white-collar sector.

The official also drew to our attention, as a down side, the disadvantages for local authorities winning contracts in-house against the multinational companies with which they must compete. Also, the smaller private contractors have essentially been bought out by larger contractors, and some such services are now delivered by only five or six big contractors. CCT set up the notion of competition; however, as it progresses, that competition is contracting as the number of companies which can provide the services is reducing. He said that agreements had been made between contractors on the prices they would bid, which was effectively cutting out the smaller contractor. Also, it made it difficult for in-house bids if contractors with a multi-national company - with the support that entails - out-compete, especially if there were unspoken agreements about the bid prices.

I concentrate also on the question of service delivery and ensuring that standards are in place with contracting out. The committee learnt that a lack of positive experience was evident in monitoring how services are delivered. Most monitoring about which we were told, certainly in the CCT area, was done in-house. This is negative as it is easy to protect one's business from consumer complaint if one is evaluated only from inside. It is important that many of the services are evaluated independently to ensure that proper standards and benchmarks are adhered to.

Also, the Blair Government made an election promise - the committee was in Britain a couple of months after the new Labour Government was elected - to set up a number of best value pilot projects in order to establish benchmarks in service quality, and to develop mechanisms which were accountable and could make CCT more flexible in-house. I will be interested in time to see the information and research that those projects reveal.

The essential nature of an independent monitoring and evaluation system is that clients benefit. We must ensure that the contracting agent, if it is a local, state or federal government authority, ensures that the service is being developed as those who imposed the contract envisaged. I know it is probably too soon to make too much of this situation, but the Standing Committee on Public Administration is looking at using the framework in appendix 8 to see whether some of the contracts are working effectively. I have relevant experience in the community sector in this regard: My organisation would receive a two-page letter two or three years ago from the minister or Health Commissioner allocating money over 12 months, and this indicated how it would be received. The chair of the organisation would sign the letter.

In the past two years we have had to sign a 20-page contract in order to receive our money. Our service chose to have a lawyer look at it to see whether it contained matters we were not expecting and we put forward a range of questions and comments in relation to the contract itself. The Government, and the Health Department in particular, were not prepared to negotiate at all. We were told that unless we signed we would not get the money. It is all very well to have contracts but I think it is a two-way street. The contracted agency ought to be able to have input into the contracts and to be able to make comments without having the ultimatum thrust at it that it will lose funding.

This report has been a very positive exercise and it is something from which we, as a State, can benefit. I do not think it matters which party is in power, we need to ensure that the community at large is not affected adversely by contracting out and privatisation. We have tried to set a framework by which to measure services in terms of standards and accountability mechanisms when all tiers of government are contracting out.

Hon KIM CHANCE: I am also trying to draw my comments to a close on this matter. I am conscious that this report has been before the House for some time now. I have already spoken about the extent to which I believe processes ought to be initiated prior to privatisation proceeding and if it is possible to express this in a single word, the word that best expresses it is "transparency". We need a great deal more transparency of process both about the cost of the current service and the way it is delivered in all its aspects - that is, the economic and social costs - and those costs ought to be capable of being compared in a very transparent way to the outcome of the proposed privatisation. It is something I do not believe we have attempted to do, and when I say that I am not being critical of one side or the other. I do not believe that Labor privatisations have attempted to do that either. It is a very important part of the process and one that ought to be adopted. The only legislation of any kind I have seen which has attempted to do that was a Bill introduced by Hon Yvonne Henderson in 1991 or 1992 in the other place. It set out to make it a statutory requirement to show the predicated outcomes of the privatisation.

I will move to an issue that arises in part four of the report which has been referred to previously, although not in the context of discussion of this report but rather in the debate on the Westrail legislation. I refer to what has become known as the TUPE principles; that is, the Transfer of Undertakings (Protection of Employment) Regulations 1981, which applies the European Acquired Rights Directive. This is European law which is binding on the United Kingdom and has two outcomes, the first part of which I think members will be familiar with and that is to open up markets to competition. Apart from being an employee protection mechanism, it is also Europe's equivalent of our competition principles policy. The second component is to protect employees during takeovers of this nature. The TUPE principles are very specific and, as I understand it, not very effective because, on the information I have been provided, employers are able to find ways around the laws within about six to 12 months.

Hon Barry House: So much for European unity - the French are blocking the tunnel!

Hon KIM CHANCE: The French are blocking the tunnel are they? That is a little cross that the British have to bear. At least they are not shooting their neighbours like we are!

TUPE sets out to protect employees' jobs and conditions when their work is taken over by a new employer. It requires the maintenance of an employee's existing terms and conditions and some of the consequences which apply include that the new employer who takes over the work must keep the existing work force; he cannot pick and choose who to transfer. The new employer must offer a comparable position with the same rates of pay and conditions of service. Time spent working for the previous employer counts towards the length of service with the new employer. Any dismissals related to the new ownership are automatically unfair, and there are a number of other very specific conditions in the legislation. The reason the committee was keen to bring this before the House and include it in the report was not to advocate that Australia adopt similar legislation, but because it has been proved that this legislation is not terribly effective. We should consider some of the outcomes of European law in respect of some of the larger privatisation initiatives which have taken place where obvious mistakes have been made in the conversion from public sector awards to private sector awards, in the conversion from a public work force to a private one. This has been a matter of immense cost to Western Australia and a huge waste of human resources. The classic example of this is the former MetroBus employees who are still waiting for something to happen.

The rail, tram and bus union, which we in Western Australia refer to as the PTU, which represents nearly all rail workers in the Western Australian public sector, brought to our attention a number of factors, some of which I had never heard of before, which have led to the problems experienced by the MetroBus employees and the problems that it fears may occur in respect of Westrail employees in the future should that privatisation go ahead. One of the issues the PTU raised is that this system ought to be introduced as a component of the Westrail legislation, as a result of its observations of what happened during the takeover of Australian National Railways. In that case an outrageous situation occurred where employees literally had to sign workplace agreements on the Monday after the takeover so that they could start work. I do not think that is a good outcome either for the employer or the employee. The limited adoption of some of the TUPE principles which would require a 12-month period in which the new employment arrangements can be organised between the unions and the employer would be highly desirable. It would take a lot of stress from the employer and would make for a better relationship between the employees and the employer, particularly in the case of large work forces such as MetroBus and Westrail. It would take a lot of the heat out of the situation if the employees knew that they had an albeit limited period, but a period nonetheless, of smooth transition until they worked out their new industrial arrangements with whomever their new employer was going to be. That is one issue that must be considered, if not adopted, in statutory form as it is in European law.

The other matter I will refer to briefly in appendix 8 of the report - to which I thank Hon Cheryl Davenport for drawing members' attention - relates to the key outcomes of the report, the formal terms of reference which have now been adopted by the Standing Committee on Public Administration for the continuation of this inquiry. The privatisation and contracting out inquiry has been adopted by the Public Administration Committee as an ongoing issue as we have no intention of ever terminating the inquiry. It is part of our ongoing work and we have been in that mode for some time but without separate terms of reference relative to the inquiry.

From appendix 8 onwards on page 131 of the report, members will see that one of the outcomes of the UK report was the adoption of a distinct set of terms of reference. Hon Cheryl Davenport also pointed to the cost of accountability, an issue which we picked up from the terms of reference. The committee will probably inquire in the near future into the cost of accountability. Hon Cheryl Davenport pointed to the costs incurred by non-government organisations, such as the home and community care service providers, when acquitting the funds with which they are provided. Those costs have now risen dramatically and are starting to absorb the function which they set out to perform in the first place; in other words it has now become so expensive -

Hon B.M. SCOTT: Mr Chairman, I believe Hon Kim Chance wants to finish.

Hon KIM CHANCE: The costs of complying with the very high levels of accountability which are now required are becoming a problem. It is not confined to the NGOs but, rather, is a problem which runs right throughout government departments and which applies to private sector providers of public services. We must carefully address that problem. No-one, in particular the Opposition, is in a position to argue that our accountability requirements are too high; from time to time members say that they must be higher. However, since the release of the report of the Burt Commission on Accountability, the Parliament has adopted in a bipartisan way the requirement for a much higher standard of accountability when dealing with public funds.

Hon Barry House: True, but it has come at a high cost.

Hon KIM CHANCE: It has certainly come at a high cost. The role that we have placed on service providers all the way up the line to the Ministry of the Premier and Cabinet and the Auditor General, is getting to the point where the costs of accountability are absorbing more than anybody ever expected they would absorb. I do not know whether there is an answer to the problem and I will not pre-empt the findings of the committee because we are very much at the start of the process, not even halfway through. However, it is a problem, the committee is aware of it and hopes to address it in a very real way.

Hon Cheryl Davenport gave an example of the NGOs and I will give another example involving the Health Department. Members will be aware from the Auditor General's reports in the past three to four years that he has been critical of the low level of compliance in reporting requirements by small health services in Western Australia, particularly country health services. The Opposition has been critical of the Health Department as a result of the Auditor General's report. On the other hand, I visited the Health Department at the interface level where patients are required to provide information which is so onerous that the Health Department will never be able to comply with the accountability requirements. I have seen a questionnaire which an average of one in three clients of a health service is asked to complete. That questionnaire would have taken a person with reasonable medical knowledge and administrative and literacy skills almost half an hour to

complete. If one in three of our health service clients in the country is asked to complete a questionnaire like that, bearing in mind that some of them are not sophisticated people -

Hon Barry House: And the city.

Hon KIM CHANCE: Yes, and in the city. In some cases a translation of the questionnaire would be required. The imposition of that requirement on our health service providers will result in their spending more time filling in accountability requirements than on delivery of health services. That is a crazy outcome and one which I brought to the attention of the Auditor General in my private capacity. He said that it is a problem for the Health Department, not for him. I said that it is a problem that he and the Health Department must solve, otherwise he will be coming into the Parliament every year while he holds his job and reporting a failure to comply. I hope the committee will consider that issue too.

I am aware also that private sector providers are faced with similar problems, particularly in the private education sector. I believe the problem becomes horrendous if they are receiving funds from both the Commonwealth and State Governments. That is just one element of the committee's future direction on the terms of reference.

Hon B.M. SCOTT: As the person who led the delegation to England, I will spend a few minutes wrapping up this report to the Parliament. The contributions made by committee members, Hon Cheryl Davenport, Hon Barry House and me, to the issues that were placed before us in the terms of reference, and the connection to the thirty-sixth report of the Standing Committee on Public Administration, are relevant, important and worthwhile findings for this Parliament. I remind the House that with the advent of the national competition policy and the Hilmer reforms in Australia, as I said earlier in my report, Western Australia must consider the impact of contracting out and outsourcing as a matter of priority. The relevant and important issues that have been raised in the debate reflect our findings on privatisation and outsourcing. The committee potentially can apply the findings of the UK experience to the benefit of the Western Australian community, which benefit will come in a number of different ways. However, we must look at contracting out in an unbiased way and recognise that if it is properly managed, it may reduce costs and improve productivity. It may also enable government agencies to focus resources on work which is in the public interest and which meets community service obligations. Hon Cheryl Davenport highlighted the community service obligations which must be included in contracts. The committee considered the impact of casualisation of the work force and the fact that contracting out has been successful in changing the culture of the Public Service. One of the reasons for that was that it was forced to compile unit costs of delivery of service and to relate that to real costs, which the public sector had never really been forced to do. We learnt that the compulsory competitive tendering legislation forced public sectors in England to look closely at those costs.

As a result of the committee's inquiries, there is an urgent need for careful consideration of the way in which contracting out is approached in Western Australia. As members of the committee have said, it is important to define core public services and to separate them from the trading activities of government. Defining core government services is a debatable issue and we will not go into that today. However, the committee believes analysing the impact of contracting out on the costs of services may be complex, but it is necessary. Hon Kim Chance has highlighted the need to audit services prior to their outsourcing and to continue that audit. We have highlighted some of the complexities that arise out of contracting out.

In summary, it is important to realise that although contracting out and outsourcing provide many benefits to businesses and the community, these processes must not be regarded as a quick fix to improve the government short-term bottom line, and I am committed to that. Instead, there must be longer term objectives to reduce the costs of government and services and to improve productivity and service quality. If we look at reducing the cost to government and improving productivity and service quality, and we are driven in the outsourcing argument by those two aspects, we will have learned and gained much. The United Kingdom experience indicates that there are no textbook answers to contracting out and that each case must be assessed on its merits and with full knowledge of both the benefits and the risks. However, the committee found that if service quality and accountability are managed properly and suitable guidelines and mechanisms are in place to ensure cost effectiveness, many benefits can be enjoyed. The report has been a useful and worthwhile one. I congratulate all of the members who have contributed to the debate and those who helped us prepare the report over the time lapse between the trip to England and the report being tabled in the Parliament. I acknowledge again in this Chamber the good work that was done by Mia Betjeman in picking up the work that was done by Elizabeth Lawton, who left before this report was prepared. It is very difficult to pick up a complex set of principles, notes and reports. I commend the members who were part of the travelling committee for their detailed record of the meetings they attended, which made the reporting issue for staff much easier. I commend the report to the House.

Question put and passed.

Joint Standing Committee on Delegated Legislation - Shire of Denmark Signs Local Laws 1999

Hon B.K. DONALDSON: I move -

That the report be noted.

Events have overtaken this report and debate is no longer necessary.

Question put and passed.

Joint Standing Committee on Delegated Legislation - Shire of Northampton Signs Local Laws 1999

Hon B.K. DONALDSON: I move -

That the report be noted.

Likewise, events have since overtaken the need to debate this report. It has been subject to other forms of debate in this House.

Question put and passed.

Standing Committee on Legislation - Forensic Procedures and DNA Profiling: The Committee's Investigations in Western Australia, Victoria, South Australia, the United Kingdom, Germany and the United States of America

Hon B.K. DONALDSON: I move -

That the report be noted.

Very few people have an opportunity to be involved in an inquiry such as this. We all learnt a great deal. This inquiry was established as a result of a slight amendment to the Criminal Law Amendment Bill which would enable reasonable force to be used when a person has been charged. It was to change section 236 of the Criminal Code. It whetted our appetite somewhat because we realised the advantages of the science of DNA typing, DNA fingerprinting, as some people refer to it, and DNA profiling in the area of criminal investigation. In 1984 when Professor Alec Jeffreys from the University of Leicester first developed the identification technique, it was mainly for identifying genetic diseases. It was then extended to paternity testing, and I am sure that, at times, people wished it had not reached that point. It was then extended into criminal investigation. Professor Jeffreys has made a significant contribution to society generally where forensic science is used. The advances in that area of science have accelerated in the past three or four years. The capabilities of this technique is quite overwhelming.

I acknowledge first of all the contribution, tolerance and patience of my colleagues on the committee. People would not be surprised to know of my strong, unswerving passion when I believed a science exists which we should use to society's advantage. At times I was very irritable and pretty hard to work with. We worked for many hours and many days. I am sure my colleagues will be very nice about it, but I would have been a pain at times. I also acknowledge the work of Mia Betjeman, the advisory research officer. It is a very comprehensive report and she and Connie Fierro, the committee clerk, spent a great deal of time on this. We were informed that Mia spent many nights on her computer bringing together all the facts which we had investigated over a period. Mr Chairman, you will be aware, as you were involved with this in the early part, that we recorded every place we visited, and the groups, organisations and individuals to whom we spoke. I acknowledge the tolerance of Hansard when we sent back a number of tapes to be transcribed. There was a mountain of information from the people from whom we sought information.

Progress reported, pursuant to standing orders.

Report

Resolutions reported and the report adopted.

Sitting suspended from 1.00 to 2.00 pm

ORDERS OF THE DAY

Motions for Disallowance - Discharge from Notice Paper

On motion by Hon Ray Halligan, resolved -

That the following notices of motion for disallowances be discharged from the Notice Paper -

Rules of Harness Racing 1999
 Rules of Harness Racing 1999 - Notice of Amendment
 By-laws of the Western Australian Trotting Association - Notice of Amendment
 The City of Joondalup Trading in Public Places Local Law 1999
 The City of Joondalup Animals Local Law 1999
 The City of Wanneroo Trading in Public Places Local Law 1999
 The City of Wanneroo Animals Local Law 1999

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL (No. 3) 1999

Second Reading

Resumed from 27 October.

HON N.D. GRIFFITHS (East Metropolitan) [2.02 pm]: The Australian Labor Party agrees with the Bill, and wants it to go through this House as quickly as possible.

HON HELEN HODGSON (North Metropolitan) [2.03 pm]: We also agree with this Bill. I do note, however, that it corrects an anomaly that arose due to the process we adopted to deal with another Bill earlier this month. Unfortunately, the rapid manner with which we dealt with that Bill meant that we did not pick up this anomaly until after the Bill had been passed. It is important that it be rectified and we are happy to expedite the process.

HON J.A. SCOTT (South Metropolitan) [2.04 pm]: The Greens (WA) will also support this Bill and agree with the comments by Hon Helen Hodgson that if the Bill had not been rushed through so quickly we might not have had to deal with this Bill.

Question put and passed.

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

CUSTODIAL SERVICES INSPECTIONS PROJECT*Statement by Minister for Justice*

HON PETER FOSS (East Metropolitan - Minister for Justice) [2.05 pm]: I thank members for granting me leave to make a ministerial statement on the first report of a prison inspection conducted by an interim inspectorate - the Custodial Services Inspections Project - which was established by the Ministry of Justice in June 1999.

It was originally the intention of this Government that inspections of prisons, juvenile detention centres and court custody centres would be accomplished by an inspectorate from within the Ministry of Justice, but independent of the Offender Management Division. However, following substantial consultation with a broad cross-section of stakeholders, including the Australian Democrats in this House, the Government has determined that this function should be carried out by an independent statutory office, pursuant to the provisions of the Prisons Amendments Bill 1998 and the Court Custodial Services Bill 1998. The Ministry of Justice's Custodial Services Inspections Project was formed by seconding experienced Ministry of Justice officers and a senior officer from the UK Home Office with experience in prison inspections. The project was established in order to prepare the Ministry of Justice for the rigorous process of inspections to be applied by the proposed independent statutory office. This included preparing operational staff for heightened external scrutiny, improved record keeping and the reinforcement of an ethos of continuous improvement.

The document I am tabling today is a report of an inspection of Bunbury Regional Prison that took place from 25 July to 30 July 1999. The focus of the inspection was on the treatment of, and conditions for, prisoners and also the effects of imprisonment on particular groups of prisoners. The report addresses the key outputs of the Prison Services Division of the Ministry of Justice relating to the custody, care, wellbeing and rehabilitation of prisoners, and reparation by prisoners. The community and Parliament should view this report as a positive step in the continual improvement of prisons in Western Australia and as an indication of the open public accountability the Government is now demanding of the Ministry of Justice. Importantly, the report provides a most useful snapshot of the prison during the last week of July this year that can be used as a benchmark for future inspections. The report identifies a number of strengths in the management of Bunbury Regional Prison. Among these is the prison's success in integrating sex offenders with other prisoners. Other positive achievements include high prisoner participation levels in education and vocational skills training. The general preparation of prisoners for their release back into the community is also acknowledged as a strength.

However, a number of matters of concern are also identified. In particular, concerns about the operation of the sex offender treatment program are candidly detailed in the report and will need to be addressed in a timely manner. The report contains recommendations directed to the Superintendent of Bunbury Regional Prison for change at the prison level, and to the Director General of the Ministry of Justice for change required to policy and statewide procedures. I have requested the Ministry of Justice to give detailed consideration to this report and to develop an action plan for addressing the concerns that have been raised. It is also intended that the ministry implement strategies for the transfer of the good practices identified in this report to other prisons to ensure the continual improvement of prison services. The publication of this report puts beyond doubt the Government's determination to improve the prison system and to make prisons transparently accountable to the community.

[See paper No 307.]

COURT SECURITY AND CUSTODIAL SERVICES BILL 1998*Third Reading*

HON PETER FOSS (East Metropolitan - Attorney General) [2.08 pm]: I move -

That the Bill be now read a third time.

Question put and a division taken with the following result -

Ayes (16)

Hon M.J. Criddle
Hon Max Evans
Hon Peter Foss
Hon Ray Halligan

Hon Helen Hodgson
Hon Barry House
Hon Norm Kelly
Hon Murray Montgomery

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

Hon Greg Smith
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon B.K. Donaldson (*Teller*)

Noes (12)

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

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

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

Hon Tom Stephens
Hon Giz Watson
Hon E.R.J. Dermer (*Teller*)

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) BILL 1998*Third Reading*

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and returned to the Assembly with amendments.

PRISONS AMENDMENT BILL 1998*Second Reading*

Resumed from 27 October.

HON JOHN HALDEN (South Metropolitan) [2.12 pm]: At this point in the continuation of my remarks I will now endeavour to address some of my specific concerns. The Government and the ministry involved in this piece of legislation are clearly pushing the case for why there should be private prisons. One could not complain about that. It is government policy and that is what the Ministry of Justice must do. However, I looked at a recent joint parliamentary Senate committee which inquired into the negotiations and consultations concerning the multilateral agreement on investment - commonly known as the MAI. The Commonwealth Treasury was responsible for this round of negotiations and involvement. I know members might not think there is much commonality between the MAI and private prisons but there is some. The commonality is Treasury's approach to negotiations of the MAI. The committee was dominated by conservatives and brought down a finding that Treasury and its role in supporting this process were flawed. The committee said that it gave a lot of attention to Treasury's role because it needed to draw attention to how excessive zeal for a course in which it believes can sometimes blind an organisation. I wonder whether this Bill is not another example of a very zealous minister, and perhaps even a zealous ministry, taking up a cause - in this case the privatisation of our prison system - and becoming blind to what they are doing and advocating.

A second point the committee made which is relevant to the debate on this Bill, is that in seeking to explain the case for the agreement, Treasury had been concerned to express the benefits of the draft agreement but never presented the need for Australia to be involved. The report said Treasury had taken these to be the same issue. It also said Treasury did not understand that it was a joint parliamentary committee and for many people these were two quite distinct issues. It is the same in this case. The Minister for Justice and the Ministry of Justice have never detailed a sustainable case for the need for private prisons in Western Australia. To highlight my point, in the second reading speech the Government stressed the so-called benefits of this Bill, which is all about setting up a framework to allow for the privatisation of prison services. Yet it failed to present the case for why this State needs private prisons. Under the guise of setting out the case for private prisons, the Government concentrates on only the perceived benefits. It does not separately set out why Western Australia needs a private prison system to deliver these perceived benefits. It does not lay out in any clear way what is wrong with our current system or what are its deficiencies. How will a private prison be better?

We have heard nebulous concepts like a change of culture. I referred to this change of culture last night. My belief then and now is that the change of culture is illusory. The only change of culture I can work towards accepting in this is that workers' rates of pay will probably be lower. I think that is about the most substantial benefit. The minister has said there will be new technology. Yes, there will be new technology and new processes but there is nothing sacrosanct about the private sector delivering new technology or new processes - the public sector can do exactly the same. Why the need? That is not clarified at all. In the second reading speech, assurances were made that the Government was not ideologically tied to the concept of private prisons. The minister has told us that on numerous occasions in this place. The minister stated in the second reading speech -

The provision of these services under contract will be pursued only to the extent that it will transparently improve the overall effectiveness and efficiency of our prison system.

We were then provided with a catalogue of the perceived benefits to flow from the private sector participating in the design, construction, financing and management of prisons. This was on the basis, so we were told, of a look at developments overseas and more recently here in Australia. We were informed that the Ministry of Justice had observed these developments closely and evaluated them and that the failures as well as the successes had been analysed. Moreover, the performance of our prisons had been compared with the results achieved elsewhere. However, we were not told what the failures associated with private prison were and we were not told how our prison system rated. We are left to assume, of course, that it did not rate very well. It was not a great start for a Government, via the Minister for Justice, assuring us about the perceived breadth of its commitment to transparency in the process.

I have asked for information about the growth rate of prison populations, but that information has not been provided. Outdated projections on the public record were so woefully incorrect that to suggest the department has a clear idea of where it is going in respect of requirements for its services is to stretch the imagination. The 1999-2000 budget states that the average daily muster will be X number of prisoners. However, on 1 July 1999 that average had been exceeded. These are the projections and plans we are given to reassure us that the Minister for Justice and the ministry know where they are heading. One would have to be sceptical of their predictive and planning capabilities. The second reading speech informed members that evaluations of the private and public systems have been undertaken. However, they cannot get a near-accurate assessment of the average daily muster for 1999-2000. By the way, they did not get anywhere near the mark in 1998-99, and we are supposed to have confidence in this evaluation process. It is difficult.

The perceived benefits from private sector participation referred to in the second reading speech extend to innovation and flexibility. What does that mean in the context of prisons? Corrections Corporation of America has some very innovative processes. It allows prisoners to walk out the gates of maximum-security prisons in the United States with monotonous regularity. If that is the innovation and flexibility we require in our prison system, I congratulate the Government on its choice of contractor.

We were told that this private system will be better and that it will provide more cost-effective services. We were even given a list - provided by the United Kingdom Chief Inspector of Prisons - of areas in which privately-operated prisons have out

performed the publicly-operated prisons in Britain. This again gets back to the issue which I raised earlier and which was referred to by the Senate committee inquiring into the Multilateral Agreement on Investment process. It pointed out that there was a tendency for confusion on the part of any organisation with excessive zeal for a cause, between a mere listing of benefits and accompanying failure to go on to demonstrate the need.

I ask again: Where is the need? There is a need to accommodate Western Australia's growing prison population more appropriately, but where is the need for a privately-operated prison? As I have said previously in this place, have I seen the thousands queueing at the doors of Parliament House demanding a privately-operated prison system! No, I have not; nor has anyone else. There is no demand for such a prison system, except by Corrections Corporation of Australia and the unsuccessful tenderers.

Hon Kim Chance: It is like the demonstrations we had in favour of Graham Kierath's industrial relations legislation.

Hon JOHN HALDEN: Yes, we saw all the workers and bosses clamouring for the Government to put forward that repugnant legislation.

Hon N.F. Moore: You would not call those hanging from the chandeliers "workers"!

Hon JOHN HALDEN: The Leader of the House can say what he likes. I will endeavour not to be baited by ministers on the front bench today. I was probably baited a little last night and took an opportunity to be forceful about this matter.

Where is the need? Why have we gone down this path? As I said last night, having been a public servant and having watched administrative actions and decision-making processes over the years, I wonder whether we are not simply in the convenient cycle that often goes from centralisation to decentralisation to regionalisation and now to privatisation.

Hon Kim Chance: It is not to save money; the minister said so.

Hon JOHN HALDEN: I am sure there is an underlying belief that it will save money. The difficulty with that is the UK experience - the one the minister continually refers to as a success story. Successive conservative Governments in the United Kingdom took the path of private sector management of prison services. The picture does not appear as rosy as the minister would have us believe, and clearly lessons can be learnt. The minister always tells us that he has learnt every lesson, but history has not proved that to be the case. As I said last night - it caused some concern to the minister - he comes into this place repeatedly telling us he has the panacea for the ills of the health system, the Department of Conservation and Land Management and the Department for the Arts. Where are we today? Despite those assurances and guarantees, we know that significant sectors of those areas for which he has had ministerial responsibility are still in uproar with the Government and service delivery has not improved; in fact, it has deteriorated. That is juxtaposed against a minister who made glowing speeches about his own brilliance, competence and forethought. Today when we reflect on those systems we see that there has been no improvement whatsoever; in fact, there has been a deterioration.

I remember sitting in this place some years ago hearing Hon Peter Foss, as Minister for Health, tell us about the funder-owner, purchaser-provider system. Foss' FOPP! Perhaps this is "Foss' flop"! We were told with monotonous regularity how hugely successful the new system would be and how enormous amounts of money would be saved as a result. Of course, that would happen because the system would be privately operated; there would be huge private involvement. Do members opposite endorse his comments today? Is the system better? No, it is not. The private sector was going to solve everything. Has it? No, it has not.

What is proposed in this legislation? It is all about privatisation, because the private sector will solve all the problems. It will be flexible, innovative, more cost effective and better. Is it? The Minister has an appalling track record in substantiating his claims. The minister's problem is that very few of the ambitious claims he made can be substantiated.

I return to the United Kingdom experience. The Minister for Justice refers often to the UK Chief Inspector of Prisons, Sir David Ramsbotham, who appeared before a parliamentary committee in March last year. He drew attention to prisoner numbers reaching new records in the United Kingdom. He said that a 25 per cent increase in prisoner numbers had occurred in just over two years. He said the figure of 65 000 prisoners was a horrendous increase in a comparatively short time, and he spoke about the resulting impact on prisons of such an increase; namely, overcrowding, additional emphasis needed on infrastructure and offender management programs, and, not least, the additional budgetary pressures. The prisons' budget in the United Kingdom by early 1998 had risen to about A\$5b a year. Any attempt by this Government to promote a move to a privatised prison system on the basis that it will act as a panacea for the problems of this State's criminal justice system is clearly wrong. If we want a panacea for crime levels, violence in the community and prison infrastructure, private prisons are not the answer, as indicated by the results in the United Kingdom.

Claims that privatisation as a method of reform will bring benefits and a safer society are clearly preposterous. The proposed change is likely to bring major cultural upheaval to the State's prison system, without a broader benefit to the criminal justice system. The onus is on the Government to get it right. More to the point, it must demonstrate clearly that any move to private prisons is really needed. What is the benefit of private prisons? Will people come out of jail better or worse? International experience indicates that the majority of prisoners, from the private or public system, will come out of jail worse.

It is useful to consider some comments from last year's annual conference of the United Kingdom's Prison Governors' Association, at which the chairman commented that the current approach to dealing with crime and the criminal is misguided. He refers to the British system we will emulate. He stated that simply sending more and more people to prison is not the answer: It is avoiding facing up squarely to the problem and simply provides a knee-jerk reaction each time the situation deteriorates. There are insufficient resources to manage existing demands, let alone increased regimes. He outlined that

too many people are being sent to prison. His view was that imprisonment is being used as a means of punishment, when other less expensive and more effective measures are available: Prisons should be used only as a last resort, and sentencing guidelines need to reinforce other forms of punishment as well as imprisonment. The Chairman of the Prison Governors' Association further stated that this is not being soft on crime or the criminal; it is using the most appropriate and effective measures possible to punish the criminal, deter future criminal behaviour and satisfy the demands of the victim.

Little support is offered for the minister's view that private prisons will do more than a public prison; in fact, they will do no more than incarcerate people. Sir David Ramsbotham has traditionally supported privately-managed prisons. A UK parliamentary Select Committee into the Management of the Prison Service was more guarded in its comments, notwithstanding a majority of Conservative members. A finding that privately-managed prisons operate well in quality of performance, as stated by Sir David Ramsbotham and the Minister for Justice of this State, was qualified by that Conservative-dominated committee. I will quote that report so members are clear about what the result will be in Western Australia. Based on the model that is the genesis for this Government's policy, the committee stated about private prisons overall, "Their performance has been at least as good as that of publicly run prisons, and in some areas better." Arguably, that sort of comment fails to pass the test this Government set for itself when deciding to provide a private prison service. The second reading speech stated -

The provision of these services under contract will be pursued only to the extent that it will transparently improve the overall effectiveness and efficiency of our prison system.

If one puts faith in the UK parliamentary committee's finding, the private system under contract in the UK falls far short of the minister's and this Government's standards. It fails to measure up. The committee found performance overall "at least as good as that of publicly run prisons". That is reassuring! This is the new culture. It will be "at least as good". The minister claims a performance will be achieved which will transparently improve overall effectiveness. I suggest there is a gap: "At least as good" hardly measures up to "transparent overall improvement". I refer to the lauded model.

I could refer again to the United States and the litany - I will refer to many examples later in my speech - of incompetence by operators of private prisons. The minister would have us believe that efficiency gains will result. The National Audit Office inspector in the United Kingdom warned against making claims in cost comparisons between public and contract prisons too optimistic because of the difficulty of comparing exact alike. The estimates of price savings differential between private and public prison arrangements continue to be quite fluid. Information provided by Her Majesty's Prison Service in May 1998 to the parliamentary committee indicated a cost gap differential between public and private prisons of 8 to 15 per cent. According to the Chief Inspector of Prisons, Sir David Ramsbotham, this figure was considerably less than at one time claimed. The figure quoted by the minister was from Professor Harding's Australian Institute of Criminology publication which put the saving between 10 and 22 per cent. I would be reluctant not to go with the UK prison services' estimate for the cost gap. In Professor Harding's favour, the cost differential moves downward over time, and the two extreme values in the range move closer together.

There are now those who suggest that the cost differential, when considering like for like, involving all of the same sorts of cost structures in both systems, is likely to be as little as between 1 and 3 per cent. However, there is great difficulty in comparing like with like. In this case, the Government has provided CCA with an opportunity to run a prison for medium security prisoners, inflicting upon itself the high cost of maintaining a facility for maximum-security prisoners. It will also be difficult in the future, assuming that this Bill will pass, to make any cost comparison between a medium-security private prison and a medium-security public prison. The new prison at south Wooroloo will obviously be much larger and the technology to run it will be very sophisticated. How could one possibly make a comparison between the medium-security prison at Roebourne with approximately 130 prisoners and this facility? The National Audit Office in the United Kingdom has put out a number of disclaimers about its ability to work out any comparison between public and private prisons, for a range of reasons, both across the systems or from prison to prison.

It is appropriate that I now address some comments to Australia's general experience with the contracting out of public administration. The minister assures us, only as he would and could, that this contract is the best contract. The difficulty is that there is now a plethora of government contracts which have not lived up to what was proposed or it was believed the contracts would deliver. We do not have to go too far in this State to find the sorts of problems contracting out has caused and from which the anticipated benefits have not accrued. We have already discussed in this place the privatisation of car leasing and the contracting out of orderly staff in hospitals. We were promised significant benefits in terms of efficiency, cost and service delivery resulting from a number of privatisation issues. It has not happened. Why will it happen in this instance? Has the minister shown, in spite of his own claims and bragging, that he can do it? Has he shown a propensity to be able to achieve those sorts of ends? Has he made mistakes? Yes, he has. Has this Government made mistakes across government? Yes, it has. Yet the same Government and the same minister are doing the same bragging, making the same claims, with the same vagueness and the same assurances. He says, "Trust me because I am so good; trust me because I know what is going on; trust me even though you have no idea of what is in the contract yet; trust me because I am from the Government"! I do not think that fills many of us with too much confidence. To be fair, the Government has done well on some issues; I concede that. However, we have a responsibility, a right and an obligation to challenge the minister's comments and we still cannot get a realistic answer from the Government about the need to go ahead with this issue. We get the clichés, not the substance.

There have been four major and consistent problem areas involved in contracting out public administration. The first problem has been holding contractors accountable when they breach their agreement - when they have failed to do what they were supposed to do. We were assured that would not happen. The Victorian Government made the same comments and the Kennett Government had to bail out private prisons. When prisoner transport was contracted out, the Government

assisted the private contractor to make a profit and not bail out of the contract by lending it vehicles and providing it with petrol - and we are supposed to have confidence!

How much power can a Government or department legally delegate to the private sector? Clearly the Bill is needed to achieve those ends, particularly in regard to prison officers. Having said that, there is the question of ultimate accountability to deal with, and as much as the minister may want to contract out accountability and responsibility, it will not work. At the end of the day, the Government will still be responsible and it will still be held responsible. Although the Bill allows certain things to be delegated, the one thing that will not be delegated is ultimate responsibility and the ultimate responsibility of the community to take action if this does not work.

A third issue involved with this Bill is ensuring that private contractors do not abuse their role. The private contractor in this case will not be responsible for administration of the Prisons Act because -

There are sufficient and suitable measures in place to ensure that such administration remains able to be done effectively.

Is there resourcing in place to ensure adequate supervision of the contracts? We are told there is. No doubt the inspectorate provisions that have been revamped in the Bill are much better. However, there are still areas of ambiguity in those matters.

The final issue is how best to allow for the enforcement of rights of persons affected by contracted out services. There are issues related to privacy and human rights to be dealt with. At the moment in the United States of America there is a growing list of cases involving prisoners taking private prison companies to court on the basis that minimum standards established under law have not been adhered to. I challenge members to read about them on the Internet; there are numerous pages, a summary of which I will provide later to members.

Hon Simon O'Brien: Thank heavens!

Hon JOHN HALDEN: Of course.

This cannot be recorded in *Hansard*, but I hold up a document from the Internet for members to see. It is genuine, it is issue No 26 and it comprises 16 pages of a month's worth of niceties from all over the world, put together by an interested party, about private prison systems, their abuses of prisoners and their inefficiencies. I again ask members: Is this the cultural change they want? Where is the perceived need for this particular service to be made private? If the current public system is so bad, the minister should tell us about it, as he has implied that all the way through this debate. He should lay the information on the table and tell us why it is so bad. I will tell the minister another thing: His party formed a Government responsible for governing this State for the past seven years. He implies that the Government has a concept of transparency about decision making processes, but it is not there.

Hon Simon O'Brien: Are those extracts from the Internet on one site?

Hon JOHN HALDEN: Yes.

Hon Simon O'Brien: Can you give us the address?

Hon JOHN HALDEN: I can when I return to my office but not now.

We are now considering private prisons in Australia. Private prisons in the United States of America have a litany of problems. The United Kingdom clearly has a far better managed, far more accountable and far more transparent system, but it still has problems. The point I make is that the issue is not that private prisons will increase community safety or in any way be detrimental to crime at all. Really, the issue is one of resourcing, policies and policy direction. It is unfortunate that this Bill is all about whether we will house prisoners publicly or privately. Will prisoners receive any better programs? We are told they will. However, the finance for the Government's own programs for prisoners has been cut to an enormous degree. Prisoners are denied parole because they are denied access to programs which are a prerequisite for getting out of jail. The issue should not be about where to house them, but about how to resource them. What is the Government's effective policy? Is it to house prisoners only and not to have programs? It is certainly not to address criminality in its broadest sense but, rather, to address the end product. That is all that the Government is doing and it cannot even substantiate the need to do it. I ask the minister to detail specifically what is so wrong with our current system that requires the outcome proposed by the Government.

As I said, in 1998, 12 per cent of the total Australian prison population was incarcerated in contract-managed prisons. Professor Richard Harding estimates that about 20 per cent of the projected prison population could be held in a total of eight private prisons by the end of the twentieth century. This would constitute the highest percentage of prisoners incarcerated in private prisons in any country in the world. In a paper delivered in April 1998, Professor Harding commented that Victoria was now housing a greater proportion of its prison population - 50 per cent - in private prisons. The result is that private contracts in private prisons continue to raise important legal and administrative issues. At the end of February this year the state Opposition in Victoria - now the Government - repeated its call for an independent public inquiry into the State's private prison system following a series of knife attacks at the private Fulham prison. An attack took place during the same week that a prisoner died following a heroin overdose at another privately operated prison at Port Phillip. This was the tenth death since the prison opened 18 months previously. There were five inmate deaths in its first week of operation. There were claims that the Fulham prison was understaffed and that many staff were inexperienced and had inadequate training. The Opposition also claimed that there was no minimum staffing requirement in the contract with the prison owners, Australasian Correctional Management Pty Ltd. The state Opposition also drew attention to the chequered history of the prison owner's parent company in the United States of America - yet another example of a private prison

operator coming out of the United States with a chequered history; how surprising! We could have chosen that one perhaps. It might not have had quite the blemished record of Corrections Corporation of America. Only a matter of weeks later in Victoria the private operators at the Port Phillip prison were seeking an extra \$3m per year to cover additional staffing costs following a riot, assaults on staff and other problems at the prison. A letter from the Australian correctional facilities group to the Victorian State Government was leaked, otherwise there would have been no acknowledgment whatsoever that it was seeking the additional funds.

Allegations of negligence against ACM have been made by a company employee on account of unsafe work practices, and there are documented cases of deaths, assaults, rapes and drug abuse in Australian private prisons. I am not suggesting that these offences do not happen in public prisons. However, this Government is attempting to convince us that private is better than public. Where is the substantiation for that assertion? The only substantiation we have is from a minister of the Crown with a track record of promising the world and delivering little in some areas. He implies that because he has overseen this contract, it will not contain any of the barbs that have been experienced throughout the world. We are expected to believe that. I do not. Where is the need and the justification for a private prison? Where can one establish the confidence that is required to make this cultural change in Western Australia? By way of analogy, if the privatisation of prisons were compared with the privatisation of international airline systems, and if international airline systems that are privately owned and operated had the same record of efficiency as privately operated prisons, planes would be dropping out of the sky every five minutes. There would be no public confidence in this proposal whatsoever.

Hon Simon O'Brien: Which airlines run better - privately-run ones or state-run ones?

Hon JOHN HALDEN: Qantas is run well under both arrangements. It depends.

Hon Simon O'Brien: Australians do it well, whereas perhaps Russians do not.

Hon Kim Chance: Aeroflot undoubtedly ran better in public hands.

Hon JOHN HALDEN: That is correct, but other examples would support the member's original position. Aeroflot performed far better under government ownership than under private ownership. I do not know whether I would like to fly with Aeroflot under either arrangement.

Hon Kim Chance: Certainly not now.

Hon JOHN HALDEN: As Hon Kim Chance says, certainly not now. Members should think for a moment about Aeroflot. I am glad the member opposite interjected. When Aeroflot was publicly owned, it was not bad, but it was not spectacular. It is a bit like our publicly run prisons, if one believes what the minister is implying. Now that Aeroflot is privately owned, the planes fall out of the sky all the time. What is the record of Corrections Corporation of Australia? What is the record of private prisons internationally?

Hon Kim Chance: Planes fall out of the sky.

Hon JOHN HALDEN: Planes fall out of the sky; yet we will be asked to have confidence and trust in this process. One must keep wondering.

Hon B.K. Donaldson: That is not much of an analogy.

Hon JOHN HALDEN: The member is probably right; however, it does not change the facts. The analogy may not be spectacular - although I thought it was a little entertaining - and it may not be accurate, but what is important is that there is history and experience that must be considered; it is all over the place. We are not trendsetters, and we are not embarking on a brave new world. The brave new world of prison privatisation is out there, and it is documented. It is not a pretty picture. The brave new world of prison privatisation using CCA is out there. It is documented and it is abominable. However, the Government appointed CCA as the successful tenderer. As I said last night, CCA has made an enormous amount of money out of human misery. The extent of its incompetence and ability to corrupt is on the public record and it is the partner of the Government in this process. It was a great choice!

There has always been a rationale for the introduction of private prison contracting to increase efficiency and to improve service delivery. We have heard it from the minister. It was the case in Queensland.

Hon B.K. Donaldson: There is an old saying that those who look only at the past and the present will surely miss the future.

Hon JOHN HALDEN: I will deal with that. In Queensland the Director of Audit and Investigations looked into the Queensland private system and found that there was a need to remedy many deficiencies in that system. He also found that custodial officers received inadequate training, and that private prisons were in some cases understaffed, and that they provided poor supervision and support for custodial officers. Clearly this contradicts or at least causes one to consider whether, in an Australian experience, we have the adequate safeguards to protect ourselves. We are, of course, assured of that by the minister. Even Professor Harding, an advocate of the private prison system in Western Australia, said that contracts are invariably complex; that they tend to replicate the standard US approach to privatisation; and that the complexity of these particular contracts always leads to the potentiality for confusion and for opting out of responsibility because of the complexity.

CCA is spectacularly renowned in the United States for not only opting out of contract obligations, but also refusing to adhere to the law of States and of the national Government. It was CCA, not Australasian Correctional Management Pty Ltd or Group Four Securities - the unsuccessful other tenderers. In the Youngstown inquiry - there have been so many it is difficult to remember the detail of all of them - into incidents at the prison involved, CCA refused to provide records to

the Government about its management of prisoners, its staffing requirements, how staff were trained, what they were doing at certain times and so forth. It just turned its nose up at the national Government and said, "No, you cannot have it; it is private." That is the Government's partner. I am sure we will be told that that could not possibly happen here. However, if it ever comes to that, I can tell members that along St Georges Terrace is a plethora of lawyers who will advise CCA how to protect itself to the maximum, no matter how tight the contract may be.

Last night by way of example I referred to a CCA immigration detention facility in Texas which was not running terribly profitably. Quite illegally, CCA moved prisoners from another State into that facility, and some of those prisoners escaped and committed a series of serious offences. I have made the point that the escapes is not the issue. The issue is that in spite of Corrections Corporation of Australia's glowing glossies and the minister's assurances, CCA's primary goal is not service delivery or rehabilitation; it is not there to do any more than maximise profit. It does that, and will do that, I am sure by legitimate technological advances and by reducing staff costs. Some of the outcomes of reducing staff costs by too much and reducing the quality of food and services to prisoners have been disastrous. However, at the end of the day, CCA is concerned only with the bottom line. As we all know, prisons are closed systems; even with ombudsmen and inspectors, prisons will remain closed. All that we are trying to do is to open up the prison system a little.

Another quaint word that the Minister for Justice uses is "contestability". A discussion paper from the Commonwealth Department of Finance in November 1995 made the following points -

Contestability is defined as the real possibility of competition.

He said also -

Contestability in the public service does not necessarily imply transfer of provision of services to the private sector . . .

Contestability differs from, but includes, contracting out. Contestability is a prerequisite to the adoption of a variety of mechanisms and opens an environment . . . to the possibility of alternative (not necessarily private) supplier(s). Contracting-out refers exclusively to an arrangement whereby an authority enters into a commercial arrangement with an external provider.

. . . a move toward greater contestability is not a universal solution to all organisational problems. Rather it is one option which, when carefully considered and managed, may assist CEOs and managers improve organisation performance.

If members have listened to the minister on the numerous occasions he has talked about contestability, they will have the clear impression that contestability is a panacea and will provide significant benefits in the operation of our prison system. The minister has talked about contestability and has compared staff wages in the public and the private systems. As much as the minister wants to believe that a move towards contestability would be desirable, it is only one of the tools that is available; it is not a panacea. Organisations in public hands can achieve improved levels of contestability; they do not have to be privatised. The minister just loves privatisation. He is hellbent on privatisation. Contestability can be achieved, and has been achieved, in the Australian Public Service. However, there must be a recognition, whether it is in public or private organisations, that contestability will not solve all problems. In many cases it will not solve a significant number of problems. In some cases contestability can be downright dangerous.

Members should think about contestability in a public hospital compared with a private hospital. How many operations can be performed in a day? If we say that public hospitals can perform five, a private hospital will have to do six! The consequences of that sort of contestability, if contestability is such a holy grail, are enormously dangerous. Contestability in our prison system, unless managed carefully, can be dangerous. It has been dangerous in the United States. It has also been dangerous in this country, and presumably in England, but I do not have those facts. The minister may grunt, but he feeds members in this place on a perpetual diet of rhetoric, and I may well be repaying the compliment.

Hon Peter Foss: You sure are.

Hon JOHN HALDEN: I am glad the minister appreciates it.

Hon Peter Foss: We have not heard any facts yet.

Hon JOHN HALDEN: The facts that I give are probably double the number that are delivered in this House by the minister, particularly on this issue. The minister is flying by the seat of his pants, hellbent on an ideological commitment. We have heard it all before, and it sure as hell has not always worked.

I will answer a point that was brought up by Hon Bruce Donaldson. In terms of the future, it is appropriate to press forward to make changes and I have advocated that in a range of areas. In doing that, and in order to minimise the potential for risk, we must look at what has happened in the past and, as the minister said, try to rectify some of those problems. However, the privatisation of prisons is such a difficult area in that it has a huge litany of problems. I have not been convinced that there is a significant difference in the problems experienced in public and private facilities. On that basis there is no need for privatisation. Why would we privatise? Is Deer Park any better than any other prison in Victoria? Does it have any different problems? No; they are systemically the same because they are dealing with the same sorts of issues and people.

I will go on to some examples which may offend. This is an example from Group Four Securities regarding a detention centre fiasco. It states -

Nine asylum seekers on trial for riot and disorder while detained at the UK's largest immigration detention centre, Group 4-run Campsfield House, have been cleared of all charges . . .

The prosecution's case collapsed on 17 June 1998 at Oxford Crown Court after evidence from some 20 Group 4 staff proved unreliable. Footage from 32 surveillance cameras helped undermine the staffs version of events. One Group 4 witness even admitting to telling "undeliberate lies".

The riot occurred on 20 August 1997 after a false rumour spread around the facility that Group 4 staff had strangled and killed two detainees during an attempt to transfer them to a state-run prison.

John Allen, a Group 4 supervisor, denied in court that his officers had held any detainees by the neck. But video footage clearly showed a detainee with a Group 4 officer's hands around his neck. Mr Allen did not reply to the question from a defence lawyer: "Don't you think that seeing this, the other detainees would think that he is being strangled?"

The prosecution claimed that detainees threw missiles at staff, smashed windows, destroyed telephones and surveillance cameras, ransacked the shop and wrecked the kitchen. Staff were said to have been petrified.

When Group 4 officer Mo Stone was asked if she had broken a wall telephone, she replied; "No". The lawyer then said: "Are you sure about that? Are you saying that if other witnesses say that they saw you break the telephone that they are liars?" The officer replied: "We did pull it apart."

Officer Caryn Mitchell-Hill said that she had been alone in a corridor and threatened by a detainee. But video footage showed that she was with other staff at the time of the alleged incident.

We are told this will be a new culture - it will not be a new culture. The realities here sound like the same excesses that can happen in a prison system, be it private or public. I take the opportunity to look at the Port Phillip Prison in Melbourne. These facts are from July 1998. At that particular privately-run prison a prisoner attempted suicide by hanging himself with his shoelaces and on 16 June a prisoner again attempted to commit suicide. This document states that since the prison opened -

. . . there have been four suicides, ten attempted suicides, at least 40 self-mutilations and two riots.

On 5 June 1998, the prison was locked down after two police officers were attacked and beaten by prisoners with pool cues and socks filled with billiard balls.

The Community and Public Sector Union has alleged that minimum staffing levels have not yet been met. On 5 June, for example, the staff complement was eight fewer than the number imposed on the company by the Industrial Relations Commission following a riot on 11 March.

A new culture? It is not. It cannot be because the culture will not be altered or reversed by private providers. The culture must be addressed in a very different way. It must be addressed, as I have previously suggested, on the basis of resources, and a change to the number of people we put in prisons and how we deal with them through our justice system.

I could go on forever.

Hon Peter Foss: Who are we waiting for?

Hon JOHN HALDEN: Hon Giz Watson - I said I would. I did not think she would be this long.

This example came off the Internet and is an article written by Steve Bousquet from Tallahassee. He states -

A professor at the University of Florida has agreed to pay \$20,000 to end an investigation that has brought embarrassment to him and his school, after the initially proposed fine of \$2,000 was rejected as "pitifully low" by the state ethics commission.

Charles Thomas, a nationally recognized authority on privatizing prisons, has admitted being on the payroll of a private prison company while he worked as a paid advisor to the state unit on prison policy.

The proposed agreement, signed by an assistant attorney general who prosecutes ethics cases, was made public by Ken Kopczynski, a representative of the Florida Police Benevolent Association, who filed the original complaint against Thomas. The proposal still must be approved by Florida's commission on ethics, . . .

Again, these companies which run private prisons have bought someone off and this is just one small example of the lengths they will go to to secure more contracts and better payment. The situation is such that one can only be brought to the point of saying that a case must be established to show the need. At this point, it is difficult for the Government to substantiate that case. However, I again challenge the Government to put on the public record the deficiencies with the current system, how there will be a cultural change and the points which require that. Without the due justification it is difficult to sustain a case that realistically we need to have a private prison. I am not sure whether it is just faddy or whether it is a range of other things. However, I do not believe a justifiable case has been substantiated. Clearly the Australian Labor Party will not support this Bill, not only because of the privatisation issue but also because the appropriate need has not been substantiated. The cliches used by the Government are long and flowery - substantiation is yet to happen. At the end of day, the substantiation will be that the Government will get its way by virtue of the numbers. It is unfortunate that the Government has got its way by providing a necessary step; that is, the provision of an independent inspectorate into our prison system. For that, it can be congratulated. However, it used that provision as a bargaining tool to get the required

numbers in this place. That has meant that an analysis of appropriate privatisation and the need for it has not been undertaken. However, at the end of the day, one must accept the inevitability of this situation.

A number of other matters in this Bill need to be considered. How is it proposed to deal with workers and their rights, which were given away in a Bill passed earlier? The difficulty is that if we attempt to push this to a committee for review, the fate of that motion will be the same. I fail to see how this move will allow for a thorough process of investigation. It is clear that the deal between the Government and the Australian Democrats has circumvented proper scrutiny. That is unfortunate, but it has been done. In a bizarre way, I hope the Government is successful in its objectives, because if it is not there could be grave consequences, and I would not wish that on the community.

The Australian Labor Party will not support the Bill.

HON E.R.J. DERMER (North Metropolitan) [3.32 pm]: As Hon John Halden said, the Australian Labor Party has serious concerns about the notion of private supervision of prisoners. Of course, members on this side understand that actions of the State result in incarceration, and flowing from that is a responsibility to supervise those imprisoned. The most important objective of any criminal justice system is the effective rehabilitation of prisoners, and that is the ALP's driving objective. That process requires a clear understanding of the history of an individual that has led him to commit a crime. Of course, he must be appropriately punished for that crime. However, we must address his needs while we are punishing him. In that way we will minimise the possibility of further criminal activity.

Many in the current prison population do not have the skills that would allow them to obtain employment. Often, sadly, they do not have basic literacy and numeracy skills. To be effective in protecting everyone and in reducing the crime rate, the prison system must ensure that prisoners have those basic skills. In so doing, it will equip them to take on a productive life when they are released and will minimise the chance of reoffending. Often prisoners' needs involve health issues, both physical and psychiatric. Appropriate treatment of those needs will minimise the chance of reoffending, which will enhance security for everyone. Clearly, prisoners with substance abuse problems should have appropriate treatment. Addressing those problems should be the overriding objective of any prison system we establish in this State. We must understand what needs to be done in the care of prisoners to minimise their chances of reoffending and to give them greater hope for a satisfying life after they leave prison. We must provide an opportunity for them to create a constructive future for themselves, and in so doing we will ensure greater safety for the rest of the community.

The independent inspectorate established in the United Kingdom has been very successful. That system reassures the Government and the Parliament that acceptable standards are being provided in the prison system because the inspectorate is able to inspect prisons without notice. Those responsible for the administration of prisons know that their work is subject to scrutiny at any time, and that has a very positive impact on the services they provide. The establishment of such an inspectorate would have a very positive impact in this State. We would have a rigorous system that ensured the maintenance of appropriate standards in the day-to-day administration of our prison system. Prison managers would be required to ensure that the prisoners were given the maximum chance of rehabilitation. The achievement of that responsibility would be subject to independent and random inspection.

Hon Simon O'Brien: That is one part of the Bill you will support.

Hon E.R.J. DERMER: I am very pleased to see that provision, but it does not overcome the Labor Party's concern that this very important part of the justice system is being passed from public responsibility to private responsibility. Clearly, members on this side appreciate the benefits of an independent inspectorate. We believe that such an inspectorate should be established because of its inherent value and regardless of whether prisons are privately operated or publicly operated.

Hon Peter Foss: Hear! Hear!

Hon E.R.J. DERMER: I hope that clarifies the situation.

Hon Simon O'Brien: We will see which way you vote.

Hon E.R.J. DERMER: There will not be many surprises on that front.

Hon Simon O'Brien: There have not been many so far.

Hon E.R.J. DERMER: The other key responsibility for a justice system - a system in which incarceration is often seen as the appropriate punishment for offenders - is to provide security for the community. The opposition parties have a responsibility to supervise the Government, and in that sense we share the responsibility to ensure that prisons are secure. Accordingly, prisons should be provided by the public sector, which has more direct ownership of the system. We have a responsibility to ensure that prisoners do not escape and become a threat to the community at large. We also have a direct responsibility to ensure that prisoners have the best opportunity to be rehabilitated and to pursue more productive lives. In so doing, we will ensure a reduction in the crime rate. Both of those objectives are more appropriately dealt with by the public sector rather than the private sector. That is why the Australian Labor Party will oppose the Bill.

HON SIMON O'BRIEN (South Metropolitan) [3.40 pm]: I am aware that Hon Giz Watson wants to say a few words, and I will not interrupt her for long as she has moved quickly to speak.

I refer to the phoney filibustering we have heard from members about their fundamental ideological opposition to this Bill. This is well summarised by the Labour parliamentarian in the United Kingdom, the Right Honourable Jack Straw. He said the following at the Prison Officers Association conference in April 1996, when opposition Home Affairs spokesman -

I find it morally unacceptable for the private sector to undertake the incarceration of those whom the state has decided need to be imprisoned . . . almost all people believe that this is one area where a free market does not exist.

We have heard similar sentiments from members opposite just today. I draw members' attention to the remarks of the Right Honourable Jack Straw, as Home Secretary, two years after the previous quote when speaking again at the Prison Officers Association conference. He said on 19 May 1998 -

As a responsible government we have committed ourselves to providing best value and to achieve high performance, efficiency and effectiveness. Current cost comparison research indicates that privately managed prisons are between eight and 15 per cent less costly than their counterparts in the public sector. The difference is accounted for almost entirely by lower staff ratios -

I remind members that he was speaking to the UK Prison Officers Association. Continuing -

- lower staff costs, including pension arrangements and salaries; and greater availability of staff with fewer holidays . . . The immediate transfer of existing private prisons to the public sector is not affordable and cannot be justified.

That shows the difference between the talk of the left-wing ideologue in opposition, and being confronted with the reality of being in government and running a system. No difference would exist between the UK experience and what it is likely we would experience in Western Australia except that, fortunately, we will not have the return of a Labor Government in this State at the next election to demonstrate the changed view.

HON GIZ WATSON (North Metropolitan) [3.43 pm]: The Greens (WA) do not support this Bill. To tackle the politics of this Bill first, the Greens (WA) interpret this move to privatise prisons as creating a distance between the Government and the current problems in our prison system. One need look only at the ongoing situation at Casuarina, which has been locked down for the last 10 months. The prison population in this State is steadily going through the roof. The prison population in Australia grew from 60 per 100 000 persons in 1984 to almost 100 per 100 000 persons in 1995. The number of people in prison in Western Australia has increased by 60 per cent over the past three years, which is an extraordinary rate. Various reasons can be cited for that increase. However, this has created a crisis in our prisons with overcrowding, riots and the like. The politics behind this move to have the private sector take charge of the prisons is a tried and true method of distancing the Government from problems.

The other major concern about this Bill is that it sets a course of action for the long term; that is, the contract proposed for the Wooroloo South Prison will be a 20-year contract, with an option to renew. Therefore, it sets a course which distances the Government from any other chances of dealing with wrongdoing and criminal activity apart from imprisonment. The chances of the Government being realistic about any attempts at prison reform, or alternative methods of dealing with offenders to keep them out of prison, will be less likely if the Government has signed a 20-year contract with a private company.

Sitting suspended from 3.46 to 4.00 pm

[Questions without notice taken.]

Hon GIZ WATSON: One of the problems with the move towards having private prisons in this State is that it will set in place a course that will determine the nature of justice in this State for a considerable time, and it will particularly be an impediment to the making of other more future-looking penal reforms. I will quote from a copy of a letter that was sent to me by the Social Responsibilities Commission, Anglican Province of Western Australia. The letter is addressed to the Premier and is dated 30 June 1998, and it concerns the proposed tender to provide privately operated prison facilities at Wooroloo. The letter raises the following point on the subject of obstruction to penal reform -

. . . one crucial consideration needs to remain at the forefront of the debate in relation to these proposed changes. Once the government proceeds down the path of privatisation, it severely restricts its own ability to initiate comprehensive reform in the prison system. If it becomes apparent in the future that the privatised prisons are not having an impact in the problem areas identified, it will be substantially more difficult for the government to institute fundamental change because it will be restricted by:

contractual obligations owed to the private operator; and

its lack of involvement in the day to day running of the prisons.

These problems are exacerbated by the fact that in order to make the privatisation process profitable for the private sector provider, the government is required to enter into contracts with reasonably lengthy terms. This in turn means that the government may find itself locked into an agreement under which it is unable to institute necessary reform, if the private service provider is complying with the letter of the agreement.

And as I said before, the contract with Corrections Corporation of Australia will be for 20 years, with an option to renew.

The danger that is inherent in the politics of distancing the Government from problems in the penal system and from the problem of managing the social manifestations of a society that is in trouble - namely, increasing incarceration and crime rates - is that Governments of all shades will continue to up the ante in their approach of getting tough on crime. This approach is part of the current Government's agenda, and the Labor Party is also guilty on some occasions of whipping up a political approach to crime in our community. The Government is proposing that this State go down the route of the justice system in the United States. In my opinion, that is an appalling model to follow, because in that country, re-election campaigns are fuelled and run on issues of fear, anger and retribution that are aimed at certain sectors of the community and are very much combined with the thriving prison industry in that country, which is so confident of its political influence that

it is building jails ahead of the demand for prisoners to fill them. It worries me that this State is proposing to head down a similar path. This decision to go down the path of privatising prisons should not be made in ignorance of the big picture that is involved with the prison industrial complex.

In preparing myself for this Bill, I examined how the American model of private prisons developed, and I came across an interesting article from the Prison Activist Resource Center in Berkeley, California. The article is entitled "The Prison Industrial Complex and the Global Economy" and is written by Eve Goldberg and Linda Evans. We should not kid ourselves that the interests that we are now inviting into this State are not exactly the companies that are described in this article. Corrections Corporation of Australia, which is a subsidiary of Corrections Corporation of America, is very much part of a global push for an expansion of the prison industry. The article states under the heading "Prisons Are Big Business" that -

Like the military industrial complex, the prison industrial complex is an interweaving of private business and government interests. Its twofold purpose is profit and social control. Its public rationale is the fight against crime. Not so long ago, communism was "the enemy" and communists were demonised as a way of justifying gargantuan military expenditures. Now, fear of crime and the demonisation of criminals serve a similar ideological purpose: to justify the use of tax dollars for the repression and incarceration of a growing percentage of our population . . .

In reality, however, most of the "criminals" we lock up are poor people who commit non-violent crimes out of economic need.

I argue that that is as applicable to Western Australia as it is to America. I will not go through this article in depth, but it does make a number of other points which are equally relevant to Western Australia. One is the growing disproportionate representation of black or non-Caucasian inmates in prisons. The situation in the United States is that African Americans have an arrest rate that is five times higher than that of whites, yet whites and African Americans use drugs at about the same rate. That same situation occurs in this State where Aboriginal people are grossly over-represented in the prison population.

As this State is going down the path of establishing private prisons, it may head in the same direction as California. It currently spends more on prisons than on higher education, and over the past decade it has built 19 prisons and only one branch university. Such is the power of the prison industrial complex.

I now refer to some of the arguments put to the Greens (WA) in favour of privatisation of prisons. It has been said that the competition will result in a more innovative prison system and will break up the current prison culture. It has been argued that a privately-operated prison is no different from a privately-operated hospital, school or other institution. I challenge that proposition. The fundamental difference between private prisons and other private institutions is that in the prisons there are no customers.

Hon Derrick Tomlinson: Yes there are.

Hon GIZ WATSON: No there are not, and I will explain that. The comparison does not hold up and I challenge the theory that competition in the prison system will produce a better quality service and reduce costs. I also question that in a general sense; certainly prisons do not have clients in the same way that hospitals have clients who can go elsewhere if they are not satisfied with the service provided. That pressure can be applied to private hospitals and private schools. In the case of prisons, the State Government is the client and prisoners are merely a commodity in this arrangement. It is not accurate to say that private prisons are the same as private hospitals or private schools. They are fundamentally different.

Another argument put forward is that the increased competition will have a beneficial effect on cost and service delivery. What kind of competition is referred to? The company that is the preferred tenderer for the first private prison in Western Australia is Corrections Corporation of Australia. Its parent company, Corrections Corporation of America, holds 67 per cent of the private prison market in the US, in conjunction with Wackenhut. It is proposed that the same tenderer will have the contract for court security and custodial services in WA. We are well on the way to establishing a monopoly for this company in Western Australia.

I raise now the issue of commercial confidentiality. The minister has made much of the fact that the contract to be signed with CCA will be open, readily available and aboveboard. If the examples of existing private contracts in Victoria and Queensland are anything to go by, this openness and accountability will not be full and complete.

Hon Peter Foss: Are you questioning me?

Hon GIZ WATSON: Yes, I probably am. I will refer to some problems which have occurred in prisons in Queensland and Victoria. I will use the example of the Arthur Gorrie prison in Queensland. I understand it is not a CCA prison. It had an issue with an employee, a Mr Jarvis, and the Queensland District Court awarded him nearly \$200 000. The review states this happened -

. . . after the judge found that the prison had been understaffed and failed to provide adequate supervision and support for its prison officers. The prison had deliberately pursued a hiring policy excluding staff with previous public prison experience which led to a lack of experience within Arthur Gorrie and, at least for Mr Jarvis, no assistance on how to handle difficult situations.

That is one example of how the policies of hiring staff can leave the system with problems. I believe in his previous comments Hon John Halden mentioned some of the problems prisons in the United States have had with prisoners escaping, which has identified the fact that a lack of staff training is a key factor.

In arguments about increased competition, the recent situation of private prisons in the United Kingdom is used as an example of how privatisation has worked to improve competition and standards. I will refer to an account of a study of the United Kingdom prison system prepared by Bottomley and James titled "Evaluating Private Prisons: Comparisons, Competition and Cross-fertilisation". It was published in *The Australian and New Zealand Journal of Criminology* in 1997. It was claimed in the United Kingdom that the so-called "cross-fertilisation" of public and private prisons had led to an improvement all round the prison systems and that the introduction of private prisons had raised the standard of the public prisons. Bottomley and James cautioned against assuming that the introduction of private prisons was the direct cause of the increased performance of the public prison system in the United Kingdom. They pointed to the particular difficulties involved in evaluating such a cause and effect. This account cites the Bottomley and James report and states -

[The] research task facing criminologists would not only involve the evaluation of the performance of a jurisdiction's entire prison system before, during and after the introduction of private sector management of prisons, but also require them to be able to attribute any changes directly to the introduction of private sector management. In practice, researchers are faced with very imperfect environments for testing this hypothesis.

The account concluded that Bottomley and James believed that -

. . . it had been the introduction of competition and certain management practices into the prison system that had encouraged innovations across the system, not the introduction of privatisation in itself.

Hon Peter Foss: Say that again.

Hon GIZ WATSON: It states that it had been the introduction of competition and certain management practices into the prison systems that encouraged innovations across the system, not the introduction of privatisation itself.

Hon Peter Foss: I think we would all agree with that wholeheartedly. It is quite right.

Hon GIZ WATSON: I want to speak about the preferred tenderer, Corrections Corporation of Australia. It is the largest prison operator in the United States, as I think I mentioned earlier. Currently, it runs 41 of the 91 prison contracts in the United States. It is a very profitable business. In 1995, Corrections Corporation of America was one of the 10 best performers on the New York Stock Exchange. Much has been made of the fact that Corrections Corporation of Australia is a separate entity, but it is my understanding that one member - if not more - of the board of Corrections Corporation of America is also on the board of its Australian organisation. There are direct links.

The restriction of information available to the public and researchers has been raised in relation to the operation of CCA in Queensland. A researcher, Paul Moyle, was unable to obtain information under the freedom of information legislation and he and other researchers had a defamation suit filed against them, to restrict public debate and the information available. This is the same organisation we are inviting to this State.

The claim is made that the privatisation of prisons will make the provision of prison services cheaper. I believe we have already had examples in this debate where the standard of services has not been kept up in private prisons. If we are to provide a cheaper service than that currently being offered by the public sector, what will be reduced in terms of the current outlays? Will it be food, clothing, security, health, education or staffing cuts, or will more reliance be placed on surveillance devices?

Hon Peter Foss: How about waste?

Hon GIZ WATSON: We have seen those things in private prisons.

Hon Derrick Tomlinson: That is not necessarily a bad thing. You have people to secure them, not to watch them.

Hon GIZ WATSON: That is an interesting matter. From my conversations with people involved in the prison system, I know that in terms of maintaining prisoners, any sense of communication and connection prisoners have with the greater community - even the interaction between prison guards and inmates - is very important.

Hon Peter Foss: That is what the crown prisons are doing more of because the officers are used as teachers; instead of standing around watching, they do something.

Hon Derrick Tomlinson: I strongly suggest you go to one of the CCA prisons.

Hon GIZ WATSON: I have.

Hon Derrick Tomlinson: Did you go to the women's prison?

Hon GIZ WATSON: No, I went to the Borallon facility.

Hon Peter Foss: What did you think of it?

Hon GIZ WATSON: I found it interesting, but it did not answer all my questions.

Hon Peter Foss: Did it strike you as being a place which was more frightening and more remote than a public prison?

Hon GIZ WATSON: It is a little hard to say, and it depends on the public prison it is being compared with.

Hon Peter Foss: Pick any public prison.

Hon GIZ WATSON: The use of subsidised prison labour - in fact, in my opinion, it is not far off slavery - has also been

raised. Prison populations are able to produce goods at an exceedingly low rate. I understand that in the United States private prisons have supplied labour at such low rates that local industries have been put out of business.

I refer to an article in *The Australian* of Monday, 26 July 1999, about an inquest into the death of five inmates at Port Phillip Prison - one of Victoria's three private jails. That article states -

People at the inquest were floored. Prison officer Richard Judge was testifying at the coronial inquiry into the deaths of five inmates at Port Phillip, one of Victoria's three private jails, when he explained he didn't have any experience. He hadn't expected to be a prison officer. He had wanted to be a dog handler, he said, but there weren't any positions available.

When the inquest resumes today, the inexperienced police officers will be replaced by the top dogs of the system - from Victoria Corrective Service Commissioner Penny Armytage to the Department of Justice official who oversaw the introduction of private prisons, Tony Wilson, who is expected to be asked about the designed of Port Phillip.

One of the most fundamental aspects of the Greens' opposition to the privatisation of prisons is the ethical question of relinquishing of the State's responsibility for prisoners to private corporations to be operated in a profit-making exercise.

I refer to a media release dated 22 June issued by the Social Responsibilities Commission of the Anglican Province of Western Australia. The Anglican Social Responsibilities Commission was established by resolution of the Synod of the Diocese of Perth in 1983 to prepare, promote and communicate effective material on issues of social concern. Indeed, the churches have been very vocal in their opposition to private prisons in this State. The media release states -

"This issue was debated at the (Dioceses of Perth) Anglican Synod in October 1998 and the church as a whole adopted a resolution opposing private prisons. There is nothing in the Democrats proposal which would change our position on that resolution."

"If the State chooses to deprive somebody of their liberty, then the State must take full responsibility for their custody. It is not a function which can be handed over to others. It is also ethically dubious to allow an organisation to make a profit out of a custodial function."

"In the submission to the Premier last year we detailed our opposition to private prisons. Our concerns include the lack of accountability to the public, obstruction to penal reform, and the ability or willingness of a private operator to fulfil our international human rights obligations. We also question how a private company's directors will fulfil their dual obligations to proper prison management and returning a profit to shareholders."

"Experience in other States indicates that the public is not able to properly scrutinise the contracts entered into by governments with private prison operators. This has become an ever-increasing trend in privatisation of all kinds and is not acceptable when measured against standards of openness and accountability required of government. This is of particular concern when the well-being of people deprived of their liberty is at stake."

I can only agree that this is the fundamental issue relating to the decision that this Parliament is making to hand over the ethical and moral responsibility for incarcerated persons to a private operator. I cannot support it. I implore members to consider that we are not talking about the same scenario as private hospitals, schools or whatever one wishes to talk about; we are talking about the fundamental role of the State.

Debate adjourned, pursuant to standing orders.

DISABILITY SERVICES AMENDMENT BILL 1999

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [5.02 pm]: I move -

That the Bill be now read a second time.

In 1993 the Disability Services Act established the Disability Services Commission as a new statutory body responsible for the funding and provision of disability services in Western Australia. In addition, the Act retained the Advisory Council for Disability Services, which was established by the repealed Disability Services Act 1992.

The establishment of the commission marked a new era of coordinated effort to advance the equality of opportunity, community participation and quality of life of people with disabilities throughout Western Australia. As a result, people with disabilities, their families and carers have benefited. The commission provides a powerful focus from which to advocate for the rights and needs of people with disabilities. The manifestation of this can be seen in the unprecedented level of growth funding applied to disability services through the Government's "Count Us In" strategy for the period 1995-96 to 1999-2000.

Costly duplication of service structures has been removed to ensure the most effective use of resources, and innovative programs have been developed which recognise and act on the individuality and diversity of people's needs. Many programs have been adopted by other States, and Western Australia is deservedly recognised as a national leader in the field of disability services.

The Australian Bureau of Statistics estimates a total of 355 500 Western Australians have a disability. This is one in five people. Put even more broadly, the lives of one in three people are affected by disability either as a person with a disability or as a carer. Within this context it is essential that the gains of recent years are maintained and maximised.

The proposed amendments to the Disability Services Act 1993 are fundamental to this aim of building onto the firm foundation established in 1993 and further improving services for people with disabilities.

Section 57 of the Disability Services Act 1993 requires that a ministerial review of the operations and effectiveness of the Act be undertaken within five years of its commencement. The minister established an independently chaired steering committee in 1997 to oversee the review, and independent consultants carried out extensive public consultations during 1998, including public forums throughout the State, a review hotline and written submissions.

Discussion papers were distributed to some 800 people with disabilities, their families and other disability stakeholders. The high level of interest in the consultation was evidenced by responses being received from 161 people and 74 agencies, in addition to petitions signed by 300 people from south west communities. There was also significant input from major government stakeholders including the board and management of the commission, the Public Sector Management Division, the Equal Opportunity Commission, the Office of Health Review, State Supply Commission, Contract and Management Services, local government authorities and the Office of the Auditor General.

As prescribed by the Act, the review examined a range of matters relating to its operation including the effectiveness of the operations of the Disability Services Commission and the need for its continuation; the process by which the commission provides financial assistance grants to organisations; the development and reporting by public authorities on disability service plans; and the effectiveness of the complaints and conciliation process for people with disabilities.

As required by Section 57(5), the Minister for Disability Services presented his report on the review to Parliament on 19 August last year. The amendments contained in the Disability Services Amendment Bill 1999 now before the House seek to implement the recommendations of this review. The minister's pre-eminent recommendation, unanimously supported by people with disabilities, their families and all other stakeholders, was that the Disability Services Commission continue as a statutory authority with its own board of management.

In keeping with the aim of improving the overall service environment, the Bill will, where it is in the best interests of people with disabilities, strengthen the application of competition policy to the outsourcing and purchasing of client services; respond to the community's strong support for better targeted services in the area of disability services complaints and reconciliation; strengthen the existing provisions relating to the reporting of client death and serious accidents; and increase the community's access to and involvement with the disability service plan initiative, by introducing decentralised reporting by all public authorities about their disability service plans.

Further, in the minister's review report the minister highlighted that there was uncertainty regarding the powers of the commission to establish organisations for the purpose of providing services for people with disabilities. To address this uncertainty, the minister will use the existing section 20 of the Act and direct that the commission not create such organisations. I now turn to the amendments of this Bill in more detail.

Board of the Disability Services Commission: Section 7(2) of the Act requires that at least five members are to have either a disability, have a relative with a disability, have recent experience in caring for a person with a disability or have recent experience as an advocate for people with disabilities. The current Act further specifies that at least two board members be a person with a disability and at least one be a relative of a person with a disability. The minister had originally indicated in his review report that these two particular "quota" conditions on members with direct disability experience might be unduly restrictive in appointing people to replace retiring members. Accordingly, he had proposed to amend this section to remove the "quota" requirement. However, following representations that have been made to the minister from the disability sector, he has decided that section 7(2) should be retained as it stands to ensure that the board will continue to comprise at least two people with a disability and one person who has a relative with a disability.

In addition, under schedule 3 the current restriction on the term of appointment for the Disability Services Commission chairperson is removed. This will provide the opportunity for the experience and expertise of a longstanding chairperson to be retained, and will ensure that the operation of the commission is not unduly disadvantaged by the arbitrary loss of such expertise.

Functions of the commission: Amendments to section 12 and the insertion of sections 21A and 21B introduce requirements for the commission to have regard to the provisions of the State Supply Commission Act 1991. The amendments also introduce the requirement for the Disability Services Commission to formally consult the minister before beginning a course of action which amounts to a major initiative or which will have significant public or disability sector interest. In addition, the insertion of section 12A will clarify the existence of ministerial guidelines for granting approval to the DSC to engage persons under contract or to enter into a contract for supply of services.

Advisory Council for Disability Services: In line with the review recommendations, the advisory council will be retained, but renamed the Ministerial Advisory Council for Disability Services. This addresses the confusion expressed during the review about the role and function of the council.

Part 4 - Financial assistance for matters relating to people with disabilities: In response to concerns about the need to strengthen care and protection issues, section 25(4) is to be amended by the introduction of mandatory reporting requirements which will be included in purchasing agreements with funded agencies, and will apply to situations where a person with a disability receiving a service dies or receives an injury of a serious nature.

Part 4A will ensure that the procurement of services for people with disabilities is undertaken in a manner which best meets their interests. The commission will be required to seek ministerial approval of the means for procuring services from organisations that are subject to formal contractual arrangements. Where it is determined that the most appropriate means is by competitive tender, the tender process adopted by the commission is to comply with government supply policies. This will not apply to funding arrangements with families or informal carers for the care and support of people with disabilities in their own home or local community. These provisions have the potential to make for a safer, more diverse and efficient service delivery environment. They also provide sound management practice.

Part 5 - Disability service plans by public authorities: Implementation of the disability service plan provisions within the Act have helped shape a new reality for people with disabilities and our whole community, by bringing access issues to the fore. The initiative, which employs a systemic approach to improving access to services and facilities by people with disabilities, has been very well received by the community at large and was resoundingly endorsed and supported through the review.

The current Act requires all public authorities that are required to report to Parliament under section 62 or 66 of the Financial Administration and Audit Act, to report on the implementation of their disability services plans in these annual reports. This is consistent with government policy on decentralised reporting. Amendments to sections 28 and 29 will now require local government authorities to also report on the implementation of their disability service plan in the annual reports. This change will ensure consistency of reporting arrangements and will put information about the disability services plan initiative and its progress into the public domain and in so doing will generate further interest and involvement of the community.

Part 6 - Complaints about services provided to people with disabilities: These amendments replace the Equal Opportunity Commission as the body responsible for the conciliation and mediation of complaints about disability services with the Office of Health Review, and recognise the specific expertise of the Office of Health Review in dealing with complex multi-agency issues that often typify disability service complaints. The outcome will be greater protection of the rights of people with disabilities.

The amendment also extends the scope of complaints to include the provision of disability services by incorporated service providers not funded by government, and the time limit for making complaints is increased from 12 to 24 months.

Part 7 - Confidentiality: Section 52(1) is amended to provide for exceptions to confidentiality requirements in cases of court proceedings, criminal investigations, and where it is in the public interest to protect the physical safety of an individual.

We can all be justifiably proud of what has been achieved in a relatively short time for people with disabilities and their families in Western Australia. We are now much closer to achieving the vision held by people with disabilities, their families and carers, the community and this Government, that people with disabilities enjoy the same rights and opportunities available to other community members. I commend the Bill to the House.

Debate adjourned, on motion by Hon Kim Chance.

BILLS (2) - RETURNED

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills -

1. Water Services Coordination Amendment Bill 1999.
2. Midland Redevelopment Bill 1999.

ADJOURNMENT OF THE HOUSE

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.13 pm]: I move -

That the House at its rising adjourn until 3.30 pm on Tuesday, 9 November.

On Tuesday 9 November I will move a sessional order for the remainder of this calendar year that the House will sit for an extra three hours a week. I have spoken with representatives of all the parties, and the general majority view is that we commence at 3.00 pm on Wednesdays and 10.00 am on Thursdays and adjourn at 6.00 pm on Thursdays. I will move the sessional order without notice on Tuesday, 9 November to avoid the necessity of having to move that motion everyday.

Enrolled Nurses - Adjournment Debate

HON KIM CHANCE (Agricultural) [5.14 pm]: Before the House adjourns I will raise a matter that is serious and urgent in respect of the future of health care in Western Australia. It is a matter I raised in a question without notice on 10 August. It relates to the qualification level determined for enrolled nurses in Western Australia. The difficulty is that our enrolled nurses are qualified by associate diploma under the old skill standard, the Australian Skills Framework. With the adoption of the new skills framework, the Australian Qualifications Framework, I understand that the associate diploma fits midway between levels 4 and 5.

The comprehensive answer I received from the minister representing the Minister for Health indicated that other States had standardised around level 4 and, as a result of our commitment to mutual recognition, Western Australia also would do that; that creates a real problem for health care in Western Australia. Although the minister's answer is accurate, with possibly some areas of disagreement, the standardisation of level 4 will cause a downgrading of the standard of our enrolled nurses throughout the health system. Our health system now relies heavily on enrolled nurses. Gone are the days which might have existed as recently as 10 or 15 years ago when we had an "all white" workforce - meaning an all registered workforce. We

now rely very heavily on highly trained enrolled nurses, not only in the country but also in the metropolitan area. The skills required in the workplace, not universities, of some ENs exceed the skills of some RNs. The problem with returning to a level 4 situation is that it will further widen the skills gap which exists between ENs and RNs, which is exactly the wrong direction to go. We cannot recruit any more RNs, therefore, we rely more heavily on ENs; however, now we will downgrade the skills base of ENs.

In respect of the minister's answer, it is not strictly correct to say that other States have standardised on level 4. The State of Queensland has opted to go up to level 5, a full diploma. When I read the information supplied to me - I should have picked a different forum to debate this as it is a big issue - I realised that urgency is required on this matter as accreditation for this course takes place this month, therefore, something must happen soon. When I read the history of this case it seemed that the decision to return to level 4 in Western Australia occurred in a short space of time because we were about to go down the same path as Queensland. Considerable evidence from technical and further education institutions tracks our way through to this State taking the EN course to level 5. All of a sudden, some time between February and July of this year, a decision was made to abandon standard level 5 and return to a standard level 4. The training in other States that have adopted level 4 is heavily biased towards aged care. When the ENs get to that point, bearing in mind as I said that we rely heavily on ENs for acute care in addition to aged care, a number of training options are available to them. In South Australia and Victoria there is a clear path through to registered nurse training which does not exist in Western Australia; the situations are therefore quite different.

There is a way in which everyone's objectives can be met in this matter; that is, to have another look at the three appropriate levels which are presented in the Australian qualifications framework. Those three levels are level 4 - the one which has been clearly chosen - and the level on either side of that, levels 3 and 5. If we were to make a decision in our training framework to turn out enrolled nurses at those three levels, we will have achieved the best of both worlds. Those levels are: Level 3 for the aged care area, a level above a patient care assistant; level 4, the intended level; and level 5, the higher level, approaching the skill level of an RN. We cannot and we must not continue with the decision which has been made to downgrade our enrolled nurses' skills training levels. Although that decision perhaps might save a little money, it will cause, over time - not immediately - a decline in the skills level of our nurses.

I urge the Government to take up this matter with the Minister for Health and the Minister for Education, because I believe both ministers are involved in this matter. If this does not occur and we lock into the level 4 accreditation in November of this year, which is when I understand a decision must be made, we are dooming our health care system to even greater problems than it has now.

Question put and passed.

House adjourned at 5.21 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINING, PROSPECTING LICENCE P26/1832

57. Hon TOM HELM to the Minister for Mines:

- (1) Has the holders/ manager of Prospecting Licence P26/1832 breached condition number 5 of the *Mining Act 1978* and Regulations on the tenement in using a bulldozer, front end loader and large dump trucks to clear land approx 4 hectares in area (outside of Hampton location 203) on the tenement without having the prior written approval of the District Mining Engineer ?
- (2) If not, why not?
- (3) If yes will the department or the Minister initiate and commence forfeiture proceedings against the holders/ manager of the tenement?
- (4) Has the holders/ manager of Prospecting Licence P26/1832 breached condition number 14 of the *Mining Act 1978* and Regulations?
- (5) If not, why not?
- (6) If yes will the department or the Minister initiate and commence forfeiture proceedings against the holders/ manager of the tenement?
- (7) Has the holders/ manager breached Regulation 14 of the *Mining Act 1978* and Regulations on P 26/1832 in removing, excavating and extracting far in excess of the 500 tonnes of earth, soil, rock, stone prescribed under the regulation?
- (8) If not, why not?
- (9) If yes will the department or Minister initiate forfeiture proceedings against the holders/manager of the tenement?

Hon N.F. MOORE replied:

- (1)-(9) The issue of whether or not the activities carried out on Prospecting Licence 26/1832 were in breach of tenement conditions and the Mining Act Regulations is being investigated by the Department of Minerals and Energy. Whether or not forfeiture proceedings are subsequently commenced will depend on the result of the investigation.

MINING, MT CHARLOTTE

58. Hon TOM HELM to the Minister for Mines:

I refer to a letter dated July 7, 1999 from Hon Norman Moore, Minister for Mines, addressed to Mr Brian Hounslow reference 91287, 92331, 92739 and 93195 -

- (1) Will the Minister or his department thoroughly investigate whether the holders/ manager of Mining Lease 26/353 (Mt Charlotte operations) are breaching section 20(5) of the *Mining Act 1978* and regulations and constitute "otherwise interfere" with "Crown land" with the storage and retrieval by a forklift of "cement" and "aquacrete" on wooden pallets in sheds that have been erected well within 100 metres of 7 Williamstown Road?
- (2) If not, why not?
- (3) Will the Minister or his department investigate thoroughly whether the holders/ manager of Mining Lease 26/353 (Mt Charlotte operations) are breaching section 20(5) of the *Mining Act 1978* and regulations and constitute "otherwise interfere" with "Crown land" in which the holders/manager operate a forklift to store and retrieve wooden pallets, drill steels, wood, poly pipe and other mining equipment used as part of the mining operations which is well within 100m of 7 Williamstown Road?
- (4) If not, why not?
- (5) Can the Minister with his department investigate and advise the true and accurate measurement in metres from the south west closest poppet leg of the Mount Charlotte Cassidy headframe to the closest point of the fenced property at 7 Williamstown Road which would appear to be interference with Crown land or mining operations under section 20(5) of the *Mining Act 1978* and regulations?
- (6) If not, why not?
- (7) Will the Minister or his department thoroughly investigate whether the holders/ manager of Mining Lease 26/353 (Mt Charlotte operations) are breaching section 20(5) of the *Mining Act 1978* and regulations by interference with Crown land by the usage of a crane and other mobile mining plant and the storage of mining machinery (explosives trolley or explosives cage) that is used for the Mt Charlotte operations within 100 metres of 7 Williamstown Road?

(8) If not, why not?

Hon N.F. MOORE replied:

(1)-(4), (7)-(8)

Advice has been sought from the Crown Solicitor as to whether or not section 20(5) of the Mining Act 1978 is being breached as a consequence of the activities referred to by the honourable member.

(5)-(6) Survey information provided to the department confirms that the distance between the closest point of the Cassidy headframe, to the closest point of the fenced property at 7 Williamstown Road is 105.75 metres.

GOVERNMENT VEHICLES, NUMBER LEASED AND OWNED

118. Hon NORM KELLY to the Minister for Tourism:

As of June 30, 1999, for all agencies under the control of the Minister for Tourism -

(1) How many vehicles are leased or owned by those agencies?

(2) Of these, how many are -

- (a) passenger vehicles; and
- (b) commercial vehicles?

(3) Of the total number of vehicles, how many are -

- (a) petrol or diesel powered;
- (b) LPG powered; or
- (c) powered by other means?

Hon N.F. MOORE replied:

WESTERN AUSTRALIAN TOURISM COMMISSION (WATC)

(1) Vehicles leased: 32

(2) (a) Passenger vehicles: 27
(b) Commercial vehicles: 5 four wheel drives

(3) (a) 29 unleaded petrol
3 diesel
(b)-(c) None

ROTTNEST ISLAND AUTHORITY

(1) Vehicles owned: 4
Vehicles leased: 46

(2) (a) Passenger vehicles: 26 (24 are used for commercial purposes)
(b) Commercial vehicles: 24

(3) (a) 32 unleaded petrol
14 diesel
(b) 3 lpg
(c) 1 alternative fuel

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

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

For each department or agency in the Minister for Education's portfolio can the Minister provide the following information -

(1) How many staff were recruited to each department or agency in the Minister's portfolio in each of the following categories in 1997/98 and 1998/99 -

- (a) Chief Executive Officers;
- (b) Senior Executive Service; and
- (c) Level 1-8?

(2) Of those staff how many were recruited internally and how many were recruited by, or with the aid of, external recruitment agencies?

(3) What are the names of the external agencies that were utilised?

(4) What was the cost of using external recruitment agencies in 1997/98 and 1998/99?

Hon N.F. MOORE replied:

Education Department of Western Australia

(1) (a) Recruitment of Chief Executive Officers is managed by Public Sector Management. Please refer to the answer given in response to question on notice 52.

- (b) 1997/98 4
1998/99 1
 - (c) 1997/98 18
1998/99 43
 - (2) 37 were recruited internally and 29 were recruited with the aid of external recruitment agencies.
 - (3) Morgan and Banks
Saggers and O'Dea Consulting
Maitland Consulting Group Pty Ltd
Dilinger Group
Beilby
Gryphon Consultants
Futures Group brokered by Maitland Consulting
Public Sector Management Office (for trainees)
 - (4) 1997/98 \$44 619.30
1998/99 \$88 668.75
- Note: The number of employees recruited above are those from external agencies and other public sector agencies, it does not include those employees recruited from within the Education Department.

Department of Education Services

- (1) (a) Recruitment of Chief Executive Officers is managed by Public Sector Management. Please refer to the answer given in response to question on notice 52.
- (b) 1997/98 Nil
1998/99 1 (reclassification of existing officer)
- (c) 1997/98 1
1998/99 1
- (2) Two were recruited internally.
- (3)-(4) Not applicable.

Curriculum Council

- (1) (a) Recruitment of Chief Executive Officers is managed by Public Sector Management. Please refer to the answer given in response to question on notice 52.
- (b) 1997/98 2
1998/99 Nil
- (c) 1997/98 20
1998/99 29
- (2) 34 were recruited internally and 17 were recruited internally with external assistance.
- (3) C P Resourcing.
- (4) \$15 732.00.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

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

In an effort to reduce leave liability, Circular to Ministers No 5/98 required all agencies to reduce their leave liability by 10 per cent by no later than June 30, 1999 -

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Education's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?
- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon N.F. MOORE replied:

- (1)-(5) Circular to Minister No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act* 1985 and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers.

It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.

- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

MINING, P26/1832, LAND CLEARING

363. Hon GIZ WATSON to the Minister for Mines:

I refer to an incident which I understand occurred on or prior to Sunday, July 18, 1999 on Prospecting Licence P26/1832 in which the holders/manager of tenement with large dump trucks, a front end loader and bulldozer cleared land approx 4-5 hectares in area on the Prospecting Licence 26/1832 outside of Hampton location 203 -

- (1) Can the Minister state who are the holders/manager of P26/1832?
- (2) If not, why not?
- (3) Has the holders/ manager breached condition number 5 on P 26/1832 in not first obtaining the prior written approval of the District Mining Engineer for the use of mechanised equipment for surface clearing of approx 4-5 hectares?
- (4) If not, why not?
- (5) If yes will forfeiture action be initiated or commenced against the holder of P26/1832?
- (6) Has the holders/manager breached condition number 14 on P 26/1832?
- (7) If not, why not?
- (8) If yes will forfeiture action be commenced or initiated against the holders of P26/1832?
- (9) Will the Minister or his department seek to have a maximum fine imposed on P26/1832 should P26/1832 be not forfeited given that the holders/manager has previously been fined for clearing on their Fimiston II tailings dams leases without having the prior approval of the State Mining Engineer and as part of that incident in 1995 advised both the Minister and the department "That KCGM will introduce new procedures to ensure all future works requiring the various approvals are correctly processed in accordance with the regulations and conditions and that your department at the time advised the Minister". In an effort to prevent such mistakes re-occurring, KCGM has introduced procedures to ensure all works which may require governmental approval being referred to the tenements and Environmental Departments of KCGM for advice?
- (10) If not, why not?

Hon N.F. MOORE replied:

- (1) The holders of Prospecting Licence 26/1832 are Homestake Gold of Australia Ltd and North Kalgurli Mines Pty Ltd. The manager is Kalgoorlie Consolidated Gold Mines Pty Ltd.
- (2) Not applicable.
- (3)-(9) The issue of whether or not the activities carried out on Prospecting Licence 26/1832 were in breach of tenement conditions and the Mining Act Regulations is being investigated by the Department of Minerals and Energy. Whether or not forfeiture proceedings are subsequently commenced or a fine is imposed in lieu of forfeiture will depend on the result of the investigation.
- (10) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, INFORMATION TO PEOPLE OF NON-ENGLISH SPEAKING BACKGROUNDS

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

- (1) For all Government departments and agencies under the Minister for Education's control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?

- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -
- (a) electronic media; and
 - (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon N.F. MOORE replied:

- (1)-(4) Please refer to the answer in response to question on notice 381 of 7 September 1999.

YARRAGADEE AQUIFER

453. Hon KIM CHANCE to the Minister for Finance representing the Minister for Water Resources:

In relation to the allocation of water from the Yarragadee aquifer to Moltoni Holdings Pty Ltd -

- (1) What are the names of the other aquifers located in the vicinity of the Yarragadee aquifer?
- (2) What is the sustainable yield for each of these aquifers?
- (3) What amount of water can be allocated for commercial/horticultural use from each of these aquifers?
- (4) What amount of water has been currently allocated from each of these aquifers for -
- (a) all uses; and
 - (b) commercial/horticultural use?

Hon MAX EVANS replied:

- (1) Moltoni Holdings Pty Ltd is located in the Red Gully subarea of the Gingin Groundwater Area. This is one of the 17 discrete management subareas in the Gingin Groundwater Area. There are four aquifers in the Red Gully subarea being: the superficial; Leederville; Parmelia; and Yarragadee aquifers.
- (2) Based on current information, the sustainable yield for each aquifer is:
- | | |
|---------------------|--|
| Superficial aquifer | Not defined, but considered to be relatively small. Yield depends on local conditions. |
| Leederville aquifer | 13.18 Giga Litres per year (GL/year). |
| Parmelia aquifer | 2.50 GL/year (full capacity in this area). |
| Yarragadee aquifer | 3.00 GL/year. |
- (3) The amount of water that can be allocated for commercial/horticultural use from each of these aquifers is:
- | | |
|---------------------|-------------------|
| Superficial aquifer | Small quantities. |
| Leederville aquifer | 6.18 GL/year. |
| Parmelia aquifer | 2.50 GL/year. |
| Yarragadee aquifer | 3.00 GL/year. |
- (4) The amount of water currently allocated from each of these aquifers is as follows:
- | | | |
|---------------------|---------------|------------------------------|
| | For all uses | For commercial/horticultural |
| Superficial aquifer | 2.50 GL/year | 2.40 GL/year |
| Leederville aquifer | 13.18 GL/year | 6.18 GL/year |
| Parmelia aquifer | 2.50 GL/year | 2.50 GL/year |
| Yarragadee aquifer | 3.00 GL/year | 3.00 GL/year |

GOVERNMENT CONTRACTS, CHAMBER OF COMMERCE AND INDUSTRY

585. Hon KEN TRAVERS to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) Have any of the Government agencies for which the Minister for Aboriginal Affairs is responsible had contracts with, or made payments to, the Chamber of Commerce and Industry in each of the following years -
- (a) 1996/97;
 - (b) 1997/98; and
 - (c) 1998/99?
- (2) If yes, what was the nature of each of the contracts and what was/were the payments made?

Hon M.J. CRIDDLE replied:

- (1) (a)-(c) Yes.

(2)	(a)	1996/97		
		Albany Chamber of Commerce and Industry	Publication	\$20.00
		Albany Chamber of Commerce and Industry	Advertising in local directory	\$75.00
		Derby Chamber of Commerce and Industry	Advertising in local directory	\$220.00
	(b)	1997/98		
		Derby Chamber of Commerce and Industry	Advertising in local directory	\$240.00
	(c)	1998/99		
		Derby Chamber of Commerce and Industry	Advertising in local directory	\$250.00

MINING ACTIVITIES, WILLIAMSTOWN

621. Hon TOM HELM to the Minister for Mines:

I refer to a letter dated July 7, 1999 from Hon Norman Moore, Minister for Mines addressed to Mr Brian Hounslow reference 91287, 92331, 92739 and 93195 and letters of complaint from Mr Hounslow dated August 25, 1999, August 30, 1999 and September 21, 1999 sent to the Minister for Mines.

- (1) Will the Minister with urgency instruct or encourage his department with an inspector to advise KCGM to cease all or any activities as detailed and outlined in all of Mr Hounslow's letters referred above which constitute "or otherwise interfere with any Crown land" under section 20(5) of the *Mining Act 1978* within 100 metres of the property of 7 Williamstown Road given that the Minister has stated "With regard to the proximity of the mining operation, legal advice provided by the Crown Solicitors office confirms that the 100 metre zone referred to in section 20(5) of the *Mining Act* applies in relation to your property. As a consequence KCGM, as the holder of Mining Lease 26/353 over the area must comply with section 20(5)"?
- (2) If not, why not?
- (3) Can the Minister provide a detailed scaled plan showing where on what levels and specific areas of the mine the "seismic events" caused the "...company to cease underground operations in some areas of the mine ..."?
- (4) If not, why not?
- (5) Can the Minister state in detail what specific "arrangements will be made for the Regional Mining Engineer to monitor the situation" for dust emissions?
- (6) If not, why not?

Hon N.F. MOORE replied:

- (1)-(2) Advice has been sought from the Crown Solicitor as to whether or not the activities referred to in correspondence dated August 25, 1999, August 30, 1999 and September 21, 1999 from Mr Brian Hounslow constitute a breach of section 20(5) of the *Mining Act 1978* by interfering with Crown land without his written consent.
- (3) The Department has twelve copies of plans in its Kalgoorlie office provided by KCGM which show the levels and areas of the Mt Charlotte mine that were affected by the seismic event on 27 June 1998 which led to the cessation of mining. Arrangements for the viewing of these plans by the Hon Member or a constituent can be made by contacting the Regional Mining Engineer in Kalgoorlie.
- (4) Not applicable.
- (5) The Regional Mining Engineer Kalgoorlie has been requested to have his officers check for any dust emission problems when they are working in the area of the Mt Charlotte operations.
- (6) Not applicable.

MINING LEASE 27/164, FORFEITURE

622. Hon TOM HELM to the Minister for Mines:

I refer to a letter dated August 10, 1999 signed by Hon Norman Moore, Minister for Mines reference number 93844.

- (1) Was a notice of intention to forfeit M27/164 issued to the company?
- (2) If so, on what date was the notice of intention to forfeit issued by the department?
- (3) Has the notice of intention to forfeit and the fine of \$2 000 been registered both on the Kalgoorlie and Perth register of mining title for M27/164?
- (4) If not, why not?
- (5) Can the Minister state the rationale as to why Mining Lease 27/164 was not forfeited and instead a fine of \$2 000 being imposed?

(6) If not, why not?

Hon N.F. MOORE replied:

- (1) No.
- (2) Not applicable.
- (3) Details of the imposition of the fine and its subsequent payment appear in the Kalgoorlie and Perth tenement register for M27/164.
- (4) Not applicable.
- (5) A fine of \$2 000 in lieu of forfeiture was considered appropriate as the activity that took place was part of the approved notice of intent proposal relating to the lease. The failure of the company to consult with and obtain prior permission from the Department of Minerals and Energy and the local government authority was not of sufficient gravity to warrant forfeiture of the lease.
- (6) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, NATIONAL COMPETITION POLICY COMPLIANCE REVIEW

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

- (1) For all agencies/departments under the Minister for Aboriginal Affairs' control can the Minister advise what policies and legislation are -
 - (a) under review; or
 - (b) have been completed,
 to ensure compliance with the National Competition policy?
- (2) In respect of each review currently under way can the Minister advise -
 - (a) the expected completion date of the review;
 - (b) what legislation may be required to be amended following the review;
 - (c) whether National Competition Payments are contingent on the completion of the review, and passing of any legislative requirements?
- (3) In respect of each review that has been completed, can the Minister advise -
 - (a) if legislation is required to be amended;
 - (b) whether the amending legislation has been introduced to Parliament;
 - (c) if not, when it is expected that the legislation will be introduced;
 - (d) whether National Competition Payments are contingent on the passing of the legislation?

Hon M.J. CRIDDLE replied:

- (1)
 - (a) None.
 - (b) National Competition Policy reviews have been conducted and completed on the Aboriginal Affairs Planning Authority Act 1972, Aboriginal Heritage Act 1972 and Aboriginal Communities Act 1979.
- (2) (a)-(c) Not applicable.
- (3)
 - (a) No.
 - (b)-(d) Not applicable.

QUESTIONS WITHOUT NOTICE

BEDFORDALE HILL ROADWORKS

460. Hon TOM STEPHENS to the Minister for Transport:

I refer to the roadworks on the Bedforddale Hill expansion of Albany Highway and the recent announcement that a 30 kilometre per hour speed limit is being imposed.

- (1) In addition to the \$750 000 that has been spent on this road since it was opened on 23 June 1999, can the minister confirm that further major repairs are about to be undertaken?
- (2) What is the estimated cost of these repairs?

Hon M.J. CRIDDLE replied:

- (1)-(2) As I have advised the House on 21 October, approximately \$728 800 has been expended to 30 September 1999 on the Bedfordale Hill project since 23 June. This figure includes expenditure on landscaping, driveways, measurements, drainage as well as traffic management and repairs. A major proportion of this amount is for planned works of the project. Main Roads WA and the contractor are discussing the further repairs that are required to the section of road in question. The estimated cost of these repairs is not known at this time.

KIMBERLEY SCHOOL OF THE AIR

461. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

- (1) Does the minister acknowledge that there is an urgent need to upgrade the facilities at the Kimberley School of the Air?
- (2) When will funds be allocated to upgrade these facilities?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The minister understands that the Kimberley District Education Office considers a facilities upgrade to the Kimberley School of the Air in Derby to be its highest priority for general capital works. The Minister for Education will shortly visit the School of the Air and will discuss the proposal with school representatives. The project will be considered in the context of needs across the State when future capital works programs are determined.

DRONABINOL

462. Hon CHRISTINE SHARP to the minister representing the Minister for Health:

- (1) Is the minister aware that Dronabinol has been shown to provide very little relief for some patients suffering chemotherapy-induced nausea due to the fact that it is an oral medicine that must go through the digestive process before being effective and this is not suitable for patients suffering severe nausea?
- (2) Does the minister believe that terminal patients who find effective relief using cannabis, relief they have not found using current legal medications, should be denied safe legal access to cannabis for relief of their medical condition?
- (3) Can the minister provide copies of any evidence he has to suggest that making cannabis available medically will increase the use of cannabis as a recreational drug?
- (4) Does the minister accept that the issue of cannabis for medicinal use is a completely separate issue from the recreational use of cannabis and should not be assessed using the criteria of the Government's drug strategy?

Hon MAX EVANS replied:

- (1) Yes. However, Dronabinol is not the only medication that can be used for the treatment of chemotherapy-induced nausea. Currently Dronabinol is available only on specific prescription for AIDS sufferers with nausea after approval by the Secretary of the Department of Health and Aged Care.
- (2) The use of therapeutic substances for medical conditions is approved by the Therapeutic Goods Administration. There is, however, insufficient evidence that the drug is better than other anti-nausea agents that are available in the palliative armamentarium. The minister is advised that there are effective medications available for the relief of nausea in terminally ill patients.
- (3) No, I am not aware of any research or evidence that will or will not increase the use of cannabis as a recreational drug if also used as a medication.
- (4) The medical use of cannabis and its derivatives is the responsibility of the Therapeutic Goods Administration and the Australian Drug Evaluation Committee.

PYRTON SITE, PROPOSED PRISON

463. Hon N.D. GRIFFITHS to the Minister for Justice:

I refer to the minister's answer to my question without notice 288 of 23 September 1999 relating to a prison being located on the Pyrtton site in Eden Hill.

- (1) Does the Minister for Justice stand by his answer that "the State Planning Commission originally indicated its approval in general terms of the use of the site for a number of purposes, including a women's . . . prison"?
- (2) Can the minister point out exactly where in any documents the State Planning Commission gave such approval?
- (3) Will the minister table the documents; and, if not, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1)-(3) In February 1999 the Western Australian Planning Commission, WAPC, noted a report prepared by consultants titled "Land Use Structure, Pyrtton Site, Eden Hill". In doing so the commission also resolved to agree that option 1B of that report would meet the objectives of the Government whilst still allowing community access and use of the balance of the site. Option 1B of that report depicted a "minimum security pre-release facility for women". By letter dated 8 April 1999 the Chairman of the WAPC wrote to the Mayor of the Town of Bassendean setting out the commission's full resolution. In making the decision the WAPC also noted "that Option 1B raises the issue of the long-term management arrangements for the residual buildings and open space and will require further work".

I seek leave to table a copy of the resolution.

Leave granted. [See paper No 308.]

HOMESWEST PRIORITY HOUSING LIST

464. Hon HELEN HODGSON to the minister representing the Minister for Housing:

- (1) What is the average period that a Homeswest applicant who has been placed on the priority housing list must wait to be given accommodation?
- (2) Is the average waiting period for Aboriginal applicants the same as for non-Aboriginal applicants; and, if not, what is the average waiting period for each?
- (3) Is the minister aware of any applicants who have been placed on the priority list for housing for psychological and medical reasons being told they must wait six months to be given accommodation?
- (4) Under what circumstances would an applicant who has been granted priority status be unable to be placed in accommodation for this length of time?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Homeswest endeavours to assist priority applicants as soon as possible depending upon the special needs of the applicant. When Homeswest is unable to assist them in their preferred zone in the short term, it will consider offering accommodation in an alternative zone in an endeavour to satisfy the customer's urgent housing need. Additionally, where an applicant has had a previously poor tenancy history with Homeswest, Homeswest reserves the right to ensure careful placement of the applicant.
- (2) The policy outlined applies to all Homeswest clients regardless of ethnicity.
- (3) No. However, if the member wishes to provide me with specific details of a particular client, the minister would be more than happy to investigate and provide her with the relevant details.
- (4) While Homeswest makes every endeavour to assist priority clients as soon as possible, when a client has specific requirements in terms of long-term location or accommodation type or size it may take longer to provide appropriate accommodation. In addition, the priority list is closely monitored to ensure waiting times are kept to a minimum.

While the minister is satisfied with Homeswest's commitment to house priority applicants as soon as possible, the minister has discussed the waiting times for priority applicants with the Managing Director of the Ministry of Housing. As a result of these discussions, during 1999-2000 the ministry will construct an additional 200 units across the State which will be specifically targeted to assist applicants on the priority list.

FAMILY AND CHILDREN'S SERVICES, FUNDING

465. Hon B.M. SCOTT to the minister representing the Minister for Family and Children's Services:

I refer to comments in *The Cockburn Herald* of Saturday, 23 October 1999, attributed to the Opposition spokesperson for Family and Children's Services, stating that spending for Family and Children's Services was estimated to be \$6m less than in 1998-99. Has state government funding for Family and Children's Services increased or decreased between 1998-99 and 1999-00?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

The State Government has continuously increased the budget allocation for Family and Children's Services since coming into office. Over the current term of government the budget allocation for the Family and Children's Services portfolio has increased from \$134m in 1996-97 to over \$160m in 1999-00.

The shadow spokesman for Family and Children's Services is trying the same misleading tactic he used during the budget estimate debates. Either he does not understand how accrual accounting works or he chooses not to for political purposes. He continually compares actual spending levels for 1998-99 with forward estimates, which means that he is comparing apples with pears. Unlike forward estimates at the beginning of a financial year, actual spending levels at the end of a financial year include such items as carry overs and unforeseen expenditure items.

The fact is that the appropriations from the State Government for the recurrent services for Family and Children's Services in 1999-2000 is approximately \$146m compared with an appropriation for 1998-99 of approximately \$143.5m. What appears at first sight to be an increase of \$2.5m between 1998-99 and 1999-2000 is in fact an effective increase of \$3.45m for 1999-2000. Indeed the responsibility for the program for four-year-old children has been transferred from Family and Children's Services to the Education Department, with the corresponding budget allocation of \$950 000.

Since the release of the budget papers there has been even more good news for the budget. The Minister for Family and Children's Services has successfully negotiated with the Federal Government for an increased commonwealth contribution to the supported accommodation assistance program sector for increased costs relating to the crisis assistance supported housing award. In practice, this will mean an additional \$5m for the department in its 1999-2000 budget. That \$5m includes a \$2.4m back payment from the Commonwealth for prepayments made by the State Government on behalf of the Commonwealth. The State Government decided to prepay the commonwealth share to help non-government services deal with the impact of the CASH award. As of 1999-2000 there is also an additional \$2.6m ongoing annual commitment from the Commonwealth.

Hon Ljiljanna Ravlich: What a disgrace.

The PRESIDENT: Order! There are enough members on the list now!

Hon M.J. CRIDDLE: In a budget based on accrual accounting, the prepayments incurred by the State Government in 1998-99 have temporarily inflated actual spending levels in the 1998-99 financial year as an extraordinary cost. The reimbursement by the Commonwealth will appear only in the next budget papers, towards the end of the 1999-2000 financial year. Indeed we could not include the \$5m in the 1999-2000 forward estimates, because we had not received formal confirmation from the Federal Government about that at the time the budget papers were being printed. This is just one example.

In answer to the member's question, the State Government has again increased the budget for Family and Children's Services in 1999-2000. On the basis of budget papers, that was a \$3.45m increase on the allocation in the previous financial year. Since the successful negotiations with the Commonwealth, the increase in 1999-2000 is now as high as \$8.45m.

All of this and more was explained in much detail to the shadow spokesperson for Family and Children's Services during the budget estimates debate. He has the information and knows the situation.

It is important to remember also that while the Government has continually increased its allocation for Family and Children's Services, in the last six years of the Labor Government the budget and staff numbers progressively reduced.

WEST BUSSELTON PRIMARY SCHOOL, CLEANING

466. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:

- (1) Will cleaning be contracted out at the West Busselton Primary School next year?
- (2) How many hours of cleaning a day are provided to the school?
- (3) How many hours of cleaning will be provided for under contract?
- (4) How many cleaning staff are employed at the school and how many will be employed under contract?
- (5) Will the minister consider delaying the introduction of the contract cleaners to the West Busselton Primary School, as he did for Kambalda?

Hon N.F. MOORE replied:

- (1) Yes.
- (2) 11.5 hours a day.
- (3) School cleaning contracts are outcomes based, which requires that schools will be cleaned, to a standard determined by the department, by 8.00 am each day. The resources required to achieve this are determined by the cleaning contractor.
- (4) Four. The number of cleaners to be employed when the school goes to contract will be determined by the contractor.
- (5) No; the decision to postpone contract cleaning in Kambalda schools was made in recognition of recent retrenchments in the area. A similar situation does not exist in Busselton.

MT WELD JOINT VENTURERS

467. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:

- (1) What incentives or concessions have the Mt Weld joint venturers been given by the State Government or its authorities to site their rare earth processing plant at Meenaar east of Northam?
- (2) What disadvantages are there in terms of government costs and charges which militate against siting this processing plant in the Kalgoorlie-Boulder area or the Mungari industrial estate?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Government, through LandCorp, has offered to make suitably zoned and approved land available to the proponent of the Mt Weld project at Meenaar at commercial rates. Similar arrangements are available at the Mungari industrial estate.
- (2) The headworks charge to connect to the Water Corporation's supply main is approximately \$5m less at Meenaar than would be the case at Kalgoorlie-Boulder or the Mungari industrial estate, which reflects the shorter distance. Estimated annual operating costs for water are also lower at Meenaar.

COLLEGE MANAGEMENT INFORMATION SYSTEM 2000**468. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:**

Since the decision to cease development of College Management Information System 2000 in October 1998, I ask -

- (1) What has been the total expenditure on maintenance and development of the original CMIS?
- (2) What was the total cost incurred in making CMIS Y2K compliant?
- (3) Has CMIS been certified Y2K compliant by an independent authority?
- (4) If yes, which authority; and, if no, why not?
- (5) In addition to Y2K compliance, what other maintenance work and development work has been undertaken on CMIS since October 1998?
- (6) What has been the total cost of the work and what is the value of any current work not yet completed?

Hon N.F. MOORE replied:

This is the second time the member has asked the question. The first time I went to some trouble to provide the answer because I thought she should have an answer. However, for some reason yesterday she was unable to get the call. Although I had the answer yesterday she needed to ask the question again today.

- (1) Expenditure by the Department of Training and Employment from its CMIS budget for the support, maintenance and development of CMIS is estimated at \$1.5m, including Y2K compliance. An additional amount of approximately \$580 000 was spent on hardware upgrades and maintenance, and software licensing and maintenance to provide the department and 12 technical and further education colleges with an appropriate and efficient information and technology environment to support the CMIS.
- (2) The total development cost for CMIS Y2K compliance is estimated at \$415 000.
- (3) Yes.
- (4) Computer Associates Pty Ltd.
- (5) As well as CMIS support and maintenance, development work has been undertaken on flexible delivery, completion of functional requirements, national reporting for the Australian vocational education and training management information statistical standards and a range of smaller system enhancements and improvements.
- (6) The cost of work outlined in question (5) is approximately \$400 000. The approximate value to complete current work in progress is \$40 000.

KUPUNGURRI ABORIGINAL COMMUNITY**469. Hon TOM STEPHENS to the minister representing the Minister for Aboriginal Affairs:**

- (1) Is the minister aware of the concern of the Kupungurri Aboriginal community and of the Kimberley Aboriginal Medical Services' council about the failure of the community's sewerage plant?
- (2) What steps will the minister take to ensure that the sewerage problems facing this community, including the return of raw sewage into toilets, sinks and drains, are immediately attended to and resolved?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The problem was rectified on 12 October. The system failure was identified as a fault in the switchboard timer control. This was rectified by the manager of Airvac Australia, who was requested to visit the site to check the faulty operation and provide adequate training in the system's operations to the Kimberley regional service provider. The KRSP will be responsible for the ongoing maintenance of the vacuum sewer system under its current maintenance contract with the Ministry of Housing. At no stage has there been a return of raw sewage into the sinks or drains.

WESFARMERS DEPOT, BASSENDEAN

470. Hon J.A. SCOTT to the minister representing the Minister for the Environment:

- (1) With reference to question without notice 389 of 15 June, has the Department of Environmental Protection finished its investigation into the pesticide spill at the Wesfarmers depot in Bassendean on or around 8 June 1999?
- (2) If so, what are the results of the investigation and will the minister table the results?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) The Department of Environmental Protection has almost completed its investigation into this matter. The minister will provide preliminary information on the incident in response to the member's question on notice 569 on 20 October. As soon as the minister is able to do so, she will provide the further information sought.

BUNNINGS FOREST PRODUCTS PTY LTD, DISCUSSIONS

471. Hon NORM KELLY to the minister representing the Minister for the Environment:

In the Government's statement on forests of 27 July, the Premier stated in relation to woodchipping that currently Bunnings Forest Products Pty Ltd had contracts to take the resource from the Department of Conservation and Land Management until 2003, and that the Government would hold discussions with the company to see whether variations could be made to those arrangements.

- (1) Have these discussions taken place; and, if so, when?
- (2) If yes, what was the outcome?
- (3) If no, when will discussions take place?
- (4) Will the minister table CALM's logging plans for the jarrah forests in the Swan, central and southern forest regions for -
 - (a) the remainder of 1999; and
 - (b) the year 2000?
- (5) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) Discussions are currently taking place between representatives of Bunnings Forest Products and the Executive Director of the Department of Conservation and Land Management to finalise amendments to the appropriate contract clauses of the WA Chip and Pulp Co Pty Ltd contract 2525.
- (3) Not applicable.
- (4) The Government has committed to the development of a jarrah strategy which, among other things, will place greater emphasis on value adding and promote greater community involvement in decisions regarding forest management. As a consequence, the harvesting plans may be subject to modification. Details of the jarrah strategy are yet to be finalised.
- (5) Not applicable.

BURSWOOD INTERNATIONAL RESORT CASINO

472. Hon KIM CHANCE to the Minister for Racing and Gaming:

Some notice of this question has been given by Hon Ken Travers.

- (1) Is the minister aware of evidence that the Burswood International Resort Casino, through its human resources manager, Mr Paul Kennedy, paid approximately \$20 000 towards legal fees incurred by the Federated Liquor and Allied Industries Employees Union of Australia, Western Australian Branch, Union of Workers, in a case involving the casino and the Australian Liquor, Hospitality and Miscellaneous Workers Union?
- (2) Is the minister aware that a complaint of impropriety involving the payment has been made to the Office of Racing, Gaming and Liquor by letter dated 19 August 1999?
- (3) What has been done as a result of the complaint and what is intended to be done?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(2) Yes.

- (3) On 7 September 1999, the Australian Liquor, Hospitality and Miscellaneous Workers Union was advised that under the Gaming Commission Act 1987 and the Casino Control Act 1984, the Gaming Commission of Western Australia is not empowered or obliged to investigate this matter.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND GRANTS

473. Hon B.K. DONALDSON to the Minister for Sport and Recreation:

Will the minister provide the following breakdown of the Government's community sporting and recreation facilities fund grants -

- (1) How many grants have been provided in the past five years?
- (2) What is the total value of these grants?
- (3) How many grants have been allocated to -
 - (a) country applicants; and
 - (b) metropolitan applicants?What percentage does this represent?
- (4) What is the value of grants allocated to -
 - (a) country localities; and
 - (b) metropolitan localities?What percentage does this represent?
- (5) What is the value of CSRFF grants allocated per head of population to residents in metropolitan and country areas?
- (6) If more money has been allocated per head of population to residents in country areas, by what greater percentage has this occurred?

Hon Ljiljanna Ravlich: Put it on notice!

Hon Derrick Tomlinson: An excellent question.

The PRESIDENT: Order! Members are entitled to ask questions, and I would appreciate Hon Ljiljanna Ravlich not giving the House her opinion of the value or otherwise of those questions. Everyone is entitled to ask a question.

Hon N.F. MOORE replied:

I thank the member for some notice of this very important question.

- (1) 1 008.
- (2) \$51 633 462.
- (3)
 - (a) 692 country grants, representing 63.04 per cent.
 - (b) 316 metropolitan grants, representing 31.35 per cent.
- (4)
 - (a) \$32 550 185 allocated to country areas, representing 68.65 per cent.
 - (b) \$19 083 277 allocated to metropolitan areas, representing 31.35 per cent.
- (5) \$57.11 per head of population has been allocated to residents in country areas, while \$15.34 per head of population has been allocated to residents in metropolitan areas.
- (6) Residents in country areas have received 272 per cent more money per head of population than those living in metropolitan areas.

CARNAC ISLAND NATURE RESERVE

474. Hon GIZ WATSON to the minister representing the Minister for the Environment:

- (1) Has the Department of Conservation and Land Management issued a licence or licences to Oceanic Cruises to operate tours on or around the Carnac Island nature reserve?
- (2) What are the financial and environmental conditions of this licence?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Oceanic Cruises has been issued with a commercial activity licence to access Carnac Island for sightseeing, birdwatching, day tours and photography. The licence expires on 31 December 1999.
- (2) The cost of the licence is \$250 per annum, and \$50 for application or renewal.

I seek leave to table a copy of the commercial tour operator's licence conditions.

Leave granted. [See paper No 309.]

ARK ROAD SAFETY CENTRE FUNDING

475. Hon CHERYL DAVENPORT to the Minister for Transport:

- (1) Has the minister yet reconsidered the level of funding to the Armadale Roleystone Kelmscott Road Safety Centre?
- (2) In particular, will the minister now provide full funding for the instructor at that centre?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) Additional funding will be provided until the end of the first school term in 2000. During this period, we will pursue other sources of funding.

LOCAL GOVERNMENT, YEAR 2000 ISSUES

476. Hon E.R.J. DERMER to the minister representing the Minister for Local Government:

I refer to the report on overall risk assessment of year 2000 issues included in the *Local Government Update* of September 1999, which states that of the 91 local governments which responded to the departmental survey of readiness for the year 2000 computer problem, only 51.4 per cent of non-metropolitan local governments and 89.5 per cent of metropolitan local governments are implementing a year 2000 plan.

- (1) Is the Minister for Local Government concerned at the failure of many local governments to implement a year 2000 plan?
- (2) Is the Minister for Local Government concerned that only 43 local governments responded to say that their plans covered all critical internal systems?
- (3) What action has the Minister for Local Government taken to ensure that all local government authorities implement a year 2000 plan which covers all critical internal systems?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. The Minister for Local Government has provided the following response -

- (1) Local governments have been advised of the need to act in relation to year 2000 compliance on numerous occasions by the State Government, the Commonwealth Government and the Western Australian Municipal Association. The Department of Local Government has conducted two surveys of local governments on year 2000 compliance. In the latest survey, to which the question refers, 94.5 per cent of respondents indicated that they had identified and assessed their year 2000 risks in relation to internal systems. This percentage is particularly encouraging. The fact that many local governments, particularly smaller non-metropolitan local governments, are not implementing a year 2000 plan reflects their assessment that the impacts of the millennium bug will not be significant.
- (2) The 43 local governments to which this question refers comprise 76.6 per cent of the 54 relevant local governments.
- (3) The State Government has drawn the issue of year 2000 compliance to the attention of local governments on a number of occasions, including two specific surveys; two articles in the Department of Local Government's magazine *Local Government Update*; a circular from the Department of Local Government; and the distribution of relevant publications from the Department of Commerce and Trade. Local governments are responsible for determining their own risks in relation to year 2000 compliance and taking appropriate actions. They will answer to their communities for any problems which may arise.

INFORMATION COMMISSIONER, RECOMMENDATIONS FOR CHANGES TO ACT

477. Hon TOM STEPHENS to the Attorney General:

I refer to the Information Commissioner's annual report tabled yesterday and the statement on page 18 that -

In my previous annual reports I have identified recommendations for legislative changes which would improve the effectiveness and operation of the Act. To date, no changes have been made, except to increase the range of exempt documents.

- (1) When will the Attorney General implement the procedural recommendations made to him after a review two years ago and bring the recommended legislation before this Parliament?
- (2) When will the Attorney General implement the recommendations to reduce the number of exemptions and give the commissioner greater discretionary powers to make government more open and accountable?
- (3) Given that the other place is so starved of business that it will be taking a week off, why will the Attorney General not introduce his completed legislation into that place?

- (4) Does the Attorney General propose to agree to the recommendation of the Information Commissioner that would see an increase in charges associated with requests for medical records from members of the Western Australian public under the freedom of information legislation?

Hon PETER FOSS replied:

- (1)-(4) I cannot remember how long ago I took this legislation to Cabinet and got approval to draft it, but that drafting is among a large amount of legislation that this Government would like to bring forward. I do not think it would help to bring anything into the other place, because, as members probably know, in order for legislation to be passed it must be passed in both Houses. The chances of getting legislation through this place, even the legislation that is currently on the Notice Paper, are becoming increasingly slim, and I do not see the need to put extra pressure on parliamentary counsel to bring that legislation up the drafting list for what may be a futile attempt to get it through this place. However, obviously that may change if suddenly the Opposition were to speed legislation through.

Hon N.F. MOORE: I ask that the business of the House be resumed.

Hon Kim Chance: You are joking!

The PRESIDENT: Order! I am not joking. I am obliged to proceed to the business of the House, which is Order of the Day No 19.
