WESTERN AUSTRALIA

PARLIAMENTARY DEBATES

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Tuesday, 24 September 1996

Legislative Assembly

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

PETITION - PRISON TRANSPORT

DR WATSON (Kenwick) [2.03 pm]: I present the following petition -

> To The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undermentioned people of Western Australia oppose:
>
> 1. any attempt to privatise Western Australia's prison system, especially Canning Vale Prison;
>
> 2. any attempt to privatise prisoner transport services to and from Western Australian prisons;
>
> because of the real possibility of the decline in security standards and level of accountability.
>
> Such a decline would place families who live close to prisons and all Western Australians at undue risk.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 336 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 145.]

PETITION - SCHOOL STARTING AGE

MRS HENDERSON (Thornlie) [2.04 pm]: I present the following petition -

> To The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in the Parliament assembled.
>
> We, the undersigned, object strongly to the Minister for Education's proposals to change the school starting age so that our children may not start their formal education until they turn the age of seven.
>
> We object to delaying the start of formal education which we believe will impact on the quality of our children's education.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 236 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 146.]

PETITION - ROYAL FLYING DOCTOR SERVICE, CARNARVON BASE

MR LEAHY (Northern Rivers) [2.05 pm]: I present the following petition -

> To the Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, call on the Parliament and the State Government to intervene to ensure that the Royal Flying Doctor Service base remains in Carnarvon fully staffed and equipped.
>
> If the Royal Flying Doctor Service of Western Australia wish to provide a 24 hour service in the region then such a service can be adequately provided by sharing resources between the Meekatharra and Carnarvon bases.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 531 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 147.]

PETITION - KEEP FIT CLASSES FOR OVER 60s, FUNDING

DR HAMES (Dianella) [2.06 pm]: I present the following petition -

> To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, strongly object to the proposed withdrawal of funding for over 60s "keep fit classes" by the Federal Government, and call on the State Government to do everything within its power to ensure that this valuable and worthwhile program continues.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 17 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 148.]

PETITION - BREAST CANCER RESEARCH FUNDING

MRS van de KLASHORST (Swan Hills) [2.07 pm]: I present the following petition -

> To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned note:
>
> BREAST CANCER: AN AUSTRALIAN EPIDEMIC
>
> Breast cancer is the most serious malignancy affecting women. It is one of the most commonly diagnosed cancers in Australian women today.
>
> Breast cancer is one of the leading causes of death in women ages 35 to 60.
>
> There is an average of 683 new cases of breast cancer annually in Western Australia. One in four women with breast cancer dies within the first five years; 40% die within 10 years of contracting the disease.
>
> The incidence of breast cancer among Australian women is rising each year at the rate of 33%. In 1960, 1 woman in 20 could expect to be diagnosed with breast cancer in a lifetime; today 1 in 13 faces that threat.
>
> We do not know what causes breast cancer, how to cure it or what to do to prevent it. For two decades underfunded research has focused on detection and treatment, rather than cause and prevention; and current methods of detection, physical examination and mammography, are imperfect at best. Funds for research are of an urgent need.
>
> Depending on the quality, mammography fails to detect as much as 20% of all breast cancers, and recent studies show that it may fail to detect as much as 40% of breast cancers in women under the age of fifty.
>
> ALL WOMEN IN AUSTRALIA ARE AT RISK OF CONTRACTING BREAST CANCER
>
> We therefore call upon the Legislative Assembly to ensure that the Western Australian State Government to increase its contribution to Breast Cancer Research from $0 to $2 million per year for ten years to fight against this disease. There are so many families already suffering from the effects of breast cancer, it is imperative that the issue of research into the causes, prevention and cure be addressed with urgency.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration.

The petition bears 21 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

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

[See petition No 149.]

BILLS (2): ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Reserves Bill.

2. Westpac Banking Corporation (Challenge Bank) Bill.

MINISTERIAL STATEMENT - MINISTER FOR LABOUR RELATIONS

Productivity WA 2000 Vision

MR KIERATH (Riverton - Minister for Labour Relations) [2.12 pm]: When this Government came to office three and a half years ago it set productivity improvements as a priority and aimed to use them to drive economic growth and employment. As a Government we can set goals for all Western Australians and show people the benefits those goals will provide. However, it is up to employers, employees and the community to take up the challenge to make this State better and to improve their own standard of living through striving together for these goals.

With the launch of Productivity WA 2000 Vision, I have set some strong, but attainable, goals that I believe will set the right framework to allow businesses and, more importantly, the individuals who are the producers of wealth, to achieve their maximum potential. To get there we will use four plans which build on and reinforce each other - a creativity and innovation plan, a rewards plan, the WorkSafe plan, and the globalisation and regionalisation plan.

Everybody knows that we must be more productive and work smarter - and nobody wants to miss out on the benefits that greater productivity can provide. Our labour relations reforms are the tools with which Western Australian businesses can make themselves into national and international leaders in whatever field they work in. However, it will take a commitment.

We must improve, and then improve upon our improvements, by using world best practice. We must combine that with our reputation as being great innovators. Every employer must work with all his or her staff and combine every creative talent and innovative skill to produce things better, faster and to the clients' specifications. Our reputation must be that of a country that produces impeccable quality - on time and on budget. In so doing, we will do it with the safest workplaces in the world.

By achieving the targets we set, we will have an improved standard of living, quality of working life and employment security. We will improve our competitiveness and have better return on capital and growth rates for employers. The result will be improved quality and reduced prices for goods and services.

Cooperation is the key to success. This Government is committed to continuing reform that will assist in productivity growth and wealth creation. A cooperative team effort across the State will provide us all with the opportunity of rewards through productivity. I have here the booklet that will be released.

[Questions without notice taken.]

MOTION - TIME MANAGEMENT SESSIONAL ORDER (GUILLOTINE)

MR C.J. BARNETT (Cottesloe - Leader of the House) [2.45 pm]: I move -

> That the following items of business be completed up to and including the stages specified at 5.30 pm on Thursday, 26 September 1996 -
>
> 1. Financial Legislation Amendment Bill - all remaining stages;
>
> 2. State Enterprises (Commonwealth Tax Equivalents) Bill - all remaining stages;
>
> 3. Acts Amendment (Assemblies and Noise) Bill - all remaining stages; and
>
> 4. East Perth Redevelopment Amendment Bill - all remaining stages.

Four Bills are subject to time management this week. The Financial Legislation Amendment Bill contains a series of amendments to the Financial Administration and Audit Act, most of which relate to the requirement that financial statements be prepared on an accrual basis. The other financial legislation, the State Enterprises (Commonwealth Tax Equivalents) Bill, provides for income tax and wholesale sales tax equivalent regimes for major Western Australian trading enterprises. It is intended that both Bills will be dealt with this afternoon. We will then proceed with, and try to complete debate on, the electoral legislation.

On Wednesday the assemblies and noise legislation - relating to control of rave parties - will be debated, and attention will be given to the East Perth Redevelopment Amendment Bill. It is a short Bill but it has the consequence of giving

the East Perth Redevelopment Authority the power to manage the Northbridge urban renewal project. I hope that debate will be concluded this week on Budget Bill No 3.

MR BROWN (Morley) [2.47 pm]: The Opposition opposes the guillotine motion for all the reasons it has previously enunciated. It is the height of arrogance for the Government to move the guillotine motion simply as a matter of form. The Bills that the Leader of the House proposes should be subject to the guillotine motion this week are not substantial Bills. One would be hard pressed to say the Parliament needs all the time available to it this week to debate those Bills.

Mr C.J. Barnett: We have the electoral legislation too.

Mr BROWN: I note the interjection by the Leader of the House. However, the guillotine motion does not speed up in any way, shape or form debate on the electoral legislation, because the motion states only that the named Bills will go through the Parliament, whether debated or not, at 5.30 pm on Thursday. Of course, the House usually rises at 6.00 pm on Thursday. The motion to guillotine debate on Bills other than the electoral legislation will not necessarily speed up the passage of that Bill. It does not put additional pressure on any member on this side of the House to debate in a truncated way the various Bills listed by the Leader of the House. Indeed, bearing in mind the substance of those Bills, I very much doubt that the House will debate them for an extensive period, certainly not until 5.30 pm on Thursday. If that be the case, what is the purpose of the guillotine motion? We could deal with all these Bills very comfortably.

Mr Strickland: If it were not moved, it might not happen.

Mr BROWN: Other devices are available to the Government. The purpose of moving the guillotine motion this week is simply a matter of form. That is, it is not a matter of substance in that the Government believes these Bills are so controversial or technical or are of such public importance that the Parliament cannot deal with them in time. It is simply that the Government does not want to move from the practice it has established that it is in charge of this House, it knows best, it alone can determine what is appropriate for the people of Western Australia, and other members of this House do not have a role to play.

I certainly oppose the motion this week for its arrogance. It is amazing that on this occasion the Government proposes a guillotine on a number of Bills which presumably could be dealt with by this place in a couple of days. However, the Government introduced the Vocational Education and Training Bill, a significant issue for the future of this State, particularly for our young people, and relating to traineeships and apprenticeships, and allocated it seven hours for debate.

Mr C.J. Barnett: You suspended standing orders to have a political debate.

Mr BROWN: We had a one-hour debate on the suspension of standing orders, yet the longest debate we have had on the suspension of standing orders was the motion moved by the Government, which took most of a day. We see not a desire to use the guillotine to facilitate the business of the House or the appropriate level of discussions based on the relative importance of the various Bills, but a total arrogance on the part of Government. It will determine in its time and fashion the Bills which will be rammed through this place as it sees fit. It is highly regressive that the Government, as a matter of form not substance, moves the matters to be dealt with. If the Government is fortunate enough to be re-elected at the next election, who knows what will be on the agenda next year or whether it will allow time to debate very many Bills at all.

MR RIPPER (Belmont) [2.52 pm]: I support the remarks of the member for Morley. This is the anaesthetic motion which, for practical purposes, will not bother the Parliament a great deal because the Bills placed on the guillotine this week will be concluded earlier than the time set for the guillotine to come down; namely, at 5.30 pm on Thursday. It is a drip feed anaesthetic. Week by week this motion is moved, and we are supposed to become used to it and become bored with it. It is intended to discourage the Press from reporting it. A week will come when it will deal with a matter of not only principle but also great practical importance for the Parliament.

A few weeks ago, the guillotine was applied to a matter of great practical importance when the significant Vocational Education and Training Bill was severely guillotined - we could debate only four of its 72 clauses. It is true, as the Leader of the House pointed out, that the Opposition chose to suspend standing orders to debate another matter of importance. It took an hour to do so. Therefore, the Opposition cannot be held responsible in that manoeuvre for so much of that Bill not being debated. In that same week, two competition policy Bills went through no Committee debate at all. That is the problem with the motion moved by the Leader of the House. In many weeks it is anodyne and has no impact on the practical operations of the Parliament. The Leader of the House moves the motion every week so people think it is the norm, and when the Government wants to put through significant legislation in this way the reaction is, "Ho hum, it is a guillotine motion."

The Opposition will oppose this motion every week it is moved. In some weeks it will deal with important matters and will restrict our right as members of Parliament to scrutinise properly the legislation put before the House. I hope when we deal with the next most important piece of legislation on the parliamentary agenda - the gun control legislation - the Leader of the House will not subject it to the guillotine motion. I will be happy to have him indicate his position to the House. How does he propose to handle the gun control legislation? Will he expect on our return from the parliamentary break that the legislation will be put through the House within the first week? Will he subject it to the guillotine or, given its importance, will he release that legislation from the guillotine motion as he has done with a number of other Bills, such as the electoral legislation?

Mr C.J. Barnett: I have not considered that matter. The legislation has not yet come to the Parliament. I understand that the Opposition will support it.

Mr Cowan: It is my undertaking that if you move to adjourn it, I will support you!

Mr RIPPER: Perhaps it might be the case that the legislation is supported by the Opposition, but not by elements of the Government! The Opposition supports the national gun control policy; however, it wants to ensure that the State's laws will achieve the objectives set out in the national gun control agreement. It is important legislation and we want to give it close scrutiny. We want to know, first, that the Government will deal with the agreement and, secondly, that it will not rush it through the Parliament. I hope the Leader of the House can give us an undertaking that it will not be subject to the guillotine motion.

Mr C.J. Barnett: I will not give an undertaking on a Bill which has not been introduced into the Parliament.

Mr RIPPER: A notice of motion seeking leave to introduce the Bill was given before question time today.

Mr C.J. Barnett: I do not know your attitude. If you give an undertaking that you will support the Bill's passage in the first week, maybe it will not go under the guillotine - at the moment it is a pointless debate. I have said that all budget Bills will not be subject to the guillotine motion, along with Bills dealing with social matters which are particularly emotional, such as the mental health legislation.

Mr RIPPER: Such as gun control.

Mr C.J. Barnett: It may fit into that category. They are the Bills I have excluded from the guillotine under sessional orders.

Mr RIPPER: Perhaps there will be an opportunity for discussion between the Opposition and the Government on this matter. I am interested to hear that the Leader of the House wants the Bill through in the first week of the debate.

The Opposition is opposed in principle to the use of the guillotine as it is contrary to the traditions of this place and the practices of all previous Governments. Also, it is contrary to the reform processes in which this Parliament should be engaged.

Question put and a division taken with the following result -

Ayes (28)

Mr Ainsworth	Mr Johnson	Mr Shave
Mr C.J. Barnett	Mr Lewis	Mr W. Smith
Mr Blaikie	Mr McNee	Mr Strickland
Mr Board	Mr Minson	Mr Trenorden
Mr Bradshaw	Mr Nicholls	Mr Tubby
Mr Court	Mr Osborne	Dr Turnbull
Mr Cowan	Mrs Parker	Mrs van de Klashorst
Mr Day	Mr Pendal	Mr Wiese
Mrs Edwardes	Mr Prince	Mr Bloffwitch *(Teller)*
Dr Hames		

Noes (20)

Ms Anwyl	Mr Grill	Mr Ripper
Mr M. Barnett	Mrs Henderson	Mrs Roberts
Mr Catania	Mr Kobelke	Mr D.L. Smith
Dr Constable	Mr Leahy	Mr Thomas
Dr Edwards	Mr Marlborough	Dr Watson
Dr Gallop	Mr McGinty	Ms Warnock *(Teller)*
Mr Graham	Mr Riebeling	

Pairs

Mr Omodei	Mrs Hallahan
Mr House	Mr Bridge
Mr Marshall	Mr Brown
Mr Kierath	Mr Cunningham

Question thus passed.

FINANCIAL LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 22 August.

MR McGINTY (Fremantle - Leader of the Opposition) [3.01 pm]: This Bill has our support. It contains a number of amendments to the Financial Administration and Audit Act including, first, the requirement for departments to prepare financial statements on an accrual basis; secondly, the transfer of a net appropriation upon the transfer of a function from, or to, a department; thirdly, changes to the operation of the revenue equalisation account; fourthly, strengthening the focus on internal control from an audit perspective; fifthly, extending to departments and subdepartments the banking arrangements currently applicable to statutory authorities - that is, the operation of trust accounts as though they are bank accounts with Treasury; and, sixthly, to have eligible net appropriation revenues extended to apply to all revenues other than taxes, fines, royalties and other prescribed revenues.

This Bill is designed to tidy up definitions, to explain the financial position of the State and to correct terminology which, over the past 20 to 30 years, has varied and as a result caused concern about a lack of clarity in the legislation. As such, we see it quite simply as a housekeeping Bill that we are happy to support. There is also clear legal advice that the consolidated fund should not run into deficit, which it often does, particularly in the new year period.

This Bill allows for net appropriations; that is, for departments to establish trust accounts with any savings or moneys received from business activities being placed in that trust account, to use the terminology of the legislation, and for those departments to spend that money in a subsequent financial year. We endorse this move. It should stop the end of financial year spend-up that has become a feature of the operation of some departments. It allows departments to keep the rewards of their business activities to be used to improve further the services and ultimately their service to the public. Hopefully this process will be transparent by way of the Estimates Committee procedures of this Parliament.

I will briefly refer to accrual accounting. This legislation, by Statute, now requires departments to adopt accrual accounting. For some time now it has been a requirement imposed on all departments by way of Treasurer's Instructions. As such, we do not see any significant change other than of a tidying up, housekeeping nature.

Every authority and department requires internal audits; however, some departments are too small to justify an internal audit function. This Bill enables departments to establish an internal control mechanism, rather than an internal audit. Those departments to be excluded from the requirement of an internal audit will be small. The Auditor General will be consulted prior to their being given this exemption, and the exemption will be done by way of regulation and advertising. As such, we are happy that that meets the appropriate accountability requirements.

This legislation also contains a rewrite of the investment provisions under the FAA Act. Basically, this allows statutory authorities to pool their money with government departments so the funds can be invested by Treasury under prescribed guidelines. It allows for a greater return on money because the pool of money is larger. It appears to make commonsense that that be done.

Finally, the Bill allows for moneys held from private individuals or companies to be deposited in private accounts or institutions; for example, if a requirement of tendering is that a deposit be lodged, that deposit can be placed with the tenderer's preferred financial institution. As I have indicated, we see this as no more than routine housekeeping. The Bill has the support of the Opposition and should be passed expeditiously.

MR RIPPER (Belmont) [3.06 pm]: I will briefly support the remarks of the Leader of the Opposition. The Opposition had a briefing on this Bill, which is reasonably technical in its nature. The briefing led the Opposition to the view that most of the amendments are of a housekeeping nature, some of them putting into legislation that which is current practice. I will comment on a number of issues that emerged from the briefing.

In this legislation it is proposed to allow departments to have trust accounts that will be operating accounts. It is hoped that this device will deal with the year end spending issue. As we all know, under previous arrangements departments have had a financial incentive to spend in a rush before the financial year ends any moneys that had not

been spent during the financial year. Once the financial year ends, unspent moneys must be returned to the consolidated fund. Despite the fact that departments will deny they have been doing this, there is significant evidence of this practice from accounts over the years. Many people know that in the past it has often been easier to get computers and other pieces of marginally needed equipment in May and June of a financial year. Some of those decisions have not been the wisest use of public moneys. If departments are legitimately able to retain some of those moneys for more productive purposes and are not penalised because they may have made some unexpected savings in a financial year, that is to the advantage of the public purse.

Our current system says to departments, "If you are efficient, if you save some money, you will lose out because next year we will chop your budget and next year you will not have that same level of resources." As we know, status in the Public Service depends, to a certain extent, on the number of people who are responsible to the chief executive officer and the proportion of the budget which is available to spend and which is under the control of the chief executive officer of the department, and those incentives work against the effective and efficient spending of public money.

Mr Bloffwitch: The dilemma is that if you do get sick of paying the money and it accumulates, you create another monster at the other end. You have to be a bit careful that you curtail spending.

Mr RIPPER: Yes. There is no perfect solution to this question. A mistake might be made in the original estimates where a department was given too much money; and it should not be allowed to carry that over. However, I believe that in recent years we have leant to the other side of the dilemma, and I have known of people purchasing computers and other things in a hurry at the end of the financial year just to make sure that the budget was exhausted.

Mr Bloffwitch: A good example is our stationery allowance. At the end of 12 months, if we have any money left, we buy up big and get rid of the balance, because otherwise it will fall off at the end of the year.

Mr RIPPER: That is a perfect example of this phenomenon. Perhaps some consideration should be given to allowing members of Parliament to carry over their stationery allowance to a limited extent.

This issue is linked, to a certain extent, to the system of net appropriations, because that system allows a department to retain revenues which it receives for various purposes and to use them to provide its services, and some adjustment is then made to the amount which is appropriated to the department from the consolidated fund. This is an interesting issue, because the purpose of providing for net appropriations is to give departments some incentive to maximise their revenue generation, and there have been many cases in the past where departments have known of ways in which to maximise revenue generation but have not bothered to proceed with the planning, organisation and investment required because once the revenue is received, it must be paid into the consolidated fund; therefore, there is no institutional or organisational advantage for the department in generating that additional revenue. The system of net appropriations should provide some incentives for departments to make decisions which will result in additional revenue, if those decisions can be made.

There is a bit of a dilemma here also, because if departments do see a way of generating significant additional revenues, that may bias their activities. After all, the purpose of government departments is to provide services to the public and the State in a variety of ways, and it is possible to imagine a scenario where a very entrepreneurial and ambitious chief executive officer saw a way of maximising the revenue that was generated by his department and concentrated on that to the exclusion of other public purposes. One way in which this is dealt with in this scheme is that if a department is doing very well in generating revenue, an adjustment is made to its consolidated fund appropriation. However, if that adjustment is too severe, that will remove any incentive for that department to improve its revenue generation and we will return to the system which we have experienced in the past.

One department where there may be some question about this revenue generation effect on its other activities is the Department of Conservation and Land Management, which has both commercial and non-commercial activities. A number of people are of the view that that department's commercial activities and concerns may prejudice its nature conservation work. I would be interested in the Treasurer's view of whether departments may become tied up in revenue generation to the exclusion of their other priorities.

Mr Minson: The answer is no.

Mr RIPPER: That is encouraging. How would the Minister deal with it, and does he think the net appropriation system has an effect?

Mr Minson: It is not a problem because one does not personally benefit from the revenue that is generated. It is simply a matter of the income generation and the nature conservation area supporting each other. The point that everyone misses is that the individuals do not get a share of the money that they bring in; it all belongs to the big entity called the department.

Mr Thomas: There is an incentive, because they enhance their career.

Mr RIPPER: The nature of the incentive for the individual is the number of people whom they control and the amount of expenditure for which they are responsible. Does the Minister think the system of net appropriations has expanded the resources available for CALM? Is CALM spending more as a result of net appropriations than it would if it was entirely reliant on the consolidated fund?

Mr Minson: It is spending in a more thoughtful and effective way, and also it has projects that it wants to achieve in the environment area. One example - I took a bit of flak on this - is the provision of facilities in national parks. If you tell the local people running the park that what they collect in fees can be spent in their park, you will find that they will go to some lengths to make sure that people pay rather than just come through and not pay. There is an incentive for them to make the money because they know that it will be spent on what is a favourite part of the world for them.

Mr RIPPER: But if the Budget then reduced the consolidated fund appropriation for that park, it would defeat the objective. There must be some balance in this area.

Mr Minson: You will find in national parks now that there is an exponential increase in the quality, which I must say is badly needed, of the things that are made available in those parks.

Mr RIPPER: I agree that historically the standard of facilities in national parks has not been up to scratch and has not been comparable with the facilities that are provided in national parks in other countries.

This legislation will also establish the practice of accrual accounting for all departments and agencies. I understand that this is now current practice in agencies and that it has been implemented by way of Treasurer's Instructions. This Bill will transfer the authority for accrual accounting from the Treasurer's Instructions to the principal Act. That is a welcome development. The old cash based system of departmental accounting meant that Parliament was left in ignorance of the true cost of many government programs, and quite often the public servants themselves were not properly aware of the full impacts of some of the decisions that they were making over the long term. I hope this development of accrual accounting for departments will improve the information available to Parliament, and also the quality of management within public sector agencies, because in the past decisions have been made without proper consideration of the long term consequences. One area that is particularly important is superannuation. Accrual accounting does not take into account the full superannuation costs of applying staff to particular purposes.

Mr Bloffwitch: It would show the contingencies, and the accumulated or forecast liabilities.

Mr RIPPER: It would do that if the superannuation scheme was run by the department or agency concerned, but when a public service superannuation scheme is run outside the department or agency, is covered by another Act of Parliament and is an automatic appropriation rather than an appropriation for the particular agency, when we talk about the costs of putting on additional police, nurses, teachers, public servants, or whatever, we do not take into account the superannuation expense of putting on those people, because that is covered not in the agency's accounts but in the accounts of another authority under another Act of Parliament. That may be a further development we should make in our budgeting and accounting processes so that all costs to the Government are assembled in the one set of accounts and we can properly assess the full impact of the decisions we make.

This legislation provides for all interest earned from the public bank account short term investments to be credited to the consolidated fund in the year in which the interest is earned. That is a good provision. In the past, short term interest earnings were used to manipulate the accounts to produce a constant surplus in the consolidated revenue fund -

Several members interjected.

Mr RIPPER: All Governments have used that device. Despite the fact that moneys were borrowed for capital expenditure, magically there was always a last minute surplus in the consolidated fund because a revenue equalisation account took into account the earnings from the short term investments of the public bank account. Whatever was required could be taken from that account to ensure that the consolidated fund was in surplus. It was a practice which was not illuminated for the Parliament or the public. The only sensible arrangement is the one in this legislation: If interest is earned in a particular year, it is taken into the consolidated fund that year.

On the face of it, another change sought by this legislation appears not to be a good one. I refer to the provision to allow for an internal audit not to be required in all agencies. However, the Opposition was satisfied by the information given by the officers at the briefing: It would be a waste of resources in some small agencies to have an internal audit function. We are advised that, with proper internal controls, certain agencies can operate satisfactorily without an internal audit function. The Bill does not provide the criteria by which agencies will be

chosen for exclusion from the requirement to have an internal audit function. We were advised that the criteria would be applied by regulation, and that, for practical purposes, the views of the Auditor General would be an important determinant of whether an agency would be excluded from the requirement to have an internal audit function. Obviously the Auditor General has the power to audit any agency that he or she chooses, and can apply that power if he or she is not satisfied with the internal audit function. I would like the Treasurer to talk about the criteria which are likely to be specified in the regulation which will allow agencies to be exempt from the requirement to have an internal audit function.

The Bill provides broader protection for the Auditor General from any legal action as a result of audit opinions published by him. Why do we need to give the Auditor General such explicit protection? Everyone in the community should be able to rely on the opinions of a person such as the Auditor General. In the private sector, if auditors certify that a company is solvent and it turns out to be insolvent, the auditors can be sued by people who have dealt with the company and have lost money by relying on the auditors' opinion. It appears that we are exempting the Auditor General from that liability. If we can have legal protection from relying on opinions of private auditors, we should be able to rely even more on the public sector's Auditor General. In other words the Auditor General, if anything, has a higher reputation for integrity and competence than do the private sector auditors. If private sector auditors can be subject to legal liability if they get it wrong, why is the Auditor General excluded? The Opposition supports the legislation.

MR BROWN (Morley) [3.26 pm]: Parliament should support legislation which is designed to enhance the financial obligations of the Government, particularly its financial reporting obligations. I look forward to the Treasurer's response. I understand that many of the provisions contemplated in this Bill - accrual accounting, and so on - are in operation. The Bill gives effect to what is, in many respects, common practice. However, the accounting mechanisms of the Government must be further enhanced so that the Parliament can be informed about any financial transactions that the Government is making.

Various provisions in this Bill seek to enhance the control and reporting mechanisms and the manner in which the public accounts are kept. Given those improvements in the accounting system, I hope that as a result, when information is sought in this House, it will be less difficult to receive answers to questions. I am keen to see the accounts improved so that the reporting structures - particularly the reporting to members of this House - can be enhanced without a significant cost to the Government in providing that information. Recently I have asked a number of financial questions, only to be advised that the Minister will not provide that information because, in the Minister's view, it will require staff time to extract the information, and the Minister is not prepared to allocate staff time in order to report to Parliament - after all, this is only the Parliament and why should the Minister allocate staff time for that purpose? If the Bill seeks to improve the Government's accounting arrangements and to put in place accrual accounting to make it easier to extract financial information, I hope that it will be possible for not only the Minister but also the Parliament and the people of Western Australia to obtain that information. I instance a series of questions that I asked about the recent Premiers' Conference at which, according to an answer from the Deputy Premier, $87.5m was relinquished by the State. The Treasurer said in answers in this Parliament that some $40m-worth of savings had been identified by the Government to partially meet that commitment to the Commonwealth.

Mr Court: It was $60m in general revenue and $30m in specifics. It was $40m out of the $60m.

Mr BROWN: Yes. Despite repeated questions, it has not been identified where that $40m has been saved. I appreciate that for political reasons the Treasurer may not wish to identify that; however, the Parliament and the public of Western Australia have a right to know where those savings are being made. To every question I have asked of representative Ministers I have received exactly the same answer. Each Minister has either taken advice from the Treasurer on the way the question is to be answered or has come to the same conclusion, which is that he or she will simply not provide the information. I am not sure whether that is because the information is not available in the accounting system as it currently is, and as it is proposed to be once this Bill goes through Parliament, or whether the information is available under the accounting system that is in place, but for political reasons the Government has chosen not to report to this Parliament on what measures have been taken.

To the extent that the Treasurer or other Ministers seek to claim that the Government is accountable to the Parliament and to the people of Western Australia and has taken a strong position in being accountable, the lack of answers to those parliamentary questions shows that that is not the case. Is it the Treasurer's intention to disclose at some stage to this Parliament and the people of Western Australia exactly in which departments those savings have been made and how they were made, or is that a highly secretive matter?

Mr Court: Nothing is secretive. Every department handles it differently. In some cases they have cut back on travel; for example, they have tightened up on people within the department travelling. In some cases they have deferred some items of capital expenditure on equipment or whatever. That is how those savings have been able to be achieved to date in the number of agencies across government.

Mr BROWN: I understand that.

Mr Court: It is a nonsense if you want the Government to detail that in each department because its Budget is being changed throughout the year. Because of the approach it takes, it must constantly get departments to redress their situation. That is what budgeting is all about. The initial Budget that comes down gives the overall ballpark figures; however, it is a constant exercise throughout the year to ensure that all departments are brought in.

Mr BROWN: The provision of general information on the types of measures being taken by agencies is not an onerous task.

Mr Court: The Government has 150 different agencies, and you want me to report to you on what travel they are cutting back on?

Mr BROWN: There is $60m - I know it does not sound much -

Mr Court: There is over $6b to be considered.

Mr BROWN: That is right. In the Government's first Budget in 1993 an allocation of $1m was made to long daycare centre places for capital works. At the end of that year that allocation was not used and the following year an allocation of $2.6m was made. At the end of that year that allocation was not used and the following year an allocation of $4.3m was made. All that time the Government was telling the public of Western Australia that it was doing a great job; that despite the financial pressures it allocated $1m, $2.6m and $4.3m - all to capital works for child care. At the end of the next financial year, still nothing was allocated and this financial year the money has gone. It has disappeared. We are seeing budget jiggery-pokery. This is the thimble and pea trick. It raises the question of what the budget papers are all about. It appears that they are advisory documents that the Government moves and shuffles around as it sees fit. That is why the Opposition asks the questions. If members consider the spirit and intent of the Royal Commission into Commercial Activities of Government and Other Matters, they will see, as you will be aware, Mr Deputy Speaker, that the royal commission said that it is the role of the Opposition to probe government in relation to expenditures. The Opposition cannot force the Government to answer those questions, and it certainly cannot get the information if the Government is not willing to give it. However, in the interests of accountability the royal commission said that government should be an open book, unless it is in the public interest for it not to be.

Mr Thomas: The Commission on Government expanded on that.

Mr BROWN: That is right. There is no reason the information I have sought from all Ministers - not just one - has been refused.

Last week I raised in this place the contracting out of government services. One hopes that with the improved accounts that are confirmed by this Bill it will be possible to identify what the costs and benefits have been of contracting out various works and services to the private sector. The Opposition has had an extraordinarily difficult job trying to make head or tail of government figures that are bandied around by various Ministers from time to time. Just a few weeks ago the Minister for Services announced a contract to a Japanese company, as I understand it, for the government payroll system. It was said that savings of around $180 000 a year - not an insignificant amount - would be made by the Government through contracting out the payroll system. As I understand from an answer to a parliamentary question, 28 government employees are involved in the delivery of that service, and about 25 employees are involved in the private sector with the Japanese company that has the contract. I asked what the savings were and whether those savings were referred to in the media statement. They were. I then asked what methodology was used to calculate the savings: Did the Government simply use a wheel with a lot of numbers and determine the figure according to the point at which the wheel stopped spinning, or was any science involved? It is not an unreasonable question.

When people sit down to do their weekly shopping and reconcile their bank accounts, they work out how they might expend their money and what the savings might be. As weird as the logic might be, generally there is some logic. The question about the methodology was not a difficult question. Most year 6 or year 7 primary school students would understand the question, and most year 8 students would be able to answer it. However, we were told that we could not have the methodology and that the savings could not be quantified. It is very much a "mirrors and smoke exercise" because we do not know the figures. We are told by media releases that we are making savings, but when we ask about the methodology, the cost input and cost savings, who is responsible for the contract negotiations and for monitoring contract and performance standards and whether those costs are included, none of that information is available. The Government is thumbing its nose at the recommendations of the Royal Commission into Commercial Activities of Government and Other Matters and saying, "Notwithstanding the royal commission's recommendations, we do not accept that we should be open and accountable now that it is our turn in government." It was all right when someone else was in government.

Mr Thomas: That is the Foss school of thought.

Mr BROWN: Is that the view of Hon Peter Foss? It seems to be not only his view but also that of all Ministers. These are not difficult questions. We are not asking for a complex theory that requires an academic to respond; we are asking for some basic mathematical information and methodology.

To the extent that this Bill improves the accounting system for government, it is welcome. Based on the practice in this place, we are not sure whether that improved accounting system and the information derived from it will be shared with the Parliament and the people of Western Australia or whether it will be for the exclusive use of government agencies and their operatives. If it is simply for the Government to determine what use will come out of these refinements, it is of some value to the public of Western Australia. However, if the Government is simply looking to improve its accounting system, but does not intend to share that information, as was recommended by the Royal Commission into Commercial Activities of Government and Other Matters, the Commission on Government and various other agencies who have commented on the openness of government, we must question the wisdom of dotting the "i's" and crossing the "t's".

I was hoping to determine in this debate whether the changes made in the past few years and reflected in this Bill mean that it will be easier to extract information from the records. I ask that question because time and time again we receive advice from Ministers, not that information is not available, but that they will not extract it and provide it. That applies in a variety of situations. For example, in answer to a question on notice the other day the Minister for Water Resources refused to tell the Parliament the value of a range of assets sold by the Government and valued at more than $100 000. When we asked how much money had been paid to chief executive officers whose contracts had been terminated, the Minister for Public Sector Management, the Premier, told us we could not have that information.

When we asked how the Government has implemented savings from the cuts to funds emanating from the agreement between the Commonwealth and the State we were told that we could not have that information. When we asked about the debt reduction strategy, the level of public assets, the amount raised from public assets and the amount used for debt reduction we were told that we could not have that information. When we asked for information on contract standards and prices we were told that we could not have that information. When we asked for information about the methodology for determining cost savings as a result of contracting out work to the private sector we were told that we could not have that information. It is very difficult for members on this side of the House to comprehend how changes have improved accountability. It seems that either the changes reflected in this Bill have not improved the system - that the system will still not generate the information being asked for unless someone is given the task of labouriously extracting the detail - or the system has improved and it will generate the detail being sought in this Parliament, but the Government has made up its mind not to provide that detail, for whatever reason. I would like to know from the Treasurer whether the system has improved to that extent. If it has, I hope the quality of the answers to parliamentary questions seeking financial information will improve with the passage of this Bill.

MR COURT (Nedlands - Treasurer) [3.46 pm]: I thank members opposite for their support of the legislation. It formalises the beginning of accrual accounting throughout the public sector. The Government is addressing the lack of suitable accounting skills in most of the departments. We are considering recruiting more accountants with the proper qualifications. It is not necessary to be highly qualified to handle a cash in, cash out accounting system. Many accounting officers have come through the system but they do not all have formal qualifications in this area.

Mr Thomas: Bookkeepers?

Mr COURT: Yes. This lack of qualification has been identified as a problem and restructuring has just been completed within Treasury. That will provide a body which can help a number of agencies. Another problem is that many of the very large number of agencies are too small to warrant employing qualified accounting expertise. That is why we believe some rationalisation of the number of departments is necessary. We still have some way to go to ensure that the accounting skills are brought up to the level required to deal with accrual accounting. It involves, for example, establishing a full list of assets including current valuations. That was already underway. It has meant that we have had to put in place a proper, accurate property register.

Mr Brown: I understand why you need an assets register which includes the item values, but the Government does not need it for the same reason as the corporate sector.

Mr COURT: An assets register identifies any idle assets.

Mr Brown: I agree with that.

Mr COURT: At the time everyone said that there should be an assets register. When the Government assumed office it made inquiries about the property and assets register only to find there was not one. After 10 years, it had not been

put in place. To Hon Max Evans' credit this Government has been working on it. Initially, the State Taxation Department, the Department of Land Administration and the Valuer General's Office worked together to produce it. We now have a reasonably accurate register. The same thing occurred with the legislation we will deal with concerning trading enterprises. We will compare the performance of the government sector with the private sector, and it is important that that is done.

The second issue raised was whether revenue generation would be done to the exclusion of the department's other priorities. I understand the point the member made. To date, there have been nothing but positives flowing out of this. The Department of Conservation and Land Management is a good example: If someone within CALM shows a little innovation and works out how to make a particular attraction work and is successful and revenue flows from it, but that revenue is grabbed and put into the consolidated fund, what incentive is there for the people within that agency to bother coming up with ideas?

Mr Ripper: I actually support the principle. I was drawing your attention to the difficulties.

Mr COURT: Attitudes have changed. CALM is a very good example because when I visited the Valley of the Giants a couple of years ago, I was not impressed with the way it was managed. The area attracted approximately 100 000 visitors a year and they were trampling through the forest and, as a consequence, the trees were dying. I told the chief executive officer that it was not on. I said that it is one of Western Australia's greatest tourist attractions and some money must be spent on making it a properly managed attraction. The answer we used to get was, "You give us some more money and we will fix it up." I do not know how many CEO's have said that. The Government would like to march out the door any CEO who says it now, because they have the flexibility within their operations to do something.

With the Valley of the Giants, CALM came up with a unique proposal which initially cost money, but will pay for itself very quickly. I am told that 1 000 visitors a day go through the Valley of the Giants at $5 a head. It is a nice little earner, but the beauty is that people willingly pay because it is an outstanding attraction with a number of different walks. No longer do people trample through the forest because it is properly managed with proper walkways. I am sure there are plenty of examples like that.

Another positive initiative is the Government's allowing departments to carry over some of their unspent moneys at the end of the financial year. It gives the departments an incentive to be efficient or get the timing of their expenditure to the point that suits them. They do not have a big spend-up at the end of the financial year.

Mr Ripper: These are not unlimited rights, are they?

Mr COURT: No, they are tied to a certain percentage within a certain time frame.

The member for Morley asked whether the type of information is getting any better. The answer is yes. It is easy for me to say, "Let's publish an annual contracting or travel report", but all these things require a system to be put in place to provide the information. The Government is doing everything it can to achieve that aim. It is finding that computers are assisting in identifying the problems associated with taxation issues. The Government is trying to get rid of as many anomalies as possible in the tax system. The Government is continually improving the level of information it provides. Government is a large scale operation and I would be the last to say it is perfect; it is far from it. However, accrual accounting is making the agencies focus more on the assets for which they are responsible.

Mr Brown: I am concerned that your Ministers say they have entered into contract X which saves the taxpayers $200m, but when I ask them to give me the figures and the methodology they tell me they cannot give me the methodology and they will not give me the figures. It seems to me that what they say in their press releases is correct and, if that is the case, there is some basis for it and they should disclose it.

Mr COURT: Obviously, the Opposition and the Government disagree on the concept of contracting out. It is one way of making governments a lot more accountable. Contracts will fail or fall over and some of them will not provide the service to the level required. As more contracting out occurs and there is better management in the contracting out process, it will be part of the cut and thrust of getting good deals for the Government. Currently, if the work is done in-house and it is mucked up, nobody knows about it. It simply disappears into the system. It is amazing that if a building is required and it is constructed from within government, it could cost double the original estimate and in one way or another that amount is swallowed up. If a contract is put out to tender and the successful tender is for $1m the Government knows where it stands. It does not have any overruns on it. Members opposite must get used to the idea that problems will be identified with contracts, even if they are properly managed. However, when they were done in-house nobody knew what the final outcome was.

Members opposite are prepared to go along with the system in which it all happens within a great big government body, whereas the Government does not have any difficulty in putting out the work to the private sector and making

it accountable for the delivery of the service in a very competitive environment. Because it is a competitive environment every now and again one of the contractors will fall over. That is what life is all about in the private sector if contractors do not perform. It is like a Caucus: If one crosses the floor, one is out the door.

Mr Brown: Like yours last week.

Mr COURT: I should not have mentioned that!

Mr Brown: Putting the philosophical issue to one side, if the Minister tells the public of Western Australia that there is a saving of $250 000, it is not unrealistic for him to say how it was calculated and to outline the costs. We must know how this saving is calculated.

Mr COURT: I understand what the member is saying and I will make inquiries of Treasury to find out what examples can be given to indicate where savings can be made. I understand the member wants the Government to identify what are the current costs of the arrangement before it is put out to tender. I appreciate what the member said.

With reference to the question raised about the Auditor General I do, in many respects, agree with the member opposite when it comes to that sort of indemnity. I am advised that we will never get an Auditor General unless that proposal is in place. It comes down to the question of who audits the Auditor General. I am sure the Auditor General makes mistakes, but I appreciate the member's argument. It is an issue which was discussed by my party, but legal reasons were given for this provision.

I thank members for their contribution to this debate.

Question put and passed.

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

STATE ENTERPRISES (COMMONWEALTH TAX EQUIVALENTS) BILL

Second Reading

Resumed from 22 August.

MR THOMAS (Cockburn) [4.00 pm]: I am pleased to indicate the Opposition's support for this legislation. I will use this debate to comment on the Government's lack of performance in the area of accountability and government trading enterprises.

This legislation is part of a great movement that has taken place in Australia over the past four or five years, among other things, to introduce competition in areas that were hitherto the exclusive preserve of government and to ensure that where government continues to participate in those areas, which the Oppositions supports, it does so on a level playing field. This legislation will ensure that government trading enterprises pay the equivalent of commonwealth taxes. It is fortunate for this jurisdiction that that equivalent will be paid to the State Government. That will mean government trading enterprises will not have an unfair advantage over private companies that might be participating in an industry. I hope the Government has the good grace to acknowledge that these reforms were commenced under the Keating Government, and that the then Treasurer, John Dawkins, and assistant Treasurer, George Gear, were responsible for overseeing the introduction of these processes at a commonwealth level.

It is good that these reforms have enjoyed the support of both sides of politics at both the state and commonwealth levels. That led to the creation of the Australian Competition and Consumer Commission and the situation where one of the most powerful men in Australia is Professor Allan Fels. The powers this organisation is assuming are substantial and it is increasingly playing a role which will affect government trading enterprises as well the private sector.

This Bill will impose on government trading enterprises the obligation to pay an equivalent of commonwealth tax to the State Treasury and, hence, place them on a level playing field with competitors they might have in the private sector. As the Treasurer's second reading speech indicates, a blanket provision will apply to all state government trading enterprises. It has already come into effect for the Electricity Corporation - Western Power - and the Gas Corporation, AlintaGas. The first annual reports of those organisations for a complete financial year indicate the amounts those organisations have paid. We have some indication in advance of how those provisions will operate in relation to government trading enterprises. For a number of reasons the operations of government trading enterprises have been under consideration over the past four or five years. One reason was the matter to which I referred earlier; that is, the reforms which began at a commonwealth level under the prime ministership of Paul Keating and treasurership of John Dawkins and his assistant George Gear. The scope of what is perceived to be wrongdoing by government and the necessity to ensure measures of accountability are in place so that wrongdoing cannot be undertaken by government trading enterprises were also the subject of consideration during the Royal

Commission into Commercial Activities of Government and Other Matters. The reason for the general perception that wrongdoing can take place in government enterprises is that in many cases they are free of the scrutiny of Parliament and hence people are able to engage in activities in which they should not. Government trading enterprises have different models. A government trading enterprise is neither fish nor fowl. It is neither a government department, in the sense of a consolidated fund department that is providing services to the public and operating under the consolidated revenue fund - for the most part, at least - nor a private sector company It is my submission that it is owned by the public, which is entitled to satisfy itself it is being run in a prudent and proper manner.

We have debated within this Parliament and elsewhere the way in which government trading enterprises should be constituted and conduct themselves. One approach to this issue was a submission made to the Commission on Government by Mr Malcolm McPherson, the Chairman of Western Power. His submission was that Western Power should go completely to the private sector end of the spectrum and the Electricity Corporation Act should be repealed and Western Power be constituted under the Corporations Law as with any other corporation.

Mr C.J. Barnett: I have a lot of respect for Mr McPherson.

Mr THOMAS: So have I.

Mr C.J. Barnett: That was an observation he made and I do not think you should infer it is the view of either the board of Western Power or the Government.

Mr THOMAS: I did not say that. I was illustrating the range of views which exist on the subject. I understand it was Mr McPherson's point of view; it was not the view of the Minister for Energy or the Government. His submission was a good read; however, I do not agree with it either. I believe the private sector comparison breaks down because a discrete group of shareholders do not own Western Power, and therefore does not have a right to ensure its affairs are conducted properly and prudently; it is owned by the public at large which has rights in that trading enterprise. In my submission the public has rights to ensure that its affairs are conducted properly and prudently. Those are not just academic matters, because, for the most part, the public stands behind government trading enterprises in the form of government guarantees as to their operations and if they lose money, ultimately, the taxpayers, the public of Western Australia, who are represented by members in this Parliament, must pick up the tab.

We have only to look at the affairs of the State Energy Commission in the mid-1980s, when it was apparent at one stage that the commission was faced with projected losses of $7b under the North West Shelf gas sales agreement. As a consequence, taxpayer funded assistance was given to the State Energy Commission to enable it to satisfy its obligations under that agreement.

It is my submission - I have raised this matter a number of times in this House, and I will continue to do so - that there should be levels of accountability and systems of accountability for government trading enterprises. Not only should they be paying taxes on the same basis as private sector companies, but they should also be answerable through this Parliament to the shareholders, namely the public.

We in this State are very fortunate that this matter has been looked at by the Commission on Government as recently as this year. It brought down a report on the operation of government trading enterprises and how they should be accountable. I am pleased the Minister for Energy is here. Given that he is responsible for the two major government trading enterprises, he might also be able to answer questions on the Government's policy concerning the recommendations of the Commission on Government about government trading enterprises. The Commission on Government made a comprehensive set of recommendations, which included that there be a government trading enterprises Act, which would be a governing umbrella that included provisions that would apply to each organisation. Whether the Government decides to act as it is here by having a piece of legislation that will apply to all government business enterprises or whether it will amend each piece of enabling legislation, is neither here nor there; the substance of the legislation is more important.

The first recommendation is that under the proposed commercial activities of government Act, government trading enterprises should be completely accountable to the Minister; they should not have access to information to which the Minister should not also have access. I presume the Government will have no problems with that.

Mr Court: Do you mean as far as access to all of the information goes?

Mr THOMAS: Yes.

Mr Court: I don’t have any difficulty with that.

Mr THOMAS: The second recommendation is that the Minister should be answerable to the Parliament about that information. Where information is sought in the Parliament, the Minister should provide it except where it is claimed to be commercially confidential, in which case it should be made available to the Auditor General. That is a clear, carefully thought out recommendation of the Commission on Government, something the Government should take seriously. I ask the Treasurer what is his attitude towards that?

Mr Court: There will be always be commercially confidential information which you don't want to make public in a number of those organisations. Why would you want to give up a commercially confidential position if it is to destroy the position of that corporation?

Mr THOMAS: Does that mean no?

Mr Court: That does mean no.

Mr THOMAS: Here we have a difference between the Government and the Opposition about the conduct of government trading enterprises. The Royal Commission into Commercial Activities of Government and Other Matters, the Burt report on accountability and now the Commission on Government have all been very critical of the position the Treasurer has just espoused. Governments frequently say that commercial confidentiality is to protect the public interest or the commercial interest, and for that reason organisations should be able to stop members in this Parliament having access to information which exists in the public sector and which we should otherwise be able to access. Sir Francis Burt in his report on accountability, the Royal Commission into Commercial Activities of Government and Other Matters and now the Commission on Government have all said that that proposition is invoked all too often. It is invoked because organisations want to keep information to themselves, rather than because it is necessary in the public interest.

I will give an example. I asked a question in this House - perhaps last year, or maybe the year before - about the price of electricity that had been agreed to between Western Power and the Mission Energy-BP joint venture. The Minister said that he was not able to make that information available because of the commercial confidentiality clause in the agreement. I cannot see a valid reason for that information not being made available to the public. Nothing has convinced me, nor has anything convinced the Commission on Government since I made my submission to it about government trading enterprises, that that information should not be made available. After the Commission on Government criticised the Minister about that matter, there was a further reference, the one to which I am referring now, to government trading enterprises where the Minister's view and my view were put before the Commission on Government. Ultimately the Commission on Government said that that information should be accessible to the Parliament.

I will give another example. I would appreciate it if the Treasurer would follow this debate because I am raising important matters about accountability in a substantial part of the private sector, for which he is ultimately responsible.

Mr Court: I have just discussed it with the Minister and we both agree with what you are talking about. We are listening.

Mr THOMAS: I am pleased about that. My next example relates to a question I asked in this House of the Minister for Energy some weeks ago about the operations of the hydroelectric plant on the Argyle Dam, the Ord hydro scheme. There have been a few problems with that; in fact, it was not working for some time, and I am not sure whether it is still not working. As a result the projected supply of electricity to the east Kimberley has not been forthcoming and Western Power has had to continue to operate its generators. That was not anticipated. I presumed that in those circumstances there would be some provision for compensation to Western Power for the added cost it would incur. I ask the Minister whether provision was made for compensation and, if so, how much was involved? As a member of Parliament, responsible to my constituents - we are all responsible to the people of Western Australia - it is necessary to know about a publicly owned organisation which has at risk, if anything, public money and which in the past has lost moneys to the extent it has and been given taxpayer assisted funding to bail it out of trouble. We should be able to obtain that information legitimately to satisfy ourselves that it is prudent and has been properly managed and there is no scope for mismanagement.

The Minister's response to that question was that under the terms of the contract that exists between Ord Hydro Pty Ltd and Western Power that information cannot be given. I ask the Treasurer how anybody can legitimately claim that we in this Parliament should not be able to reassure ourselves that under a contract the public interest is satisfied by reason of proper compensation payable by the contractor. We should have access to that information and satisfy ourselves that is the case. Can the Treasurer give me any good reason why that should not be?

Mr Court: I do not know the detail, but I presume there is a commissioning period in relation to that project. That would be part of the contractual arrangements and thereafter the company must make its contractual commitments;

that is, a reliable supply of power. I can't give the specific details about that contract. I am prepared to find out more detail.

Mr THOMAS: Perhaps the Minister for Energy can tell me: How can there be any reason that a company can legitimately claim commercial confidentiality to prevent us from satisfying ourselves that where it does not meet the terms of a contract -

Mr C.J. Barnett: It depends upon what you ask for in your question. One of the mistakes that you make is that you ask questions which require commercially sensitive detail. If you asked questions that raised general matters of principle about the nature of contracts, it would be easier to answer them. You ask for dollars and cents figures, and they are not available.

Mr THOMAS: I ask questions which require the provision of information.

Mr C.J. Barnett: The information is not available; the principles can be answered.

Mr THOMAS: It is public dollars and cents that are required.

Mr C.J. Barnett: They are not public dollars and cents.

Mr THOMAS: They are public dollars and cents. In business, there is a tendency for people to want to keep information commercially confidential. The reasons are, for the most part, that it is their own business and they want to protect their privacy; and obviously if their competitors do not know what they are paying or being paid, that is to their advantage. However, when they have contracted with the Government - with the public - it is a different situation.

Mr C.J. Barnett: It is not.

Mr THOMAS: It is, and this is where the Minister for Energy, and I suspect the Treasurer too, have a mental block. I suggest they read again the report of the Commission on Accountability, because Sir Francis Burt considered that question. I concede that in areas such as where valuable intellectual property might be able to be inferred from the revealing of information, people who contract or do business with government should have their intellectual property protected. However, beyond that, I find it difficult to conceive of a circumstance where that information should not be made available. To almost every question that I asked the Minister, I received the answer that it was commercially confidential and I was not allowed to know the answer. I asked the Minister how much AlintaGas was paying for the Fremantle Dockers sponsorship deal. The answer was that it was commercially confidential.

Mr C.J. Barnett: Yes, because that would damage the Dockers in raising sponsorship for the future. I was not concerned about protecting the position of AlintaGas. I was concerned about protecting the position of the Dockers football club.

Mr THOMAS: The Minister was not concerned about anything, according to the answer that he gave.

Mr C.J. Barnett: I do not know what the sponsorship deal was.

Mr THOMAS: The Minister cited a confidentiality clause in the agreement.

Mr C.J. Barnett: Yes, with regard to the sponsorship, but the group that would be damaged is the Dockers football club.

Mr THOMAS: If the Minister wants to talk about protecting the public interest -

Mr Court: In the public interest, it should sponsor Claremont as well.

Mr THOMAS: Claremont does not appear to need sponsorship, but, if it did, the amount that was paid should be made known to the people who were making that payment - the ordinary gas or electricity consumers, or whatever the enterprise might be - who are the people of Western Australia. If the Health Department, for example, decided to sponsor a football team, that information would, presumably, be able to be made known to the public.

When this matter was considered by the Burt Commission on Accountability, it said that people who wanted to do business with government should accept that the information would be made available. The Commission on Government considered the submissions that I made to it about commercial confidentiality in government, and also the submissions that were made to it by the Minister for Energy. It said that the proposition that I was advancing was correct. It did recognise that there were occasions when commercial confidentiality had some valid grounds -

Mr Court: We had a bet before this debate started that you would be off the State Enterprises (Commonwealth Tax Equivalents) Bill pretty quickly and onto Western Power and AlintaGas!

Mr THOMAS: Who won the bet?

Mr Court: We were both on the same side!

Mr THOMAS: I hope the odds were good! The Commission on Government made a comprehensive set of recommendations - eight in total - but it also recommended some safeguards that would protect the interests of people who did business with government; primarily, one would presume, the protection of their valuable intellectual property. It recommended that the matter should go to the Auditor General, and ultimately that information should be able to be obtained by a parliamentary committee, not by the open Parliament, and that parliamentary committee would have the ultimate right or power to decide whether that information should be made public. That would provide sufficient safeguards to ensure that the information which people who were doing business with government might legitimately expect would be protected would not be revealed in the public arena frivolously or vexatiously The Government says in a cavalier fashion that it will not do that. Is the Treasurer prepared to make any changes with regard to the operations of its trading enterprises in this area of commercial confidentiality?

Mr Court: I will answer that later.

Mr THOMAS: In our view, an important principle is involved; namely, accountability to this Parliament. The way in which trading enterprises are operating, particularly as they become more entrepreneurial and similar to the private sector will remove them further and further, in many senses, from the Parliament and from the provisions of accountability. In any other part of the public sector, we have a budget debate, we have appropriations committees, we go through the allocations, and we call in the chief executive officers and ask them to justify how they spent the money; so the Parliament is capable of subjecting that part of the public sector to rigorous scrutiny. However, with regard to government trading enterprises, which involve substantial sums of money, there is virtually no capacity for accountability to the Parliament. That is wrong.
For example, AlintaGas has debts of $1.3b. Ultimately, the public of Western Australia stands behind those debts. Western Power has debts of some $2b. That is a substantial amount of money with regard to its potential impact on the welfare of the people of Western Australia. On a number of occasions since this Government has been in power, I have advocated the creation of a utilities committee, somewhat equivalent to the Public Accounts and Expenditure Review Committee, which would oversee the operations of public utilities. I had in mind the energy utilities, and perhaps also the Water Authority, but its scope could be widened to include authorities such as the port authorities. When I put that proposition, the Minister for Energy said, in a very cavalier manner, "I can understand why you would want that; I argued for it passionately a couple of years ago." However, now that he is in government and has been coopted by the culture of those organisations, which do not want to have their activities subjected to the same scrutiny as every other part of the public sector, he has a very different point of view.

Earlier in the life of this Government when the Minister for Energy brought in the Electricity Corporation Act and the Gas Corporations Act, we looked like having a greater degree of accountability than we had hitherto seen in this area. That was to be expected because it was replacing the State Energy Commission of Western Australia, and complaints had been made about the activities in SECWA which were beyond the scrutiny of Parliament. The Premier, when Leader of the Opposition and before that when he had other roles in Opposition, was very critical of events which occurred in SECWA, such as when it decided to purchase Fremantle Gas and Coke Co Ltd. The then Opposition jumped up and down and said it was a terrible decision.

Mr Court: It was not terrible; it was scandalous.

Mr THOMAS: It was wrong that such decisions should be able to be made beyond the scrutiny of Parliament. I sat here day after day as the Premier and his colleagues argued that.

Mr Court: That decision was made with the scrutiny of Parliament. We made sure people knew about it.

Mr THOMAS: The point I am making is that there is not now a great deal more capacity for scrutiny. Does the Premier adhere to the school of thought that says that the wrongs that were committed then occurred only because of the nature of the people in power or because the system permitted it?

Mr Court: One of your former colleagues is in gaol as a result of that deal. I would be very careful, if I were you.

Mr THOMAS: I am very conscious of that. I am not trying to defend those events. We have learned the lessons of the past. I am suggesting that the Premier has not because he is not prepared to put in place structures which would ensure such things do not occur again. It would be possible for such decisions to be made now and for them to escape the scrutiny of Parliament. The Commission on Government has made recommendations which would make it less likely that it would happen; yet when I asked the Premier for his attitude to those recommendations of COG, he blandly said that he was not prepared to implement them. Let me give one somewhat minor, but nonetheless important, example. Under the Electricity Corporation Act one of the major mechanisms in the section on

accountability is the provision of statements of corporate intent. Earlier I was discussing with the Minister the fact that the statement of corporate intent is supposed to be provided to Parliament prior to the beginning of the financial year in which it operates, so that the Parliament, and the public for that matter, can look at the operations of the government trading enterprise and what it is proposing to do in the forthcoming financial year. We can then debate whether the propositions are good or bad. Later on we can compare the statement of corporate intent with the annual report and see how the enterprise performed. We applauded that provision and supported the legislation. We said it was great and the sort of thing which should happen. We are now in the last week of September 1996 and the statement of corporate intent for the financial year for 1996-97 has still not been produced. As a member of this House with responsibility for energy policy I am interested in the energy tariff policy. The Minister will know a considerable amount of debate about the future of the uniform tariff has taken place in regional areas.

Mr C.J. Barnett: Stirred up by the Labor Party in large part.

Mr THOMAS: Not necessarily. The point was brought up by a government trading enterprise which looked like it would have its power disconnected because it was not able to reach agreement with Western Power.

One of the major mechanisms for accountability under that legislation has not been observed. That leads to the point that this Government has a very cavalier attitude to accountability. I return to the point I made and will continue to make; that is, there is no reason that the operations of government trading enterprises should not be as accountable to the Parliament as are those of normal consolidated revenue fund departments. Public money is being spent and is at risk. The public is exposed if the enterprise fails or is unable to meet its obligations. For that reason, as elected representatives of the Parliament, we must be able to satisfy ourselves that such an enterprise is operating properly and prudently. A substantial number of smaller government trading enterprises will be found in the departmental operations to which this Bill will apply. We have seen the effect of this legislation because it has been set out in three Bills. We have seen that there is not a great deal more provision for accountability now than there was in the old State Energy Commission of Western Australia legislation.

Mr C.J. Barnett: You seem to have overlooked the fact that the board of directors of Western Power is subject in the full sense to the liabilities and responsibilities of company directors. That is a fundamental change. The whole thrust of corporatisation is to make the board responsible for decision making and to make people truly personally accountable. If the Minister or the Government of the day keeps intervening in that process, we will lose that accountability. You cannot have one model with a bit of the other; it has to be one or the other.

Mr THOMAS: This is where the Minister's mental block comes into effect and he adopts an incorrect position. The responsibilities of directors provision which exists in the Electricity Corporation Act and the Gas Corporations Act and which last week we put into general provisions, governs the operations of private companies constituted under the Corporations Law. Not only do those private companies have all those responsibilities, which are policed by the Anti-Corruption Commission or whatever, but also, under the companies' constitutions, the directors have responsibility ultimately to the shareholders. The shareholders have powers and rights and can affect the direction in which the company operates, make decisions and access information.

Mr C.J. Barnett: In reality they cannot; that is the truth. I put it to you that technically shareholders might cause a ruckus at an annual general meeting of a large listed company, but that is about all. The difference is that a State trading enterprise has a higher level of accountability. It is subject to the Minister, who probably has all the relevant details of its operations, and it is subject to legislation by the Parliament, which is a further constraint.

Mr THOMAS: It is subject to the Minister, but if the Minister does not want to know how the enterprise is acting, which seems to be the Minister's approach to AlintaGas and Western Power, or, alternatively, chooses not to pass on the information to Parliament, that does not help. The shareholders will not be in a position to know what is occurring.

Mr C.J. Barnett: They are in the same position as is any other shareholder. The information is available in detail in an annual report. That is the same situation as the standards in the private sector. That is the reporting mechanism.

Mr THOMAS: What prevents my knowing the terms of compensation of Western Power when Ord Hydro is unable to operate? Ord Hydro cannot claim that that would create a situation where valuable intellectual property could be inferred. There are no other competitors wanting to do business -

Mr C.J. Barnett: Yes there are.

Mr THOMAS: The number of opportunities to build hydroelectric power stations in Western Australia -

Mr C.J. Barnett interjected.

Mr THOMAS: What is the difference between that and the Government's buying a car and being obliged to publish the successful tender? When the Government buys a car from Titan Ford and the price of that successful tender is published in the *Government Gazette* every other car dealer knows what the Government is paying. Does that put the Government at a disadvantage?

Mr C.J. Barnett: You will never get me to argue by anecdote or analogy. You can argue the merit.

Mr THOMAS: One might not want to argue by analogy; that of itself does not prove a case. However, one must be able to abstract, talk about general principles and apply them.

Mr C.J. Barnett: If you asked questions about general principles I would be freer to answer. You asked for detail, which I am not free to give.

Mr THOMAS: Let us consider the general principles and the approach taken by Sir Francis Burt, who said that if one wants to do business with government one should accept that the information involved for the most part will be available in the public domain. To illustrate the general principle I drew a comparison using retailers of cars. If a private citizen wants to buy a car and asks what the Minister for Energy, in his private capacity, paid for a car the dealer concerned would tell him to mind his own business. If he knew what the dealer was prepared to ask from the Minister he would know how low he could push in his negotiations. The dealer would want to protect his interests by saying that that information was between the Minister in his private capacity and the dealer. However, when car dealers sell cars to the Government - and the Government is the biggest purchaser of cars - they are obliged to make that information publicly available. Every other car retailer in Perth can pick up the *Government Gazette* and find out what Titan Ford charged the Government for cars last week. No-one suggests that is against the public interest. It is probably against the company's interests, but that is the price it must pay if it wants to do business with the Government.

The Minister cited the example of the Fremantle Football Club. I am the last person to want to do anything to damage the interests of the Fremantle Football Club but, if it wants to be sponsored by a government organisation, part of the price should be that information about the arrangement will be in the public domain. The gas consumers of Western Australia are entitled to know what percentage of the gas tariff is being used to sponsor sports. It is a public policy area. They are entitled to know how much of the organisation's money is being spent on corporate self aggrandisement as opposed to the promotion of gas and making useful information available publicly. That is an area we should be able to debate.

I am approached in my capacity as shadow Minister for Energy by people concerned about conserving energy and who believe that, contrary to the Government's and my policy, we should be trying to discourage consumption of energy, which is for the public good.

Mr C.J. Barnett interjected.

Mr THOMAS: I would like to debate that, but even drawing the longest bow we cannot do that in relation to this Bill.

Mr C.J. Barnett interjected.

Mr THOMAS: People make representations to me - and no doubt to the Minister - saying that instead of trying to promote sales of gas and electricity we should be trying to minimise its use. They also suggest that the government organisations promoting that increased use should be reined in. Whether or not the Minister agrees, that view is quite widely and legitimately held. I respond to those representations by suggesting that we find out how much those organisations spend on advertising, and how much of that advertising provides useful information about the merits of gas and how much is simply corporate self aggrandisement. When I ask for that information I find that it is not publicly available.

Sir Francis Burt's report on accountability states that there is no legitimate reason for that; there is no intellectual property or commercial interest that needs protecting in the sense that it is the commercial interests of the public or the Government that are being protected. It may well protect the commercial interests of the party with whom the Government is doing business, but it is not our business to protect those commercial interests. It is our business to protect the public interest and that may well be quite contrary to the interests of the parties with whom the Government does business. That point has been recognised.

Commercial confidentiality exists in the private sector because of the interests of the contracting party. In this case, the private sector analogy breaks down. However, the Minister is right: Under the electricity and gas corporation legislation, responsibilities are cast upon the members of boards in the same terms as those on directors in the private sector. The comparison breaks down because the relationship between the shareholders and directors in the private sector does not exist in the public sector. It is not sufficient for the Minister to say that the board members are

answerable to him and that he is in some sense representing the shareholders, because he represents only one section of the community. We on this side, who represent another section of the community, should have equal access to that information through the parliamentary process. To say otherwise is to say that one group of shareholders of a private sector organisation has access to information that others do not.

The Commission on Government made a set of comprehensive recommendations on government trading enterprises. Those recommendations deal with not only commercial confidentiality but also the relationship that should exist between the Minister and a board and the way in which directions should be given to a board. The Government for the most part has adopted policies that are consistent with those recommendations. It is only in relation to accountability to the Parliament that these recommendations do not seem to have been followed.

The Commission on Government was created by this Government in the wake of the recommendations of the Royal Commission into the Commercial Activities of Government and Other Matters. The Government was late in creating that body when one considers the enthusiasm it should have had following the elections. However, the Commission on Government was eventually appointed and it brought down a comprehensive set of recommendations which followed the Burt report on accountability and the comments which were made on that subject by the Royal Commission into Commercial Activities of Government and Other Matters. I thought it would be incumbent on the Government, having received a report as authoritative as that from the Commission on Government on a matter as important as the operations of government trading enterprises, to adopt a comprehensive position. That position has not been adopted by the Government. Nor has the Premier in his capacity as Minister for Public Sector Management or the Minister for Energy in his capacity as Minister responsible for the two major government trading enterprises explained why the Government did not agree with the considered recommendations of the Commission on Government. All we have had is a piecemeal approach. We have had legislation which goes to the liability of directors and we now have legislation which deals with commonwealth tax equivalents, both of which we support. However, these are only one part of a comprehensive picture. That picture has government enterprises which are competitive and are subject to the same rigours of the market as are the private sector companies, but which differ from private sector companies in that they should be accountable to the public. If the Government is not prepared to adopt the recommendations of the Commission on Government, I would like to see a comprehensive explanation of its reasons for not doing so. All we have had is cavalier statements by the Minister for Energy for the most part dismissing them with no explanation of why that is the case. It is not good enough. That is compounded by the fact that the accountability mechanisms which the Government has put in place are not being observed.

MR COURT (Nedlands - Treasurer) [4.53 pm]: I thank the member for Cockburn for his cooperation in allowing me to -

Mr Thomas: Ambassador from where?

Mr COURT: The Consul General from Germany. A senior Minister is coming here shortly. He had to delay his visit.

I thank the member for his support of the legislation. In the first five minutes of the member's address he offered that support. However, he got onto the key subject that he wanted to discuss. I want to comment on that. It has not been all that easy to get the different government trading enterprises to compare apples with apples and to make them account for all the different taxes that the State must pay. Many of the agencies, particularly the smaller ones, have sought assurances that they will not be worse off financially. We understand that. If they are to start paying tax equivalents to the Government, they want a revenue neutral position while they settle into those new policies. Interestingly, once they have overcome the initial hurdle, they have been prepared to see themselves as truly competitive organisations to be compared with operations in the private sector. However, I do not want people to get the impression that this has been readily agreed to by a number of these trading enterprises, because it has not.

I agree with a number of the concerns that the member expressed about the accountability of government trading enterprises. We have never seen this as an easy area. One example of that was the R&I Bank, now BankWest. That government trading enterprise was, in effect, fully owned by the Government. However, the only decisions in which the Government had a say was who became a member of the board and the dividend payable to the Government. The bank could run amok in its day to day management - many of them did - and the Government had to cop the responsibility for what happened. We were comfortable with preparing BankWest for sale. With the management being able to act autonomously, but with the Government as the backstop, the Government was relieved when it was sold. Its management now must accept the responsibility for running it and the different commercial risks that it takes.

There is a grey area in corporatising bodies such as the Water Authority, Western Power or AlintaGas. On the one hand, we are asking the board and the management to be responsible for the decisions it makes with the same legal responsibilities and the like as a corporation in the private sector. On the other hand, the shareholder is still the

Government and political considerations must be taken into account. It may be in the corporation's best interest commercially to go down a certain path. However, the Government may not consider that to be in the State's best interest politically. It is not an easy situation. I like the idea of corporatising some bodies, but only for a short period and then selling them to the private sector fully corporatised. However, many of these agencies will never be sold off because there will always be a reason for government being involved in certain activities. The dilemma for a Government is that it asks corporatised bodies to act independently and responsibly. However, at the same time, the Government knows that if that body runs amok, the buck stops with the Government of the day. That is why it is absolutely critical to attract top calibre people to run these operations. Some of them, including Western Power and AlintaGas are very large businesses. I can appreciate the concerns raised by the member, and the Government accepts some of those concerns. On the positive side, it is also a good feeling to know that the board is strong and that it is meeting its obligations and its responsibilities, and is often doing things in a way different from that if it were being run as a government department. I understand the point the member made about grey areas.

Corporations in the private sector often run off the rails. A strong CEO may be able to influence a board causing the corporation to go off the rails. In a government context, that is part of overall financial management responsibilities. The Minister must keep a pretty close watch on what is going on in these corporations. I am sure that, from time to time, problems will arise in some of these corporations. I recognise the point being made. More experience will be gained with some of the corporatised bodies and, of course, parts of them may be sold off when it becomes commercially viable to do so. The State Government Insurance Commission was left with a bundle of problems but, with a good board, it has quietly worked its way through those problems. I am not directly responsible for that body, but I keep in touch with the key issues and the way in which they are being handled. The Government has a litigation subcommittee group and much of its work has involved the SGIC actions. That board has methodically worked its way through those difficult areas, to the benefit of Western Australian taxpayers. Good things are being done but I recognise that any corporate body can go off the rails and we must monitor the situation.

Mr Thomas: What about access to information?

Mr COURT: That is a grey area because their competitive position must be protected. It is in a corporation's interests to provide as much information as it can without affecting its commercial position. It will vary from agency to agency and from chief executive officer to chief executive officer.

Mr Thomas: I am talking about something as basic as the price paid for electricity supplied to the State for 25 years. Surely the public is entitled to know that?

Mr COURT: Is the member for Cockburn talking about the hydro scheme?

Mr Thomas: Or the Mission Energy-BP project. There are two of them.

Mr COURT: I suggest that the member ask the Minister that question.

Mr Thomas: I have.

Mr COURT: The member will be aware that corporations will not enter into some investments unless they include a long term contractual arrangement. These projects involve big investments.

Mr C.J. Barnett: I provided comparative measures for the cost of electricity to Western Power and the cost of electricity from different sources. I gave the member for Cockburn that information last year.

Mr Thomas: You gave a ballpark figure.

Mr C.J. Barnett: Because it is difficult to compare different contracts that have different conditions. They were the best comparisons I could provide.

Mr Thomas: The Leader of the House might be happy with them but the Opposition wants more information.

Mr COURT: Be that as it may. I thank members opposite for their support of the legislation.

Question put and passed.

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

ELECTORAL LEGISLATION AMENDMENT BILL

Committee

Resumed from 19 September. The Deputy Chairman of Committees (Mr Day) in the Chair; Mr Shave (Parliamentary Secretary) in charge of the Bill.

Clause 9: Section 81 repealed and a section substituted -

Progress was reported after the clause had been partly considered.

Dr GALLOP: It is about time we got down to brass tacks. It is about time the Parliamentary Secretary told the truth to the Parliament about this clause; that is, the Government of Western Australia deliberately wants to restrict the rights of independent candidates and smaller political parties to participate in the electoral process. I want the Parliamentary Secretary to indicate why this change is being made to the Electoral Act, and why people who wish to participate in the political process will be asked to pay more than $100 to nominate for an election. That has been the tradition in Western Australia and, as a result, this State is seen to encourage people to participate in politics. I acknowledge that the original proposal of a $500 nomination fee has been amended to $250. However, it is incumbent on the Parliamentary Secretary to indicate the reason for this change. It is not being made because the Government of the day has an interest in the political process; it is being made because the Government of the day is trying to restrict the rights of Independents and small parties in Western Australia. There is no way the Opposition will accept this amendment.

Mr Bloffwitch: Surely if someone is to run for Parliament and he cannot find $250, he will find it difficult to run an effective campaign.

Dr GALLOP: That indicates the ignorance of the member for Geraldton about the difficulty most people have raising money to fight political campaigns. There is no doubt that the increased nomination fee is designed to restrict the rights of people to participate in politics. I want the Parliamentary Secretary to indicate the reason for this clause; I want none of the mucking around or the false reasons. Until we get the truth about this matter, the Opposition will continue to insist in this place that the political and democratic process must be protected against the policy of this Government to restrict democracy rather than expand it.

Mr KOBELKE: This provision goes further than the increase from $100 to $250 in the nomination fee as it will also change the mechanism involved. Although that changed mechanism may appear to be a small technicality, it opens up a new understanding of this Government. This clause will amend section 81, which currently places within paragraph (b) of the Act a requirement for a deposit of $100. Therefore, the only way a nomination fee can be increased, to $500, $1 000 or whatever, is through an amendment passed in both Houses of Parliament.

Mr Tubby: I will go along with the $1 000!

Mr KOBELKE: The member for Roleystone should keep in mind that this threshold relates to a deposit which is returned to the candidate following the election whether or not the candidate is successful in the election, provided he or she gains a certain vote threshold. A candidate for a major party will achieve the threshold and will have the deposit returned, but the situation is totally different for minor parties and Independents. They know that they could be at risk of losing that deposit, which would be a large disincentive for those contemplating running for Parliament.

Mr Strickland: You pay your own deposit, do you not?

Mr KOBELKE: Of course. For the major parties the $250 or $1 000 deposit is not a big issue as it will be returned. As members of the Labor and Liberal Parties, we can be assured of obtaining the threshold whether or not the seat is won. For Independents and small parties, that is not the case. They would carefully consider whether the money will be lost because they may not meet the threshold. The technical change in this provision will have considerable consequence. The Government's proposed new section 81(2), following amendment, reads -

> Unless a greater amount is prescribed, $250 is the **"required deposit"** for the purposes of subsection (1)(b).

Clearly, the Minister of the day could introduce a change by regulation under such a provision.

Mr Bloffwitch: Excellent idea!

Mr KOBELKE: Is the member for Geraldton part of the scam and arrangement to give that power to the Minister?

Mr Bloffwitch: No. I am being responsible.

Mr KOBELKE: I suspect it will leave open the possibility of a scam. The Minister of the day could, after the passage of this legislation, introduce a regulation to require the nomination fee to be $1 000 or $2 000. The Parliament could be prorogued a matter of days after that regulation was made and, even if a disallowance motion had been moved, that regulation would stand for the following election.

Mr Bloffwitch: It would not. You don't understand the procedure in the upper House. If the House is prorogued, that regulation is disallowed. You need to understanding how the system works.

Mr KOBELKE: Is that how it works in the Council?

Mr Bloffwitch: If it has been disallowed, it is disallowed.

Mr KOBELKE: If a motion to disallow is on the Notice Paper, and Parliament is prorogued, I understand that the figure contained in the regulation would be the nomination fee to apply at the election. After the election, it would be possible, if the number of days in the procedure had not expired, to seek to have the regulation disallowed. I am not certain of the situation, and I would be happy to receive advice on that point. However, it would be a messy legal situation. It appears that the Government would not hesitate to embark on such a procedure, given its precedents with the deproclamation of a law.

Mr RIPPER: The rationale given by the Government for increasing the nominee fee from $100 to $500 under version one, and $250 under version two, is to deter frivolous candidates.

Dr Gallop: It assumes that that is happening.

Mr RIPPER: Indeed. If I may put words in the Parliamentary Secretary's mouth, the claim is that a large number of candidates are frivolous and that this makes the conduct of elections difficult. I have considered the figures from the last election in this regard. The member for Roleystone would not want to fix a problem if a problem does not exist. The figures from the last election indicate that in my electorate of Belmont, three candidates stood who did not represent major parties. A Labor and Liberal candidate stood along with three other candidates. That does not reveal any frivolous candidates causing an inconvenience.

Mr Shave: It may be more next time - you're pretty marginal now.

Mr RIPPER: Is the Parliamentary Secretary suggesting that his party will organise a few dummy candidates?

Mr Shave: You may have to do a Sam Piantadosi, like in Glendalough, and hire a candidate!

Mr RIPPER: Does the Parliamentary Secretary think I would hire a dummy candidate? He does not understand my electorate, and he must concentrate on his own electorate now that a real Liberal is standing against him.

Let us return to the problem, which the Government says exists, of frivolous candidates inconveniencing the electoral process. I have referred to the seat of Belmont, so let us consider some other seats. In Cottesloe, the seat of the Leader of the House, only two candidates other than those of the major parties stood at the last election - an Australian Democrats and a Greens (WA).

Mr C.J. Barnett: There might be a few more this time.

Mr RIPPER: Yes, but last time there were only two. Interestingly, the Greens candidate was one of the few Greens who retained his deposit.

Mr C.J. Barnett: That was the Labor vote.

Mr RIPPER: He did well enough to retain the deposit.

Mr C.J. Barnett: He did better than the Labor Party, I think.

Mr RIPPER: Let us look at Armadale, which had six minor party candidates. That was among the seats with the highest number of minor parties.

Mr Shave: Can you tell me what happened in Melville - just to refresh my memory?

Mr RIPPER: I will come to that in a moment. Six minor party or independent candidates stood in the seat of Murray, if the National Party is included as a minor party - as it did not do very well, it should be counted as a minor party. Also, only six minor party or independent candidates stood in the seat of Perth.

Mr Shave: What do you mean "only six"? How many votes did they get between them?

Mr RIPPER: I am dealing with those seats with the most minor party and Independent candidates. The most I can find which stood for any seat at the last election is eight in the seat of Fremantle; namely, a Green, a Democrat and six other candidates. Surely no-one would argue that eight candidates, apart from the major parties candidates, was a serious inconvenience to the electoral process. Does the Parliamentary Secretary argue that this was a threat to democracy? Very few other seats had significant numbers of such candidates - Mandurah had five; Morley had five; and Armadale and Perth had six each. The Government is trying to fix a problem which does not exist, and in so doing it is discouraging people from standing for election.

Mr SHAVE: We seem to be covering ground that has been covered previously. Last week, when the same issue was debated, I explained to the member for Belmont that in 1973 the Tonkin Government increased the fee by 100 per cent, from $50 to $100. In financial terms, the situation at that time was similar to current circumstances. The

member spoke about frivolous candidates. That is an important issue. It was important and particularly disturbing for the Government that Hon Sam Piantadosi stated that he had found an Independent candidate at the behest of the ALP in 1994 for the Glendalough by-election. If that was not bad enough, he stated also that he paid that person's deposit. It is outrageous for members opposite to be hypocritical and to criticise the Government when one of their own has said that he has been involved in convincing frivolous candidates to stand. Not only did he do that, but also he paid -

Mr Ripper: Has he been re-endorsed?

Mr SHAVE: That is irrelevant.

Mr Ripper: Has the party endorsed that person's behaviour?

Mr SHAVE: The point is that a Labor member sought frivolous candidates at the behest of the ALP. Not only did he convince that person to stand but also he paid that person's deposit. It is outrageous that I must listen to this drivel by members opposite regarding the increase being excessive, while they are aware that their political party has been involved in the exercise of getting Independents to stand at an election -

Dr Gallop: Is this to stop people running? You are contradicting yourself. You say on the one hand that it is, and on the other hand it is not. Tell the truth!

Mr SHAVE: It is outrageous -

Dr Gallop: Tell the truth. You are contradicting yourself.

Mr SHAVE: It would not be so bad if it were an Independent who genuinely had a concern about the fee who was saying this! Members opposite would like the fee to remain at $100 so that their supporters - people such as Hon Sam Piantadosi - can hire dummy candidates, as was the case during the Glendalough by-election in 1994 -

Dr Gallop interjected.

The DEPUTY CHAIRMAN: Order!

Mr SHAVE: Hon Sam Piantadosi said not only that he went out and did it, but also that it was at the behest of the ALP. The three members opposite are like parrots. The member for Victoria Park was a senior member of the previous Government, yet he says it is outrageous, knowing very well that his political party has been involved in what I call "an unfortunate practice". He said that members opposite would oppose this on the basis of democracy! In 1973 the fee was increased by 100 per cent! Considering all the other regulations which have been increased over the past 23 years, this is a minimal increase. Had it been increased in line with inflation over those years, it would now be more than $500. Members should not be ridiculous. They say that $250 is excessive. It is not excessive; it is very fair.

Dr Gallop: If it is not excessive, why did you mention that the Labor Party's running candidates is the reason for it? You cannot have it both ways.

Mr SHAVE: I did not say that was the reason. The member is choosing my words. I said it was hypocritical to imply that frivolous candidates were not running when in fact members opposite have been up to their necks in it, hiring candidates and paying their fees.

Mr Cunningham interjected.

Mr SHAVE: That is not what Hon Sam Piantadosi said. I am prepared to listen to these arguments. Members can talk in circles and behave like parrots. They are not dinkum. The Government will retain the fee at $250.

Dr Gallop: Why are you doing it?

Mr SHAVE: To discourage frivolous candidates from nominating.

Mr RIPPER: We do not have a parrot problem. We have a galah problem.

Mr Shave: I am prepared to accept that you are galahs. I do not care whether you are galahs or parrots.

Mr RIPPER: Either this fee will not discourage candidates from nominating or it will discourage them! The Parliamentary Secretary has attempted to argue both points of view. He has suggested that the Labor Party has put up dummy candidates and that this provision will stop that. It is not true, because if a major party wants to put up dummy candidates, it will have the financial resources to pay the deposit and to lose it. Is the Parliamentary Secretary telling us that the Liberal Party could not afford $250 to encourage an Independent candidate to nominate? Of course the Liberal Party has the resources to do that if it chooses! The member for Roleystone would have us believe that

the Liberal Party has no money. He should look at the returns on donations at the federal level, which indicate that the Liberal Party had millions of dollars in excess of the moneys available to the Labor Party. The federal treasurer of the Liberal Party collected $45m, I think, from the corporate sector. That is an enormous amount of money. Therefore, it will not be the case that this proposed change will have any impact on the ability of major parties if they choose to finance the deposits of Independents. If the Parliamentary Secretary believes that practice should not be allowed, why does he not introduce an amendment to the Electoral Act to prohibit the practice and to make it an offence? That is the way to deal with that problem.

Mr Johnson: Does your party pay your nomination fee?

Mr RIPPER: I pay it. I collect the refund as well, because there is no danger of the Labor Party losing its deposit in my electorate. It is not an issue that impacts on major parties.

Mr Johnson: Are you concerned that if the Labor Party runs dummy candidates, it will have to pay $250 that it will not get back?

Mr RIPPER: I am concerned about Independents and the minor party candidates. They are the people who will be affected because most of them will lose their deposit. The voting figures should make that plain enough: Last election, the statewide vote for the Greens was 4.13 per cent of valid votes; for the Australian Democrats it was 2.3 per cent; and all other independent candidates combined received 5.11 per cent of the valid vote. However, the last figure was inflated by the defeat of the Liberal Party in the seat of Floreat by an Independent. A winning Independent has biased the result. However, on those voting figures, how can we expect any but a handful of Greens or Democrats or Independent candidates to retain their deposit? The Government will tax these people $250 for participating in the democratic process -

Mr Johnson: The last increase was in 1973. Are you saying that there should never be an increase? If not, when will it be - in 50 years?

Mr RIPPER: If there is a problem with frivolous nominations, if the electoral process starts to clog up with irrelevant and unnecessary candidates who have no chance of success, we could look at it. However, the figures today show that there is no problem that needs to be fixed.

Mr Johnson: Why did the Tonkin Government increase the fee?

Mr RIPPER: I am not sure. It was a long time ago. There is no need to do it now.

Mr KOBELKE: I hope the Parliamentary Secretary will provide an explanation of the scenario I raised earlier and will indicate what use will be made of regulation to change the prescribed amount. I can understand that Governments in general would want to be able to change these amounts by regulation. It makes sense when dealing with a form of taxation - a charge that puts money into the coffers - not to bring a Bill back to Parliament every time the charge is changed to keep it up with the rate of inflation. However, we are dealing here with something that is somewhat different. It is not a form of revenue raising in any real sense, but simply a form of deposit to ensure that when people nominate, they are bona fide; that they are not nominating to distort the election process or for frivolous reasons.

Previous speakers have indicated that there is no basis for suggesting there is a problem in that area. However, my concern is that it will open a gateway. I will leave aside whether there is any intention to do that. Does it open a gateway through which a Government at any time could bring in by regulation near the end of its term a major increase to the nomination fee and then prorogue Parliament? There are two options before that occurs: A disallowance motion may be moved or not. Even if a disallowance motion is moved, the Government could prorogue Parliament, and in the election that immediately followed prorogation the nomination fee would be that which was contained in the regulation. When Parliament came back, the opportunity would still be available to carry through with the disallowance.

What might occur then would be complicated if the regulation were disallowed. However, if the effect was to discourage nominations, the Government would have done that, because the required nomination fee would have been the larger amount. Perhaps because of the complexities and the way regulations work I have missed something and what I have proposed would not work. If I am wrong, I will accept the Parliamentary Secretary's guidance. However, my understanding is that the required deposit for nomination would be that which was contained in the regulation that had been brought before Parliament immediately prior to prorogation - in which case it would leave the gate wide open for abuse. Regardless of who was the Government of the day, the Government could whack in an astronomical amount, close down the Parliament and go to an election, and that would be the amount that was required. If that is possible, we are seeing a major change in this legislation because the amount for the deposit is presently contained

within the legislation and it does not give any ability for a Minister to change that without passage through both Houses of Parliament.

Dr GALLOP: In response to a question about why there had been a change in the fee from $100 to $500, and then back to $250, the Parliamentary Secretary said it was to provide a disincentive to frivolous candidates. I would like the Parliamentary Secretary to define a frivolous candidate. Let us consider the different options. There are, for example, character candidates such as Alf Bussell, who has a view that he plays a part in the political process. He gets a lot of media attention. He tends to focus on one issue every time he runs. He focused on the Busselton jetty one year. He participates in the process and in many ways he plays a role in our political process.

Mr Trenorden: He's resigned.

Mr Shave: He says we've costed him out.

Dr GALLOP: There we go. The Parliamentary Secretary regards him as a frivolous candidate. I certainly do not agree with that.

Mr Shave: He's run 27 times and he gets 100 votes in a 20 000 vote electorate.

Dr GALLOP: He is entitled to do that. Each time he has run he has raised an issue. I remember well the Busselton jetty issue.

Mr Shave: He ran in Melville or Fremantle and got 100 votes out of 20 000.

Dr GALLOP: We see a very interesting attitude from the Parliamentary Secretary; that is, Alf Bussell is not the sort of person we should encourage to run in elections. We know that he comes under the Parliamentary Secretary's definition of frivolous.

The second argument the Parliamentary Secretary used was that when the Labor Party runs Independent candidates, this was not to be desired because somehow it worked against the interests of something called democracy. Perhaps the Parliamentary Secretary is really saying that in certain cases it might work against the interests of his party. Another definition of frivolous by the Parliamentary Secretary could be something that works against the Government but for the Labor Party. As the member for Belmont said, that position cannot be sustained for long because all the major parties are probably in a better position than any of the minor parties to support Independents; therefore, the Government is not substantially altering the balance of power in the electoral process.

That leaves us with minor parties, single issue groups, people who have a beef about a local issue, and all of those sorts of people who run for election from time to time. Surely the Parliamentary Secretary would agree - the member for Belmont has shown the figures - that not a lot of that occurs in Western Australian politics. Not all that many people run. Those who do accept that they must pay $100 and that if they do not meet the threshold, they must pay it back. The Government is sending out a clear message to all of those people that they have no role in the political process. That is a bad message to be sending out. It is bad for the Government and it is not doing its cause any good in the community. There is a feeling that more people should not be involved in politics.

We live in more of a populist era than an executive era in politics: People want to participate; they want to have a say in things; they like to vote on issues; and they like to have a direct say through referendums. However, the Government is sending out a message to all those people that it has had enough of all this nonsense; that it is in charge now, it will ensure that there is development in this State, and it will restrict their ability to do these things. I urge the Parliamentary Secretary to reconsider this issue, because his party will be damaged by it. It will be seen to be an arrogant act of an Executive that is trying to restrict the rights of smaller players and smaller parties. The Government must define "frivolous". So far the Parliamentary Secretary has not been able to define it in a way that satisfies the Opposition that this restriction is desirable.

Mr SHAVE: I draw the attention of members to comments by Hon Sam Piantadosi on 27 August on page 4547 of *Hansard*.

Dr Gallop: We all know what he said. We've read it.

Mr SHAVE: Some members may not have read it, so the Deputy Leader of the Opposition should bear with me. In his speech on this issue -

Dr Gallop: We can read the speeches of Hon Phillip Pendal and other members.

Mr SHAVE: Yes, I know. However, it is important that I read this because before Hon Sam Piantadosi became disillusioned, he was one of the Labor Party's. He states -

> I support the Bill. When one looks at what is occurring across Australia, obviously the fee paid by candidates nominating in Western Australia is out of line with the norm. Hon Kim Chance argued that there are no frivolous candidates. Hon Reg Davies referred to what he termed "dummy" candidates. Using such candidates is being frivolous and is abusing the system, because they are not genuine candidates. I guess both Hon Kim Chance and I know that is the case. It applies across the board and not just to the Labor Party.
>
> It happened in the Glendalough by-election. I received a telephone call from the Secretary of the Labor Party, who asked me, with two hours to go, to find a candidate and pay the nomination fee. The Labor Party needed another candidate, whose name I can give the member, if she likes; it occurs.

I consider that to be frivolous. I also consider it to be unethical to a degree.

Dr Constable interjected.

Mr SHAVE: That is possible; I am not saying it is right or wrong.

Dr Gallop: You are; you said it was unethical.

Mr SHAVE: I am saying I do not know whether it is right or wrong that the coalition ran two candidates.

Dr Constable: I am pretty sure it did.

Mr SHAVE: The member for Floreat has shifted her position slightly. At first she said it did; now she is saying she is pretty sure it did.

Dr Constable: It did.

Mr SHAVE: The member has changed her position for the third time.

Dr Constable: I have not changed my position.

Mr SHAVE: She went one way and then another. That happens with these Independents.

Dr Gallop: So you do not like the Independents? That is what this is all about.

Mr Pendal: Are you a bit sensitive on this issue at the moment? Why would you be sensitive on the issue of Independents?

Mr SHAVE: I am not as concerned in my situation as the member for South Perth should be in his. Having addressed that issue we should think about what the member for Whitford said; that is, we should consider the cost factor. Do members think that people involving themselves in a political election for which there will be a cost to the State and to the public should bear some of that cost? Everyone in this Chamber should accept that if the deposit has not increased for 23 years, it is not unreasonable for it to increase now.

Dr Gallop: That is not the reason you are increasing it.

Mr SHAVE: With inflation, costs increase. The amount of $250 is not a lot of money. In the context of the cost of an election it is not asking someone to bear an overwhelming cost. We are asking people to make a small contribution. Members opposite jumped up and down on the spot when it was proposed to increase the deposit from $100 to $500. The Government assessed the situation and agreed to reduce it to $250.

Mr Cunningham: There was a backlash, that is why you reduced it.

Mr SHAVE: The Press said it was too much. At some point we must be practical. The deposit has remained at $100 for 23 years. I would rather have had the $100 in 1973 than the $250 today. With inflation that $100 is now worth about $800. The Tonkin Labor Government increased the fee by 100 per cent.

Mr Kobelke: And it lost the next election.

Mr SHAVE: The member for Nollamara put the hypothetical case to me that by regulation a Minister could suddenly increase the fee by a large degree and cause a problem. Judging by the reaction of the newspapers when the fee was increased from $100 to $500, any Government or Minister in an election campaign who tried to disfranchise people from nominating by imposing an excessively high deposit just before an election was called and when Parliament was prorogued, would pay a high price. If I were the Minister, I would not increase it by $5 prior to an election.

The DEPUTY CHAIRMAN (Mr Day): I draw the attention of members to Standing Order No 127 which reads -

> No member shall allude to any debate, during the current Session, in the other House of Parliament.

I understand the Parliamentary Secretary was referring to a debate in the Legislative Council. I did not draw his attention to that during his speech because he changed his approach. It is possible to refer to the general attitude expressed by another member, but not directly to a debate. I am informed that is to ensure that no ongoing debate occurs between the two Houses of Parliament.

Dr CONSTABLE: I think the Parliamentary Secretary said that he thought candidates should bear some of the cost of an election because they cost us a lot of money. What is the estimated cost of the coming election? What was the total cost to the State of the last election? I also recall - I think I am right; the Parliamentary Secretary can correct me if I am wrong - that once a candidate reaches a certain percentage of the vote he gets back that deposit. How many people did not get back their deposit at the last election? I want to know how much money is raised by the so-called frivolous people standing for election.

In a democracy such as this, people should be able to stand for election without too many barriers being placed in their way. We must be very careful that the deposit does not provide barriers which stop people from standing for election. Judging by the names on a ballot paper, not too many people - certainly not 20, 30 or 40 - stand in any one seat; six or eight seems appropriate to me. I am confused about the notion that all those frivolous people will stand for elections. Costs involve much more than the deposit, such as the printing of how-to-vote cards and other things people do during an election campaign. I would be interested to know the response to those questions because they are an important part of the argument that the Parliamentary Secretary has been putting.

Mr SHAVE: The estimate for this election is about $6m. I was not suggesting that candidates should pay a significant amount of money so that they contributed greatly to the cost of an election. I was saying that the person paying a nomination fee should take a level of responsibility. People should understand that it is an important and expensive process. The cost of counting the ballots and so forth for every extra candidate that runs far outweighs the $250 candidates pay. We are probably talking about up to 1 000 times more. The Government is not suggesting that people should be discriminated against and should not be allowed to stand because of that.

In the last election, between 40 per cent and 45 per cent of the candidates lost their deposits.

Dr Constable: How many people?

Mr SHAVE: Of the 450 candidates 193 lost their deposit.

Dr Constable: $19 300 was gathered - it is a frivolous argument -

Mr Johnson: One could argue also that perhaps nobody should get back their deposit.

Mr SHAVE: If we are to pursue that argument, we may as well say we should scrap the fee altogether and not take any money. In view of the small amount of money being gathered, would the member for Floreat support an amendment to scrap the deposit?

Dr Constable: I did not say that. I have no problem with it being charged. I was questioning the Parliamentary Secretary's logic.

Mr KOBELKE: The Parliamentary Secretary's argument does not bear any logical relevance to the debate. We are dealing with the deposit a candidate is required to pay when he nominates for a state election. The reason for this requirement is to inhibit frivolous nominations. Therefore, that amount need not be increased in line with the rate of inflation. The criterion by which one would judge the quantum to be used for the amount of the deposit relates to the level of perceived abuse with respect to nominations. Clearly, there is no relationship to any cost recovery. Members in this place who gain some benefit from being elected have their deposit refunded in total. In that way, we are not contributing to the cost of the election. One cannot build a logical argument to suggest that the people who lose an election should bear a cost of running the election when the people who succeed do not. An argument on that basis could not be substantiated. Therefore, there is no element of cost recovery. The only element I can see involved in the deposit is that it should be sufficient to deter frivolous nominations. It would prevent 1 000 people nominating for a seat in an attempt to thwart the election, have it abandoned or achieve a result which would not reflect the will of the people. It is a very good reason for having a deposit. We must judge whether the deposit is adequate by looking at the number of nominations and determining whether, if they have become so high in a particular election, it calls into question the effectiveness of the democratic process. Nobody is suggesting that is an issue.

We should not be saying that because the deposit was so much a few years ago it should be increased in line with inflation. That should be considered only if it is a matter of cost recovery. It has no relevance to a deposit which is paid by a candidate to stand for an election. I have alluded to the reason for the deposit. It should be increased only if it is found it is not meeting the need. Not one argument has been advanced to indicate that the current level

of deposit is not meeting the need, which is to deter a huge number of nominations for a seat to change the outcome of what should be a fair and democratic process.

I return to the question I asked the Parliamentary Secretary and which he was answering when his time expired. I ask him to confirm what I thought he said. I accept the argument he was putting; that is, it was totally hypothetical. Certainly, there would be electoral consequences for any Government that tried to pull such a rort. The Parliamentary Secretary put his argument very well. I thought he was about to say he agreed that the hypothetical scenario was possible under the current standing orders and rules, but he did not go so far as to confirm that it could happen.

Mr SHAVE: In simple terms, yes, it could happen.

Mr RIPPER: Earlier the Parliamentary Secretary asked me what was the situation in Melville. I advise him that for the seat of Melville at the last election there were three Independent candidates, one Democrat and one Greens (WA). In other words, there were five candidates, plus the candidates from the major parties. I do not think that number of candidates would have inconvenienced the conduct of the election in that seat, even though it had a higher number of Independent and minor party candidates than other seats. There was one seat with eight candidates, and that was Fremantle, and there was one with seven, and that was Wanneroo. There were a few seats with six and a few with five and all the others had smaller numbers of minor party and Independent candidates. My argument that the Parliamentary Secretary is trying to deal with a problem which does not exist is correct. The results of the last election do not indicate a significant problem of frivolous or dummy nominations. The number of candidates who nominated did not unduly influence the cost of the election. I thought I heard the Parliamentary Secretary say that every additional candidate who nominates costs $100 000.

Mr Shave: I did not say that.

Mr RIPPER: I could not believe that figure. Did the Parliamentary Secretary give a figure?

Mr Shave: No, I did not give a figure. I do not know the figure, but I did say there is a significant cost.

Mr RIPPER: It is probably a small cost. It comes down to an additional name on a ballot paper, which must be printed anyway. The marginal cost would be very small. The Parliamentary Secretary seemed to be getting into an argument that we should have a user pays system for elections. In other words, because people are participating in elections they should pay. The outcome of his argument would be that the major beneficiaries - the people sitting in this place - should pay the cost of elections. The member for Whitford may be able to afford to pay a share of the cost of his successful election, but I would not like to bear part of the cost.

Mr Johnson: It would be more democratic if no-one had to pay. Perhaps the situation should be that regardless of whether a candidate wins or loses, he should not get his deposit back.

Mr RIPPER: There is some validity to that argument. At the moment the representatives of the major parties, particularly those in this place who make the rules, do not forgo their deposit. It is the representatives of the minor parties and the Independents who lose their deposits.

Clause 18 of this Bill amends the rules pertaining to informal voting. The proposed section which is inserted by clause 18 is headed, "Some ballot papers with non-consecutive preferences can be formal." In other words, by clause 18 we will be removing one of the disadvantages which can apply with a preferential voting system and a large number of candidates; that is, there can be an increase in the percentage of the informal vote. I am surprised the Parliamentary Secretary has not raised this as an argument for the increase in the nomination fee. If there is an increase in the number of candidates, there can be an increase in the percentage of informal votes in a system of preferential voting. In this legislation we are removing that disadvantage. Therefore, it would be easier for a person who makes a mistake in numbering his ballot paper to have his vote counted as formal. We are dispensing with the argument which is usually advanced in favour of somehow or other reducing the number of nominations. This is about discouraging minor parties and Independent candidates from nominating. It tackles a problem that does not exist, but the solution will have some negative effects on those people who have a democratic right to participate in the process.

Mr SHAVE: I advise members that the nomination fee for the Senate is $500 and for the House of Representatives it is $250. I have not been given the precise date, but I have been told by parliamentary counsel that the increase to that figure occurred in the past 12 or 13 years under a federal Labor Government. On the one hand, a state Labor Party is saying that it should be increased to $250, bearing in mind the federal Labor Government increased the nomination fee for the Senate to $500 and the House of Representatives to $250 and, on the other hand, members opposite are saying that this Government is unreasonable and is discriminating against people. I cannot follow their logic. If the argument had been put forward by the member for South Perth, I could follow the logic. I think members opposite are having two bob each way.

Clause put and a division taken with the following result -

Ayes (26)

Mr Ainsworth	Mr Johnson	Mr Shave
Mr C.J. Barnett	Mr Kierath	Mr W. Smith
Mr Blaikie	Mr Lewis	Mr Strickland
Mr Board	Mr McNee	Mr Trenorden
Mr Bradshaw	Mr Nicholls	Mr Tubby
Mr Court	Mr Osborne	Mrs van de Klashorst
Mr Cowan	Mrs Parker	Mr Wiese
Mrs Edwardes	Mr Pendal	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Prince	

Noes (19)

Ms Anwyl	Mr Graham	Mr McGinty
Mr M. Barnett	Mr Grill	Mr Riebeling
Mr Brown	Mrs Henderson	Mr Ripper
Mr Catania	Mr Kobelke	Mrs Roberts
Mr Cunningham	Mr Leahy	Mr Thomas
Dr Edwards	Mr Marlborough	Ms Warnock *(Teller)*
Dr Gallop		

Pairs

Mr Omodei	Mr Bridge
Mr House	Mrs Hallahan
Mr Marshall	Dr Watson
Mr Minson	Mr D.L. Smith

Clause thus passed.

Sitting suspended from 6.04 to 7.30 pm

New clause 10 -

Mr RIPPER: I move -

Page 7, after line 3 - To insert after clause 9 the following new clause to stand as clause 10 -

> **10.** Section 84 of the principal Act is amended in paragraph (b) and (c) of subsection (1) by deleting "one-tenth" wherever occurring and substituting the following -
>
> " one-twentieth ".

Before the dinner suspension we debated the level at which a candidate's nomination deposit should be set. Unfortunately, the Government's will prevailed and an amendment specifying an increase to $250 was passed. An associated matter is the level of the vote which a candidate must achieve before that deposit is lost. Interestingly, in the lower House candidates are required to reach 10 per cent of the vote before they can regain their deposits, while in the upper House the requirement is only 5 per cent of the vote. That is an anomaly. Many more candidates for the lower House do not reach the threshold and lose their deposits, whereas for the upper House some candidates manage to retain their deposits. For the last election there were 53 Independent and minor party candidates for the Legislative Council, 45 of whom lost their deposits. Eight candidates in the Council elections retained their deposits. For the Legislative Assembly there were 159 Independent and minor party candidates and only 11 of those retained their deposits.

The original legislation was drafted to consider an absolute number of votes, rather than a percentage. Given that upper House electorates are larger than lower House electorates, the thinking was that a similar number of voters should be required to vote for candidates before they could retain their deposits. Of course, if votes are calculated as a percentage, a candidate will get more votes in a larger electorate than in a smaller electorate. It is much easier for candidates to reach the 5 per cent threshold in the Council than it is to reach the 10 per cent threshold in the Legislative Assembly. Given that the Government has increased the nomination fee to $250, an appropriate balancing act would be to reduce the threshold which candidates are required to reach in the Legislative Assembly for the deposits to be returned.

The amendment will not make a huge amount of practical difference. As I indicated in the debate on the previous clause, the votes recorded by the Greens (WA), the Democrats and other Independents in the Legislative Assembly are fairly low. In the last election the Greens (WA) got just over 4 per cent of the vote, the Democrats 2.3 per cent of the vote and other Independents and miscellaneous party candidates scored just over 5 per cent of the vote; however, that latter figure was buttressed by the result in Floreat for the Independent candidate who won the seat. Though it will not make a huge practical difference, it is fair to accept this new clause, because any candidate who can achieve 5 per cent of the vote does not merit the description of frivolous.

Mr KOBELKE: The amendment is an appropriate countermeasure to the increased size of the nomination fee. It will reduce the threshold of votes required before a nomination fee is forfeited. The whole point of the nomination fee is to discourage people from standing for election for no good reason - that is, where they are not a genuine candidate. We must recognise that candidates who receive one-twentieth of the vote have made an effort to garner votes and gain election and should not forfeit their nomination fees.

Mr SHAVE: The Government does not accept the amendment. The Government takes on board what the Opposition has said; however, it is not prepared to hold up this legislation on account of the amendment. The public expects this legislation will be passed as expeditiously as possible. Legislation should not be rushed. The member for Belmont made the point that his amendment would not make a huge practical difference, and for that reason the Government will not accept it.

Dr GALLOP: Unfortunately, the Parliamentary Secretary did not accept my argument that the increase in the nomination fee to $250 was a problem. His point of view was reactionary; that is, we do not want so-called frivolous candidates running. The intention at that level was to make it harder for people to participate in the political process. We can ease the pain of that increased nomination fee a little through the threshold vote that is required before the deposit must be repaid. The Parliamentary Secretary should give some consideration to this amendment, which seeks to ease the pain of the increase in the nomination from $100 to $250.

In that sense it would be viewed positively in the community. In my view the community today is very keen on political participation. It wants to see a political system that encourages political participation. It wants to ensure the Parliament and the Government do not place too many restrictions on that process. There is a mood in the community that there should be real accountability. That accountability should work in individual campaigns in individual seats so that when someone is elected, the community knows that candidate has had to withstand opposition, a range of alternative point of views. The community wants to know that when the successful candidates get into the Parliament, they will subject the Executive to account. The community wants to know that a range of smaller interests, particularly in the upper House, can exercise some influence on the way in which the process works.

Generally speaking, we live in a time when the concept of political participation is well and truly on the agenda, having been pushed back for many decades in Western Australia and given second place to the concept of executive power and dominance. The proposal of the member for Belmont meets those requirements to some extent. Of course, it would have been better had the $100 deposit been maintained, but we have not managed to convince the Government on that point. I really think it is time for a little cool reflection, for the Government to apply its mind to the issue and not think about some of the extraneous factors, such as what is in the interests of the Liberal Party today and tomorrow and what is in the interests of the Parliamentary Secretary in the seat of Melville with all the potential Independents running against him.

Mr Ripper: What street is Penny Hearne doorknocking this week?

Mr Shave: I am told 10 Independents are running.

Mr Cunningham: The best one would be Penny.

Mr Shave: Not necessarily, the mayor ran against me last time. She is a very good candidate. The current mayor has a very high profile, and she might run too.

Dr GALLOP: She was my opponent in 1989; she worked very hard. She was a very good candidate.

The DEPUTY CHAIRMAN (Mr Johnson): I ask members to stick to the Bill.

Dr GALLOP: I ask the member for Melville, the Parliamentary Secretary, to give some consideration to this new clause. Support for it would go down well in the community and would ease some of the pain that has been imposed by the proposed increase in the nomination fee.

Mr RIPPER: First, why is it easier for people who nominate for the upper House to regain their deposit than it is for people who nominate for the lower House? People who nominate for the upper House need score only 5 per cent of the vote. Further, they just need to be part of a group that has scored only 5 per cent. Two or three candidates

can have their deposits returned if the group has achieved 5 per cent of the vote, whereas people who nominate for the lower House of Parliament must score 10 per cent to regain their deposit. There does not seem to be any good reason for that inconsistency, apart from the quaint idea that absolute numbers of votes count, rather than percentages of the vote. We should be moving to overcome that inconsistency.

The second argument relates to participation. We have just made it difficult for people to participate in elections. We are saying that now they must run the risk of losing $250. I reckon 5 per cent of the vote is a respectable performance for a Legislative Assembly seat and indicates a person is not a dummy candidate, a frivolous candidate. If someone scores 5 per cent of the vote, that person has demonstrated the deposit should be returned. My questions relate to, firstly, consistency and, secondly, principle; that is, not discouraging people from running for office if it can be avoided.

It comes back to the debate we were having before the dinner suspension. There is no problem in this State of frivolous candidacy, which can be seen from the figures for the last election. The greatest number of Independent and minor candidates stood in the electorate of Fremantle, where there were eight. In many other electorates there were fewer than five. For example, in the seat of the member for Collie there was an Australian Democrat and two Independents - that is all.

Dr Turnbull: And Alf Bussell!

Mr RIPPER: Was the conduct of the ballot in the seat of the member for Collie inconvenienced by the temerity of those three people deciding to nominate for office? Should they have been discouraged from nominating in the interests of the electoral process?

Dr Turnbull: The member is being very persuasive. He understands the system extremely well. It is just that the Opposition is not quite so pure in its motives as is the member for Belmont.

Mr Shave: Or the member for Melville.

Mr RIPPER: I might circulate that part of the *Hansard* record within my electorate. Perhaps the member for Collie could elaborate on the purity of my motives. I need a little more, perhaps a paragraph, to put in my advertisements.

Mr Shave: I will help you print one!

Mr RIPPER: I prefer the comments of the member for Collie, rather than the ones I might get from the Parliamentary Secretary.

This is a matter of balance. On one hand we have just acted to discourage people from nominating. On the other, with this clause we can restore some of the balance that existed before that change. We can make it just a bit easier for the minor parties and Independent candidates.

Mr SHAVE: I do not have much more to add to what I have said in answers to previous questions. Unfortunately the member for Victoria Park was not here at that time. I bring it to the attention of those opposite that this clause and the regulation they are now suggesting should be changed were part of the Bill the previous Government brought in in 1987. The amendment of the previous Government set these levels.

Mr Ripper: I was not here then.

Mr SHAVE: That was fortunate, but the member for Victoria Park was.

Dr Gallop: That does not matter.

Mr SHAVE: The Government is concerned that this legislation be passed in a reasonable time. We will not accept this amendment.

Mr RIPPER: Is the Parliamentary Secretary saying that if we make any amendments at all in this Chamber, it will delay this legislation unnecessarily? Is he saying that because it must go back to the upper House for it to accept the amendments, it would all be too late and the legislation would not be implemented in time to honour the assurance of the Premier that it would be in place before the next election? Is that what the Parliamentary Secretary is saying?

Mr Shave: I am not saying this is relevant, but the next election could be next month.

Mr RIPPER: Is the Parliamentary Secretary saying that there is no point in our having any debate here because our amendments or suggestions will be knocked back, regardless of their merits, simply because the Government has left it a little late to have this legislation debated by the Parliament -

Mr Shave: That is your assessment.

Mr RIPPER: - and the Government wants to preserve the options for the Premier to wake up and call an election with 29 days' notice?

Mr Shave: That is purely your interpretation.

Mr RIPPER: It sounds like a pretty good interpretation to me. The Parliamentary Secretary has not been able to dispute it in any constructive way.

Mr Shave: The Government believes the level of the requirement is suitable and reasonable.

Mr RIPPER: Is that the only argument the Parliamentary Secretary is prepared to advance? It is pretty flimsy, I must say. Does the Parliamentary Secretary have any argument about why regaining the deposit should not be consistent between the upper House and the lower House?

Mr Shave: We believe it is a fair and reasonable level, and we are fair and reasonable people.

Mr RIPPER: There is an internal inconsistency somewhere there. It is difficult for the Opposition to make any headway with this sort of attitude. It would not be difficult for the Government to return this Bill to the Council, if this amendment were to be accepted. The coalition has the numbers in this Chamber and also in the Legislative Council. If it wants to accept this amendment and to have the legislation in place in time for the next election, whenever the Premier might decide to call it, the Government has the ability to do that.

New clause put and a division taken with the following result -

Ayes (20)

Ms Anwyl	Dr Gallop	Mr Pendal
Mr M. Barnett	Mr Graham	Mr Riebeling
Mr Brown	Mr Grill	Mr Ripper
Mr Catania	Mrs Henderson	Mr Thomas
Dr Constable	Mr Kobelke	Dr Watson
Mr Cunningham	Mr Leahy	Ms Warnock *(Teller)*
Dr Edwards	Mr Marlborough	

Noes (26)

Mr Ainsworth	Mr Kierath	Mr Shave
Mr C.J. Barnett	Mr Lewis	Mr Strickland
Mr Blaikie	Mr Marshall	Mr Trenorden
Mr Board	Mr McNee	Mr Tubby
Mr Bradshaw	Mr Minson	Dr Turnbull
Mr Court	Mr Nicholls	Mrs van de Klashorst
Mr Cowan	Mr Osborne	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Bloffwitch *(Teller)*
Dr Hames	Mr Prince	

Pairs

Mrs Hallahan	Mr Omodei
Mr McGinty	Mr House
Mrs Roberts	Mr Day

New clause thus negatived.

Clause 10: Section 90 amended -

Mr RIPPER: What security features will replace the requirement for the ballot paper to be initialled by the issuing officer, and how will the Electoral Commission ensure that the ballot papers are secure?

Mr SHAVE: I am advised by the commission that it has taken close notice of this area and that the security of the printing is well regulated. When the commission counts the ballot papers that are lodged, cross-checks are made of the number of people who are on the roll in a particular area, the number of ballot papers that are printed, and the number of ballot papers that are deposited in the ballot box. There is no concern that the new process will lead to any deficiencies or anomalies, or that people will vote when they should not vote.

Mr Ripper: Is that procedure adopted in any other jurisdictions?

Mr SHAVE: It is adopted in about 50 per cent of the other jurisdictions.

Clause put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Section 113 amended -

Mr KOBELKE: This clause will allow for the incorporation of such security features or devices as the Electoral Commissioner approves. Modern technology allows us to do things in different ways, and we should be seeking to improve the electoral system. What changes are being considered to enable us to use new security features or devices?

Mr SHAVE: I am advised that it is proposed to use watermarked paper in the forthcoming election and that modern technology allows for the putting of codes or various imprints onto the ballot paper so that a ballot paper which has been photocopied or duplicated will be easy to identify. That is basically the reason that the commission is moving in that direction.

Mr RIPPER: Paragraph (b) suggests that the Electoral Commissioner will approve certain security features or devices. Will that approval be given in the form of regulations or in some other form of notice? Will the security features be publicly known and will, for example, scrutineers from parties be advised of the security features so that they can make a judgment about whether they have been complied with, or will that information be kept confidential in the interests of maintaining security?

Mr SHAVE: Generally, the commission's intention would be to tell the parties of the general intent. The commission would be inclined to keep the mechanism in house for security reasons, so that if someone who was aligned to a political party were trying to get around the system, the commission would ensure that the person behaved in a proper manner. I suppose it is similar to a police officer telling a crook how he intends questioning him in order to get the right answers.

Mr Ripper: They will not even tell you then!

Mr SHAVE: I think not.

Clause put and passed.

Clause 14 put and passed.

Clause 15: Section 127 amended -

Mr KOBELKE: I would appreciate a brief explanation for the deletion of the terms here. Clearly the initials are no longer required, so that must come out. However, I am not aware that the requirement to "exhibit it so folded to the officer" is currently observed. Has it been an administrative matter which has not been fully enforced or has it been picked up through some other change to the legislation? The rest of the procedure fits in with my understanding of the procedure established for some time of having an officer standing at the ballot box. I thought the officer was generally supervising, ensuring that ballot papers did not stick out of the ballot box. I was not aware that the ballot paper had to be exhibited so folded to the officer. Perhaps that requirement has been observed but because of the rush of numbers it has not been as thorough as it might be. Has that been the required practice or has it not been required in such fine detail for every elector casting a vote?

Mr SHAVE: The member's interpretations and observations are quite right. A provision of the Act was that it should happen but it has not been happening. As a result it is obsolete and the effect of the deletion of the initial of the presiding officer will tidy up the Act for what is happening in practice.

Clause put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Section 140A inserted -

Mr KOBELKE: This amendment is a good move. It will perhaps relax a little the requirements of the formality so that we can ensure as many people as possible cast an effective vote. In my area many people come from other countries with different voting procedures. People who did not have preferential voting in their former systems of elections tend not to follow the full preferential voting system. It is very common for people wishing to cast a valid vote not to follow the full procedures. Electors are still required to number all the candidates. However, a break in the sequence will not be the basis, if I may put it in that way, for making the vote informal. The requirement is that the numbers go in the boxes, but, if I am correct, that is modified by a further subclause, so that the effect will be the same as the current effect. If there is a clear sequence of numbers but they are outside the designated boxes, the vote

will still be valid. Will the Parliamentary Secretary confirm my understanding and expand on how the new system will work in respect of the formality of votes?

Mr RIPPER: I applaud the Government for bringing forward this amendment. The preferential voting system is very fair but one of its disadvantages is that with a large number of candidates the percentage of informal votes is quite high. A significant proportion of the population find difficulty in consecutively numbering ballot papers with a large number of candidates. It is sad for people scrutineering a polling booth to see people who have a clear choice and wish to participate in the democratic system make their vote invalid as a result of a simple clerical error. They may enter the same number twice and then the vote is not counted as formal. This amendment makes less necessary the restriction on the number of candidates via increased deposits. This amendment deals with one of the consequences of having a large number of candidates on the ballot paper. As a result, discouraging people from nominating themselves by increasing nomination fees, as indicated by the Government, is not as necessary. Will the Parliamentary Secretary give us some examples of the way in which this clause will work? Has it been interpreted correctly by the member for Nollamara and me? It will be helpful if the Parliamentary Secretary would read into the record an example of ballot papers which at present would be informal but which, as a result of this amendment, will be counted in future.

Mr SHAVE: The member for Nollamara's interpretation is correct. If someone had a ballot paper which read "1, 2, 3, 3 and 3" the preferences would be distributed to "1" and "2"; the vote would be valid until it got down to "3" when it would become invalid. If a ballot paper read "1, 2, 3, 4 and 4", in the first three cases the preferences would be distributed. Currently, in both circumstances the vote would be invalid. We have attempted to overcome that problem by trying to make as many of these votes valid as possible. Quite clearly if we have a ballot paper which reads "1, 2, 3 and 3", it is very difficult after the first two numbers to determine the intention of the voter.

Mr RIPPER: Has the Electoral Commission any idea what impact this will have on informal voting? What proportion of the current level of informality will be dealt with by this amendment?

Mr SHAVE: The general across the board invalidity is about 4 per cent. I am informed that approximately two-thirds of that 4 per cent comprise people who walk into a polling booth with the intent to cast an informal vote by writing something unattractive across the ballot paper, as I have noticed when I have been scrutineering, or putting the ballot paper into the box in blank form, thereby complying with the Act. We would not be looking at 1 per cent of the vote or anything like that. However, it will preserve a percentage of the votes and give those people who have voted in different jurisdictions and who may be slightly confused but who intend voting formally that opportunity to comply and ensure that their will is being adhered to with regard to their votes.

Mr KOBELKE: My reading of the amendment is that there must be a numeral one and numerals against all other candidates except one.

Mr Shave: Yes.

Mr KOBELKE: First, in order to get the passage of preferences thereon one must have numbers against the candidates in a sequence of consecutive numbers beginning with the numeral one. If a voter were to write the number one and then three, it would be an informal vote. They must use the numeral two in order to have any passage of preferences.

Secondly, if a voter were to write the numeral one and then other numbers against all other candidates, that would still be a formal vote but the preference would exhaust after the primary vote.

Thirdly, while the Government has debated within the Liberal Party and to some extent publicly whether it is committed to preferential voting or might move to another system, I take it that, until the next election, this is a clear undertaking that the Government is currently committed to the preferential voting system.

Mr SHAVE: The system of voting will not change prior to the next election. In answer to the second question, if a voter were to write the number one and then a jumbled sequence, the vote would be valid at the number one and after that it would be invalid. At present it is invalid if it is done that way.

Mr Kobelke: There would need to be a continuing two for the preferences to be counted?

Mr SHAVE: Yes.

Mr RIPPER: In the federal jurisdiction we had the bizarre spectacle of Albert Langer being gaoled for advocating voting according to principles similar to those addressed in this clause. He advocated a form of voting that would undermine our preferential system. Is there any likelihood that, should we have some Albert Langer disciple in the Western Australian jurisdiction encouraging people to use this method to avoid giving preferences to the major

parties, such a person would be subject to court action and, indeed, the possibility of imprisonment, as happened with Albert Langer?

Mr SHAVE: There is no variation to the existing legislation and there is no intention at this time to amend it to impose any unnecessary penalties on someone who might behave in that manner. However, section 191A(2) provides -

> A person shall not, during the relevant period in relation to an election, print, publish or distribute, or cause, permit or authorise to be printed, published or distributed, an advertisement, handbill, pamphlet or notice that contains a representation or purported representation of a ballot paper for use in that election that is likely to induce an elector to mark his ballot paper otherwise than in accordance with the directions on the ballot paper.

It is an offence if someone deliberately tries to get people to vote informally at an election.

Mr Ripper: If one advocates that people vote informally in relation to the amendment we are discussing but not otherwise, would one be subject to action by the Electoral Commission as was Albert Langer?

Mr SHAVE: I am not a solicitor, so I cannot provide a legal opinion. However, if a person is advocating that people should vote in a particular manner and that manner constitutes a formal vote at any point, I cannot see that anyone could be penalised for advocating that action.

Mr RIPPER: Can the Parliamentary Secretary elaborate on that?

Mr SHAVE: The member is asking me to speak on a legal matter and I am not a lawyer by training, so it is a little difficult to answer the question. However, it is not government policy at present to prosecute people in circumstances such as this and it would not be the Government's intention to prosecute anyone.

Mr KOBELKE: I accept that the Parliamentary Secretary is trying to answer a question relating to a hypothetical and difficult area. Does the current legislation impose penalties on people giving advice in respect of voting if that voting is outside the Act? Are there penalties which could apply to someone giving advice in respect of completing a ballot paper and which could be caught up with the amendments we are making in respect of formality?

Mr SHAVE: It would constitute an offence if one were to induce someone to vote in a particular manner rather than advise. One can advise, but that is legally different from inducing someone to vote in a particular manner.

Mr KOBELKE: The difference between advising and inducing relates to the manner of approach rather than simply to what one is telling people in respect of voting methods.

Mr SHAVE: Yes. On the one hand, one is saying that this is what they could do and on the other hand one is telling them what they should do. It is a fine difference.

Clause put and passed.

Clause 19: Section 144 amended -

Mr KOBELKE: Will proposed paragraph (fa) introduce a new concept of exhausted vote for Legislative Assembly elections? If so, what consequences will flow for the officers who are involved in the conduct of the count of the election and how will that relate to computer systems and other management devices that will be necessary to record that information? While it is a small administrative change, how far will that go to capturing that information and ensuring the recording procedures are handled properly? When this matter was introduced into commonwealth legislation, changes occurred. Are we learning from that experience?

Mr SHAVE: The Commonwealth uses the process in its jurisdiction. It is comfortable with the system.

Mr Kobelke: Does that mean we will need major changes to our computer or recording system for capturing information, or does it mean we will need to establish a public education program so that people understand?

Mr SHAVE: No.

Mr KOBELKE: Proposed section (3a) refers to the "whole number of ballot papers". Section 144(3) carries a definition of the "absolute majority of votes". That is crucial. If a vote is excluded, the total number of valid votes is reduced. Therefore, that may mean a reduction in the absolute majority. That is required as a crucial part of the count. This amendment refers to the whole number of ballot papers, whereas section 144(3) refers to the whole number of ballot papers other than informal ballot papers. Is "whole number" defined somewhere? I do not see the logical linkage between "whole number of ballot papers" and "whole number of valid ballot papers" or "other than informal" ballot papers. The intention is clear but is that linkage included in the correct legal terminology?

Mr SHAVE: It is not defined elsewhere in the Bill. It is not necessary and it is correctly defined under the correct legal terminology. There is no concern that there will be a problem at a later time.

Mr Kobelke: It is assumed that "whole number" in the context of this Bill means whole number of ballot papers.

Mr SHAVE: The votes are taken off and because they are taken off, it is not relevant; it will not matter if the votes are taken off.

Mr Kobelke: If they are taken off, the total number of ballot papers, both formal and informal, will be taken off the number of formal ballot papers.

Mr SHAVE: Yes.

Clause put and passed.

Clause 20: Section 146E amended -

Mr KOBELKE: Will this clause provide a legislative means by which the commission will look at the possibility of using automated means for counting ballot papers? What will be the implications of that? My recollection is that, in a report following an investigation by the commission of some form of automated counting of ballot papers, the general advice was that it did not offer any great cost efficiency in producing results from the ballot. However, methods may be available now to enhance the process and do it more cost efficiently and be more efficient in producing results. What types of automated counting could be introduced?

Mr SHAVE: The member for Nollamara is right. It is aimed at automation. It is intended that counting in Legislative Council voting for the next election will be done on an automated basis. The system was used in the last City of Perth council elections and it achieved the desired levels of success. It is all related to the types of data entries that are put into the computers and the calculations made by the package.

Mr Kobelke: Will the method of input be by optical scan or by some other means? What procedures will give guarantees and provide some transparency to the whole voting system, given that it has to take place in the so-called black box of the computer?

Mr SHAVE: It will be done by keyboard entry this time around, with the option in future elections to go to scanning. The various political parties will be advised of the procedure prior to the election. Provisions will allow scrutineers from the various political parties to ensure that the voting is done in the proper manner.

Mr Kobelke: Is the enhancement of the scrutineering provisions provided in the amendment or in the regulations?

Mr SHAVE: In the amendment further on.

Clause put and passed.

Clause 21: Section 146I amended -

Mr RIPPER: Will the software used for these procedures be designated by regulation or by any other form of notice or will it be up to the Electoral Commission to choose one software package over another and change software packages between the elections? Is there some way in which people with expertise will be able to inspect the software package to be used? Secondly, what security will apply to the computer systems? Will there be any way in which people can hack into the Electoral Commission's computers or will the computers be stand-alone? Thirdly, records will be kept to enable recounts when casual vacancies occur. How many copies will be kept and at what stage will the ballot papers be destroyed? I understand ballot papers will be destroyed and, should a recount be necessary, the computer record will be considered. What will happen if a dispute arises over the conduct of an election, as occurred in the North Metropolitan seat of the Legislative Council at the last election? Will the ballot papers be destroyed before a dispute such as that can be resolved, or will they be destroyed after any possibility of such disputes has passed? Proposed new subsection 146I(4) states that scrutineers shall have access to the information so recorded. Does that mean they will be able to see the record of any ballot paper? Can they ask to see all the ballot papers from a specific ballot box, and will the information be recorded in a way that shows what the ballot paper looks like?

Mr SHAVE: In response to the last question, the scrutineers will be able to see the computer record and, if required, will be able to see the actual ballot paper to cross-check and to satisfy themselves that it is in order. Scrutineers will be able to inspect the software package.

Mr Ripper: I am interested in the status of the software package. Will the regulations state which package will be used?

Mr SHAVE: No. It will be the package that the commission believes is the most effective and suitable for that election.

Mr Ripper: Will that be notified in advance of the election?

Mr SHAVE: Yes. The member asked whether people could hack into the computers. The computers will be stand-alone and people will not be able to hack into them and upset the counting or the result. The ballot papers will be retained until the end of the objection period available to candidates to take matters to the Court of Disputed Returns. If an objection were made, the ballot papers would be lodged with the Court of Disputed Returns. It is not intended to destroy anything until after the election date or finalisation of all the election procedures.

Mr Ripper: How many copies will be retained of the count?

Mr SHAVE: One master copy will be retained in a secure situation so that it cannot be tampered with, in case a vacancy occurs. The intent has not been specified but I am advised that certainly one master copy will be kept and possibly other copies may also be kept. It is not intended to destroy them unnecessarily.

Mr KOBELKE: The role of the scrutineers is described under proposed new subsection (4)(b) which states that they shall have access to the information so recorded and information as to the results obtained by using automated means to carry out the various procedures set out in schedule 1. That could have a broader meaning or it could be limited. I anticipate that the broadest possible interpretation will be placed on it, which means that any candidate or appropriately designated person could walk away with a computer disc containing all the information. How else can access be provided to digitally recorded information? I assume that people can look at the data in a way that is meaningful to them, and can have the opportunity to realign the data in a way that does not interfere with the Electoral Commission, and perhaps manipulate it. Access is a key word in the Freedom of Information Act with which I am familiar. Access to documents under that Act means the ability to peruse and have copies of paper, video or digital information. I assume that broad meaning will apply in this instance. It means the scrutineers not only will be given access, but also may take away a copy to make sense of the information. Therefore, they must have the appropriate software to call up that information.

That raises the question of copyright and the potential to make available a software package so that people can access the information. One would not want to compromise the integrity of the software package developed by the Electoral Commission, but without some means for people to read that information, the scrutineers will not have access to it. The alternative is to provide designated equipment in the Electoral Commission, together with an officer, to allow a person to ask questions about the data. That would require a method of supervision of that access, clearly enabling the broadest possible access in that confined area and within the constraints of management. What is the breadth of meaning of "access to the information so recorded"?

Mr SHAVE: The intent with this change to automation is to give people the same opportunity to scrutinise as they have had in the past. I am advised that the Electoral Commission will be more than happy to show to interested parties the information in the office, and to make copies available to the major political parties. Parties obviously would have to pay their costs to obtain the necessary computer software to facilitate securing the information sought. That is basically as much as can be done at this stage.

Mr Kobelke: Could the Parliamentary Secretary give an indication of the cost to be involved? A political party could manage if hundreds of dollars were involved, but thousands of dollars would be inhibitive - in some cases, it would make the procedure impossible. Are we looking at a ball park figure which allows access at a reasonable price?

Mr SHAVE: It is more or less what a vendor is prepared to charge for a package. I am advised that each licence is currently costing $2 000. It is not cheap, but that is what the marketplace is charging.

Mr KOBELKE: That opens up a range of other questions which I will not delay the House by raising at the moment. We must be very careful that the system remains public and is seen to be open and accessible. I do not suggest it will not be accessible, but a small danger exists in that regard. If the Electoral Commission takes up a software package for good management reasons which is expensive, a political party which has access to the licence owner may have decisive advantages over other political parties. We must ensure that such factors are taken into account. The Electoral Commission may have in its mind the efficiency of the system and the need to serve the proper conduct of elections, and minor issues such as access by scrutineers may fall into the background.

Proposed section 146I(3)(b) relates to an automated approach to the recording and counting of ballot papers. Proposed subsection (3)(b) indicates that, on the basis of information so recorded, the returning officer may use automated means to carry out the procedures set out in schedule 1, other than the procedures referred to in clauses 12, 15 and 17 of that schedule, for resolving equality of votes or surpluses under those clauses. I cannot find the alternative procedures to be used - perhaps it is an oversight in the legislation.

I now record what clauses 12, 15 and 17 of schedule 1 entail: Where equality of votes occurs, the returning officer shall make out in respect of the candidates with an equal number of votes slips containing their names. He will then deal with the candidates in accordance with schedule 2 of the principal Act; namely, that the names be placed in hollow, oblique spheres and placed in a box, shaken up and one sphere drawn out. That provision was a recent reform of the procedures because some famous cases of equal votes arose, in which two pieces of paper were placed in a ballot box or hat, and the name was drawn by the returning officer. If one were the loser in that situation, one would feel that the process was not totally fair. If the largest piece of paper went into the hat on top, regardless of the good shake, the returning officer may be in a position, not consciously, to bias the procedure. A totally random selection does not determine the winner of that ballot.

Elaborate procedures are in place with the names placed in balls which are shaken up in a box and stirred in a random way. The touch of the hand going into the box would have no ability to discriminate. Therefore, the process is as random as possible. One can argue about whether the process is fair. After an election involving many thousands of dollars and much blood, sweat and tears, maybe the result should not be determined by random selection. However, it is not appropriate to argue that point here. We are considering the procedures to be used to ensure a random selection takes place.

The matters covered in schedule 1 under clauses 12, 15 and 17 are removed from the computer counting process for obvious reasons. Do we need a substitute method by which the computer handles that equality of vote situation? How will an equal vote be handled?

Mr SHAVE: I am advised that the computer would stop at the point of an equal vote and wait for the returning officer to advise on the direction to take at that point. The member interpreted the procedure correctly. The provisions in the schedule do not allow for the use of automated procedures in that regard. The existing system will be retained.

Mr Kobelke: Will the computer be programmed to stop in the event of a tie and will a manual process take place before the computer program can be restarted, if necessary, to continue the process of the count?

Mr SHAVE: Yes.

Clause put and passed.

Clause 22 put and passed.

Clause 23: Section 156 amended -

Mr KOBELKE: I understand that this clause will change the procedures for the payment of fines for people failing to attend the polling place to have their names ticked off to place papers in the ballot box. I describe the process in that way because I do not believe we currently have compulsory voting; it is compulsory to attend a polling place on voting day and to place a slip in the ballot box, but that slip may be blank. In that way, voters fulfil the requirements under so-called compulsory voting. The procedure is to change regarding the imposition of a penalty on people who fail to vote. Will the Parliamentary Secretary outline the new procedure and the advantage of moving to a fine approach rather than imposing a penalty through existing means?

Mr SHAVE: The clause mirrors the commonwealth procedures. It means that if people choose to pay a fine, they can. If they have a legitimate grievance or objection and wish to have the matter heard in court or determined in another manner, they have that opportunity - as they do at present. The provision is for the convenience of people who are prepared to accept that they have erred by not meeting their obligation to vote. It gives those people the opportunity to pay a fine without going through the process of providing explanations and taking up their time and other people's time.

Mr Kobelke: You say it mirrors the commonwealth legislation. Does that mean it uses a similar model or is it close to the actual commonwealth legislation?

Mr SHAVE: It is a mixture of the same words and concepts. It is, therefore, a similar model.

Clause put and passed.

Clause 24 put and passed.

Clause 25: Section 2 repealed and a section substituted -

Mr RIPPER: This is the second occasion on which the issue of proclamation will be raised in this debate. The clause will amend the commencement clause of the Electoral Amendment (Political Finance) Act. That Act has not been proclaimed. This clause will allow it to be selectively proclaimed, so that some sections will come into effect while

others will be left on the shelf. The Government has indicated it will not proclaim those sections of that Act which restrict government expenditure on travel and advertising in pre-election periods. It is ironic that it should be this coalition Government which is bringing to Parliament an amendment which will allow those restrictions not to be implemented. It was the coalition which in opposition had those restrictions inserted in the then Labor Government's Electoral Amendment (Political Finance) Act. Using its numbers in the other place, the coalition put these restrictions into legislation in order for the Bill to be put through Parliament. The Government then in this place accepted the amendments. Now, with the coalition in government, it brings to the Parliament a provision which will effectively allow those things which the coalition advocated not to be proclaimed.

We have had a debate already during Committee on the question of proclamation, on the principle of selective proclamation, and the Parliament introducing laws only to have the Executive fail to implement them by proclamation. The second debate we should have is on the practical intent of the Government. It is our strong view that the Government should be prepared to apply to itself restrictions which it thought should apply to Governments when it was in opposition. There is a history to this matter which might take a number of these little Committee speeches to outline: The Electoral Amendment (Political Finance) Act was not proclaimed by the previous Government and has not been proclaimed by this Government, partly because of the way in which the restrictions on advertising and travel will work. Perhaps the best description of the situation is in the Commission on Government report where it states, regarding the Electoral Amendment (Political Finance) Act, that the Act has yet to be proclaimed following advice from the Crown Solicitor that the legislation would disrupt the dissemination of essential government information.

Given that sort of advice, it is understandable that the previous Government did not proclaim the legislation. However, this Government has had three and a half years in which to resolve those matters - either to examine the advice and decide that it can be discounted or to make amendments to the provisions which it supported in opposition, to ensure that the technical difficulties foreseen by the Crown Solicitor cannot apply. The Government has not used its three and a half years in office to do that. It has not had the courage to say that the legislation is unworkable, and to repeal it. Instead, the Government will manipulate the commencement clause so that the legislation, in theory, stays on the books but is not practised, because it has not been proclaimed. The Government should work out whether it supports this legislation.

Dr GALLOP: The Parliamentary Secretary knows only too well the history of the clauses that deal with restrictions on government advertising during an election campaign. He knows that they were introduced and grafted upon disclosure legislation by his colleagues in the other place in 1992. The Government at that time was willing to accept that because it thought it was important to pass disclosure legislation. The view was held early in 1993 by Crown Law that there would be problems with the administration of that legislation. I was not absolutely convinced by that argument. It was a conservative interpretation by Crown Law, in my view. It was something we agreed to do because we acted in the spirit of the law during that election campaign. It could easily have been "fixed up" after the election.

I turn now to the issue of whether these sections are all that impractical. I refer to the report of the Royal Commission on Electoral Reform and Party Financing in Canada, "Reforming Electoral Democracy, Volume I." Page 417 deals with the issue of government advertising during election campaigns. It recommends that all federal government advertising during the election period be governed by certain rules. They are not all that dissimilar to the rules laid down here in 1992.

Mr Shave: You are not talking about conduct that the then Premier suggested?

Dr GALLOP: I am talking about what was legislated for in 1992 to regulate government advertising. The document reads -

> Two provinces, Saskatchewan and Manitoba, have much broader prohibitions on government advertising during election campaigns. Saskatchewan prohibits all government boards, departments, commissions, agencies and Crown corporations from publishing in any manner "any information or particulars of the activities of the department, board, commission, Crown corporation or agency except in the case of an emergency where public interest requires the publication of any such information or particulars". (*Election Act*, s. 229) The measure was introduced in the 1970s and has not met with controversy or caused administrative difficulties. The Saskatchewan government issues internal guidelines outlining examples of ongoing activities exempt from the prohibition and reminds the civil service that the phrase "in case of an emergency" in the Act is to be interpreted rigidly.
>
> A similar measure exists in the Manitoba *Elections Finances Act* . . .
>
> The Manitoba Act also provides the opportunity for anyone to file a complaint with the chief electoral officer if that person believes the prohibition on government advertising has been violated. The Manitoba

chief electoral officer is to provide details of all justified complaints in the annual report to the Speaker of the Assembly.

These so-called huge difficulties have never surfaced in Saskatchewan and Manitoba, which have had regulations on government advertising. I think that a meal is being made of this issue. It might have been an issue in early 1993. However, it could hardly be argued three years down the track that it is still an issue. If the wit and wisdom of the combined forces of the current Cabinet and the bureaucracy that advises it could not work out some way to overcome what someone thought was a difficulty in 1993, which I was not convinced was a great difficulty anyway, something is wrong in the State of Western Australia, because it should have been fixed at that time. I am not sure the administrative difficulties the Parliamentary Secretary talked about amount to anything. Perhaps he will illustrate what they are.

Mr PENDAL: Sadly, one of the things this debate has shown is how desensitised people have become over the misuse of government resources. I say "desensitised" because this debate is arousing minimal concern and suspicion about government action. Four years ago I remember that passions ran extremely high over the two issues that were discussed under clause 2 and that are now being dealt with under clause 25. That means that in a four year period people have become that much more desensitised and that much more tolerant of, frankly, potential manipulation and corruption of the system. The point I tried to make in the debate last week was that what was good for the goose was good for the gander. We could not possibly have a set of circumstances or a standard of behaviour that was improper in 1992, but acceptable in 1996; yet that is effectively what the Government is asking members to accept.

I remind members that the matters that are under discussion tonight were not sponsored into the Bill in 1992 by people who had nothing better to do with their time. Two of the three people who led the charge are now senior members of the Government, and one happens to be the first law officer of Western Australia. The now first law officer of the State saw enough evil in what we were confronted with in 1992 to work with me and the person who is now the Minister for Transport, the Leader of the National Party in the other place, to say that these things should be proscribed. Yet, there has been a remarkable conversion on the road to their Damascus. The Deputy Leader of the Opposition made the strong point that if it was broken four years ago, why has it taken the Government all that time to fix it -

Dr Gallop: To not fix it.

Mr PENDAL: - or not fix it, as the case may be? It is an abuse of the worst kind to introduce a law that the Government knows it will not proclaim. One can at least congratulate the Government for being upfront about that in its second reading speech. However, it does not diminish the level of contempt that it shows for Parliament when it is prepared to bring in a Bill, part of which it states upfront will not be proclaimed. I intend to support the Opposition's amendment because it is similar in its intent and spirit to that which I moved last week.

Apart from those pragmatic reasons the coalition as an Opposition fought tooth and nail to get this provision into the legislation four years ago, the processes of the Parliament are being abused today. I do not care whether it came from the Chief Justice that it is unworkable or difficult legislation. With the utmost respect, that is not the point. The point is that the Parliament said in the light of a most vigorous debate at the time that that is what would be the law. Two things were to happen. We were going to put a restriction on government travel during election periods and prevent incumbent Governments from abusing the Treasury in self-promotion during those periods. Both of those things will not be acted upon. We know that because of the proclamation date of this legislation. That is why the Opposition's amendment deserves to be passed.

Mr RIPPER: Fortified by the strong support from the member for South Perth, I move -

Page 19, line 14 - To insert after "proclamation" the following -

provided that where section 4 of this Act comes into operation and section 5 and 6 of this Act remain unproclaimed, section 5 and 6 shall be deemed to commence operation 42 days prior to the polling day of the first general election subsequent to such day as section 4 comes into operation

The Opposition recognises the argument that has been put forward that the restrictions on travel and advertising may have unintended technical defects. There is room for debate on the extent of those technical defects. However, let us assume that the argument that their proclamation would bring about deleterious consequences is correct. If the Government is still of the view, which it did not have when in opposition, but now has in government, that these clauses cannot be proclaimed because of the restrictions they would impose on the dissemination of essential government information or the risk they might pose to the validity of the election, this amendment will give it the opportunity to come back to the Parliament to correct the defects and then to have the sections I am talking about proclaimed.

The Opposition does not want the Government to say that there might be unintended consequences from the proclamation of these clauses and that it intends to review them and might or might not get to a result. It is the view on the opposition bench that the Government does not intend ever to proclaim these clauses. The absurd and bizarre situation the member for South Perth spoke about will arise where both Houses of Parliament will endorse provisions as law that should apply in this State, but the Executive by virtue of this selective proclamation clause will never proclaim them; therefore, they simply will not have any effect.

Already this Government has purportedly misused its powers of proclamation with the Minister for Fair Trading having deproclaimed that section of the law endorsed by the Parliament prohibiting the charging of letting fees to tenants. It was an extraordinary action which, on advice from a Queen's Counsel, this Opposition believes to be illegal. The Government is proceeding down the same path, one not of illegality but of impropriety, by proposing to the Parliament tonight this selective proclamation clause which will allow a law to be endorsed by this Parliament to remain unimplemented. Perhaps in principle the Opposition should move an amendment which will provide for all the legislation to be proclaimed on the same date. However, we want to give the Government the benefit of the doubt. If some technical difficulties arise the amendment I have moved will allow them to be remedied while not allowing the Government to go to an election without any legislative restrictions on government travel and advertising. This is a test of the Government's bona fides. If the Parliamentary Secretary believes in his own argument that these proposed sections of the Act have some technical difficulties, to convince the Parliament and the public that he is not trying to avoid these provisions being in law before the Government goes to an election, he should accept my amendment. He thought these restrictions were fine to impose on Governments when he was in opposition. It is only in government that he seems to have had a change of mind.

Mr PENDAL: I do not know whether the Crown Solicitor's advice has been tabled. Before I proceed with my remarks I request that the advice that the Crown Solicitor tendered to the then Government in late 1992 be tabled in order for the debate to find some enlightenment.

Mr SHAVE: The Government will not accept this amendment. We debated this exhaustively last week.

Mr Ripper: This is the clause during which it should be debated.

Mr SHAVE: It is the Government's view that it would not be sensible to fix a commencement date for provisions that may be defective.

Dr Gallop: What do you mean "may be"? They are either defective or they are not.

Mr SHAVE: The Deputy Leader of the Opposition made the point that Crown Law gave one level of advice which he did not accept. He is a member of Parliament and his interpretation was that the legislation may not be right. At that time he did not think it was necessary.

Mr Pendal: Has Hon Peter Foss changed his view on this? Has he informed the Parliamentary Secretary that he has changed his view?

Mr SHAVE: I have not had any discussion about whether Mr Foss has changed his position.

Mr Pendal: We are left to wonder about Mr Foss' 1992 opinion or his support of this Bill today. Both positions are at variance and we do not know which one he believes in.

Mr SHAVE: I cannot answer for Mr Foss. It would be more appropriate if someone were to ask him that question in the other place. I am more than happy for him to provide his view on that. A question either on notice or without notice would be appropriate.

Mr Pendal: Would you be prepared to ask him to table the advice of the Crown Solicitor?

Mr Cunningham: What is the role of the Parliamentary Secretary? Is it not your role to find out about what the member for South Perth is asking?

Mr SHAVE: I was not party to the whole debate in the upper House. I am here to respond on behalf of the Government in this Chamber. Obviously I do not know all the views of members in the upper House.

Mr Cunningham: You should find out when you are representing him down here.

Mr SHAVE: I am not representing him down here; I am representing Hon Norman Moore.

Mr Pendal: You are representing the Government.

Mr SHAVE: The member for South Perth asked me whether Mr Foss has changed his position. All I know is that he voted for the legislation as it is; therefore it seems to me that since 1992 he has changed his position. I cannot speak for him.

Mr Cunningham: Do you chat to him?

Mr SHAVE: The Attorney General and I support each other, but I would not say we were close friends.

Mr Pendal: He speaks much more highly of you.

Mr SHAVE: I am very pleased about that.

Mr Pendal: He will be very hurt when he reads *Hansard*.

Mr SHAVE: I said that I support him and he supports me, but we are not close friends. We do not have a lot of regular interchange and discussion.

Mr Ripper: All I can say is that I am glad you do not support me.

Mr SHAVE: The member for Belmont may need me one day.

The Government's proposal is to keep the provisions on hold to allow further consideration to be given to them. Members opposite are saying that the legislation will not be proclaimed and the Government does not support that situation. It may well be proclaimed in the future. The Government is not prepared to proclaim it at this time.

Dr GALLOP: Every member of this Parliament should be aware of what the Government is asking us to do. In early 1993 some advice was received from Crown Law by the then Government on two clauses of the Electoral Amendment (Political Finance) Bill of 1992 which indicated that there may be some difficulties in the implementation of those clauses. That was three and a half years ago. The Government is asking us to pass a Bill when we know that it does not intend to proclaim these two clauses on the basis that it still believes that a problem may arise with them. The Opposition has two problems with that. First, it is simply not acceptable to have three and a half years of government and all the advice it can get and not be able to put up words which will not cause any difficulty. What advice has been sought on how to fix those words? If that advice has been found why was it not incorporated in this Bill? What did that advice say? If it gave a solution on how to fix the words why were they not incorporated in the legislation? Secondly, it is totally improper for this Legislature to pass a clause knowing that it will not be proclaimed. Why are we doing this if we know it will not become law in any case? We are wasting our time. The Government should have removed this clause from the legislation completely if it were being honest about its position. It is very bad practice for Parliament to put forward a Bill in the knowledge that some clauses will not be proclaimed and will not come into operation. It means that government travel and advertising during the election campaign will not be regulated by legislation.

I reiterate these two questions: Firstly, what advice did the Parliamentary Secretary receive on the technical problems that apparently exist with this Bill? What did he do with that advice? Did he come up with any solutions to the problems and, if he did, why has he not incorporated them in this Bill so it can be passed and proclaimed to come into operation on a specific day? Secondly, does he not agree that it is a highly improper procedure for the Parliament to pass a law which will not come into operation?

Mr PENDAL: The problem is that members are being asked to take the Government at its word. In the ordinary course of events I would happily do that. However, in this Bill we have seen a reversal of the Government's fundamental position. The Crown Solicitor's advice has now been seen by two Governments, but it may not be seen by the people whose job it is to make the law. It seems quite foreign to me that members are being asked to fly blind. I do not want to pounce on the Parliamentary Secretary, but I suggest to him that unless I get an answer to the question of tabling the Crown Solicitor's advice - I am starting to have some doubts about the contents of that document - I will consider moving that the Committee report progress and seek leave to sit again. It is worth doing that if it means that the Crown Solicitor's advice can be tabled in this Chamber.

To support my request for the tabling of the advice I refer members to the Commission on Government report. At page 289 of report No 3 there is the scantest of references to the electoral legislation. In the middle of the page it states about the Electoral Amendment (Political Finance) Act -

> The Act has yet to be proclaimed following advice from the Crown Solicitor that the legislation would disrupt the dissemination of essential government information.

There is absolutely nothing else from that source to explain why an Act of this Parliament has been put on hold. Governments say they never table advice of that kind. I am not talking about advice on a matter relating to the Executive but about advice which is directly related to the Parliament's capacity to legislate; therefore members owe

it to the people of this State not to proceed with this Bill until that advice has been tabled. The Crown Solicitor's advice may well contain new answers with which all members could agree.

Dr Gallop: Don't you think that the Government should also indicate how it has been given advice to change those words to overcome that?

Mr PENDAL: Absolutely - it is part of the law officer's role to advise the Government. I am not being disrespectful to the people at the Crown Solicitor's Office, but I recall a classic argument in this Parliament about the custody of royal commission records. I was told outside the Chamber, by none other than the then Solicitor General, now Mr Justice Parker, that it was inadvisable for me to be doing certain things in the upper House by way of amendment. In the end the Parliament insisted on its right to legislate and it thanked the Solicitor General for his advice. The Parliament took the view that its will would prevail, and it did. In this instance we have a situation where the will of the Parliament is not prevailing and members do not know why. The Crown Solicitor's advice may very well be good advice - in fact, I would go so far as to say that generally it is very good advice - but are not members entitled to know the advice on legislation which they are being asked to accept and which will limit the effect of a Bill? It is a reasonable request.

I need guidance from the Chair on whether I can by simple motion move that the Committee report progress - not that it has made much progress - and seek leave to sit again at a time when the Crown Solicitor's advice is available.

The DEPUTY CHAIRMAN (Mr Ainsworth): Order! I am advised that the form of motion which the member for South Perth suggested to the Chamber can be moved, but there can be no debate on it. In other words, it is in the same form as a procedural motion.

Mr PENDAL: Thank you, Mr Deputy Chairman. I have been able to turn up Standing Orders Nos 161 and 162 to which you are referring.

The DEPUTY CHAIRMAN: In fact, it is Standing Order No 349.

Mr PENDAL: I have not moved a motion; I am speaking in Committee. I do not want to be disruptive and for that reason I will resume my seat, but before I do I ask the Parliamentary Secretary to address that one issue -

The DEPUTY CHAIRMAN: I advise the member for South Perth that I gave him an answer to his question and nobody else has spoken since he raised that point with me. His time had expired and he is not able to say anything more until another member has had his say.

Mr RIEBELING: I wish to add my voice to the concerns which have been raised by the member for South Perth and members on this side of the Chamber. Members are being asked to pass a Bill that will become the law of this State. The Government is asking members to trust it with respect to its advertising in the upcoming election. Quite frankly, some members on this side of the Chamber are quite cynical about that request. I was brought up to be a little cynical about the way Governments advertise during political campaigns. I have absolutely no doubt that this Government has no intention of proclaiming this clause. It could do what it did recently; that is, proclaim the entire Bill and then extract the parts which it did not like by going to the Governor and having them removed. This is a different way of achieving the same end. The Government is saying that it wants this piece of legislation through the Parliament. It is obviously important to the Government that it be passed. On the Notice Paper are a number of Bills which the Government could have proceeded with, but it elected to pursue this Bill. Of course, that is its prerogative. However, it is also the prerogative of this place to find out why the Government is doing what it is endeavouring to do. We have heard nothing from the Parliamentary Secretary to indicate the Government's reasons for what it has asked this Chamber to do. Until the Parliamentary Secretary provides that information the Bill should proceed no further. If the member for South Perth moves his motion, I will support it. Debate should not resume on the Bill until the Parliamentary Secretary informs this Chamber of the reasons the Government is acting in the way that it is.

Mr PENDAL: I can move under Standing Order No 349. However, the Parliamentary Secretary might be prepared to accede to my request voluntarily. I am interested in his response. If at the end of that response the Government has no desire to table the advice of the Crown Solicitor and any other advice, I will move when next I am on my feet that we report progress.

I will reiterate the point that is at stake: Based on Crown Solicitor's advice, that none of us have seen -

Dr Gallop: I differ with you on that.

Mr PENDAL: The Deputy Leader of the Opposition saw it in his capacity as a member of the then Executive. Members are voting tonight in their capacity as legislators. It may be that the Parliamentary Secretary has seen the advice. However, the Parliamentary Secretary represents the Minister for Parliamentary and Electoral Affairs in this debate and that Minister is part of the Cabinet, and so is the Attorney General who endorsed the principles contained

in the advice and which we are seeking not to have proclaimed. It is an absurdity that we should be asked to accept in absentia the advice of the Crown Solicitor that what we did four years ago was unworkable. If it is unworkable, and we are expected to make it workable, does it not make sense that we have access to the Crown Solicitor's advice?

Dr Gallop: We can make it workable.

Mr PENDAL: Indeed, we can make it workable. Even apart from that, and I am still interested in getting that advice tabled before we go further, I thought that was the best circumstance possible for the Government to come into this place and say, "You had your hearts in the right place, but what you did four years ago was wrong. Here is the Crown Solicitor's advice; the Bill paves the way to all sorts of challenges and administrative nightmares." However, the little that we are told is on page 289 of Report No 3 of the Commission on Government, which states -

> The Act has yet to be proclaimed following advice from the Crown Solicitor that the legislation would disrupt the dissemination of essential government information.

They were not able to work out what was essential government information as distinct from government propaganda. Is it not interesting that in the COG report a couple of pages later other, lesser mortals are able to do that? On page 293 the Commonwealth Office of Government Information and Advertising defines government information activities, including advertisements, as -

> . . . those activities involved in the production and dissemination of material to the public about government programs, policies and matters which affect their benefits, rights and obligations.

Page 294 of the report states that Hon Paul B. Toose, Chairman of the Advertising Standards Council, identified a form of advertising which should not be publicly funded - that is what this Bill deals with - as "any advocacy advertising"; in other words, the stuff we should ban and we intended to ban four years ago. Mr Toose continues -

> - in other words, stressing the advantages of one political party over the other is not something which should be at the expense of the public purse.

How is it that Mr Toose is able to grapple with that extraordinarily complex idea, but the law officers are not? How is it that the Office of Government Advertising and Marketing is able to draw a line in the sand and say, on one side is propaganda and on the other is legitimate government information? It is not hard. I said to you the other day, Mr Deputy Chairman (Mr Ainsworth), that the children in year 7 in my electorate could work out the difference. However, we are still left in a puzzle as to why the Crown Solicitor interposed himself between the Parliament and an Act of Parliament. I repeat, unless the Parliamentary Secretary is prepared to table the advice, I will move along those lines.

Mr RIPPER: The Parliament is being placed in an extraordinary position. I support the point made by the member for South Perth. The Parliament is being asked to approve a clause which will allow the Government not to proclaim legislation which has already been endorsed by this Parliament. The Parliament is being asked to approve giving this freedom to the Executive on the basis that the Executive says to the Parliament, "We have advice that what the Parliament has already endorsed is defective. We will not show you that advice; you have to take our word for it." It is not satisfactory from the point of view of the Parliament. If the law which was previously endorsed by Parliament is defective, the parliamentarians who made that law should be advised why it is defective, otherwise we are being asked to consider legislation in ignorance of essential information which has been paid for by the taxpayers and which is available to the Executive to give to the Parliament if it chooses. It is not only the question of the original advice but also the Parliamentary Secretary's saying that the Government will not proclaim legislation which may be defective. "May" is the operative word.

This Government had three and a half years to find out whether the legislation was defective, and to take advice on what changes should be made to the legislation if it was defective. It is not just a question of the original advice. We should be given any subsequent advice which the Government has obtained on the alleged defectiveness of this legislation and on any remedies which may be available. My suspicion is that no subsequent advice exists, because the Government has not been interested enough in this issue to ask for possible remedies to the problems which were foreseen by Crown Law in 1992. Basically, the Government is not applying to itself the sorts of restrictions that it thought should be applied to government when it was in opposition.

This is no mere matter of theory; this has very important practical consequences. In the forthcoming election campaign the coalition will have finances available to it that are vastly superior to those available to the Opposition. Those resources available to the coalition will be bolstered by its access to taxpayers' resources. The coalition Government has shown itself prepared to use the resources of the taxpayers to promote its own political objectives. One of those campaigns is the Fix Australia, Fix the Roads campaign. That has been a political campaign. In the other place, the Minister for Transport advised that the State Government had contributed $625 000.50 to that campaign between 1993-94 and 1995-96. He ran through a list of objectives, which I will leave alone, but I will refer

to his description of the outcome of this campaign. He said that research undertaken following the first phase of the campaign indicated strong support for increased road funding from the Federal Government's fuel excise; that more than nine out of 10 respondents believed the States should be paid more than they are currently paid by the Federal Government from the federal fuel excise; and that in excess of four out of five respondents believe the amount returned to the States should be at least double current amounts.

It is pretty clear that this campaign was about putting pressure on a federal Labor Government to spend more money on roads. It was a very definite political campaign.

Mr Minson: It was to put pressure on the Federal Government, not the state Labor Government.

Mr RIPPER: That is shown by the financial support proposed for this campaign. Now that we have a federal coalition Government, it is absolutely miserly. We should be restricting that sort of thing in the run-up to the election.

Mr RIEBELING: It is quite amazing to me that, given the resources this Government has at its disposal through the Crown Solicitor's Office, it has not been efficient enough to fix the deficient areas of this legislation. My suspicion is that perhaps the advice of the Crown Solicitor is that it is very good legislation. It may cover the area very well and this Government just does not want to bring it in. It might be hugely politically deficient and it may stop this Government from bringing in -

Dr Gallop: You are on the wrong track.

Mr RIEBELING: I do not know that; I have not seen the advice.

Mr Bloffwitch: Your Government had the advice.

Mr RIEBELING: I did not see the advice. I am in this place now debating this legislation without any information about the effect of the legislation.

Mr Bloffwitch: Did you see the advice when you decided to bring it in when you were in government?

Mr RIEBELING: I will move on. It is of huge concern to me that after three and a half years, with the resources of the Crown Solicitor's Office at its disposal, the Government still says its advice is that the legislation cannot be fixed and that it may be deficient. The Government is asking us to believe it will introduce this legislation at some other time. I do not think anyone, even on the other side of the Chamber, believes this Government has any intention of bringing in the legislation prior to the election. In fact, if the provisions are affected in any way, it may well be that the Government will have to rethink what it is planning to do in the next few months during the campaign. This Government has no intention of doing that. It is trying to hoodwink this Chamber, and the legislation should go no further.

Mr SHAVE: It is not normal procedure to table Crown Law advice. Although I understand the member for South Perth is interested in seeing the advice that was provided and that the member for Victoria Park and I have seen, the Government stands by its position that many issues have been raised by the Crown Law Department and that there would be problems if we were to proceed and proclaim this section. It is not this Government that is putting that proposed section into the legislation and not proclaiming it; the section was put in by the former Government.

Dr Gallop: It was put in by the Legislative Council.

Mr Pendal: It was put in by the upper House, and Liberal and National members agreed to it, as did both Houses.

Mr SHAVE: It went through this Parliament. I asked a fellow member to talk to the Attorney General. In this Chamber I represent the Minister for Parliamentary and Electoral Affairs, not the Attorney General. My verbal advice from the Attorney General, through a member who has spoken to him, is that the Attorney General does not believe the advice should be tabled. He believes it is not proper for the Government at this time to table the advice. He does not accept it is not possible to make changes to facilitate the intent of the Act. I reiterate: The Government is not looking at shelving that provision and not proclaiming it in the future, as has been asserted by opposition members.

The member for South Perth asked whether the Attorney General had varied his view on this issue. I understand an amendment in the upper House, similar to that moved by the member for Belmont, was moved and the Attorney General voted against it. That answers the question of the member for South Perth.

Dr Gallop: Have you received advice as to how to fix up the wording that is deficient?

Mr SHAVE: No, we have no further advice.

Dr Gallop: That is an indictment of the Government. If in four years it was incapable of doing something, it is an indictment.

Mr SHAVE: The Commission on Government proposed a different solution. It said that this type of restriction could be covered adequately by regulation, rather than legislation. It may well be that that process will evolve in the future. The Government may well move to delete that section at a later date. However, the advice I have from the Minister in the other House and the Attorney General is that at this time they do not believe it should be deleted. For that reason, the Government will not be moving now either to proclaim it or remove it.

Dr GALLOP: The Parliamentary Secretary has told us tonight that when this Government came to power in early 1993 it was made aware of some advice that was received about the words in two clauses of the Electoral Amendment (Political Finance) Act 1992. Throughout 1993 I was pushing the Government to bring this Act into operation. It was needed to supplement the commonwealth legislation. The Government kept finding excuses for not doing so. Excuse No 1 was that the Commonwealth Government was looking at this issue. Excuse No 2 was that the Commission on Government was looking at this issue.

Of course, what we find with regard to these two clauses is that from early 1993 through to September 1996, absolutely no steps were taken to try to resolve what Crown Law believed was a problem in late 1992/early 1993. That tells me that the Government did not want that problem resolved. Indeed, it suits the Government now to regurgitate that opinion from 1992-93 because it does not want these clauses to come into operation for the next election. That is the historical record. The point of principle has been made very well by the member for South Perth; namely, that it is a very improper procedure for Parliament to pass legislation on the basis of a view which it has not even seen. The Government should be in a position at least to say what that view is so that we can judge its application to the particular words of this Bill.

For example, the Manitoba Elections Finances Act, which presents no great difficulty in application, states in section 56(1) that -

> No department of the government of Manitoba and no Crown agency shall
>
> (a) during an election period for a general election, publish or advertise in any manner; or
>
> (b) during an election period for a by-election in an electoral division, publish or advertise in any manner in the electoral division;
>
> any information concerning the programs or activities of the department or Crown agency, except
>
> (c) in continuation of earlier publications or advertisements concerning ongoing programs of the department or Crown agency; or
>
> (d) to solicit applications for employment with the department or Crown agency; or
>
> (e) where the publication or advertisement is required by law; or
>
> (f) where the publication or advertisement is deemed necessary by the Chief Electoral Officer for the administration of an election.

If it is good enough for Manitoba and it works there - and I think our words are probably tighter than those words - why is it not good enough for Western Australia? That is a reasonable question for us to ask of the Government in respect of its view that there are problems with these words - a view that it holds on the basis of advice that it has received.

The historical record of this issue is appalling. No effort has been made in those three and a half years to try to fix up what some people believe is a problem. That leaves us in the position of having to act in an unprincipled way by passing a Bill that we know will not come into operation. The Executive is saying, "Go through the motions, Parliament, but we are not really interested in what you think about this matter." That is a most undesirable development in our system of government.

As to Progress

Mr PENDAL: It is intolerable that we should be in a position where the advice of the Crown Solicitor is withheld from us on such a fundamental issue. Accordingly, under Standing Order No 349 I move -

> That the Deputy Chairman do now report progress and seek leave to sit again.

Question put and a division taken with the following result -

Ayes (21)

Ms Anwyl	Dr Gallop	Mr Pendal
Mr M. Barnett	Mr Graham	Mr Riebeling
Mr Brown	Mr Grill	Mr Ripper
Mr Catania	Mrs Henderson	Mr D.L. Smith
Dr Constable	Mr Kobelke	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Marlborough	Ms Warnock *(Teller)*

Noes (27)

Mr Ainsworth	Mr Kierath	Mr Shave
Mr C.J. Barnett	Mr Lewis	Mr W. Smith
Mr Blaikie	Mr Marshall	Mr Strickland
Mr Board	Mr McNee	Mr Trenorden
Mr Bradshaw	Mr Minson	Mr Tubby
Mr Court	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Osborne	Mrs van de Klashorst
Mrs Edwardes	Mrs Parker	Mr Wiese
Mr Johnson	Mr Prince	Mr Bloffwitch *(Teller)*

Pairs

Mrs Hallahan	Mr Omodei
Mr McGinty	Mr House
Mrs Roberts	Mr Day

Question thus negatived.

Committee Resumed

The DEPUTY CHAIRMAN (Dr Hames): That motion having been defeated, it is not possible to put a motion to report progress for a further 15 minutes. The question is that the amendment to clause 25 be agreed to.

Mr RIEBELING: This Chamber has reinforced the problems that were faced by the other House when it originally considered this legislation. The Parliamentary Secretary has advised the Chamber that the Attorney General must have changed his views after he had seen the advice, yet we will not be given the benefit of that advice, which may well convince this Chamber that what the Government is doing is correct. We have a situation where the Attorney General supported the legislation in the other place, but when he saw the legal advice, he realised that the legislation was defective, so he changed his mind and will not proclaim it. This Chamber is being told that the Attorney General is convinced; therefore, we must toe the line and accept that the advice is correct. We must not bother to try to find out what the advice is, because the Government wants to keep it secret and it is none of our business.

I am quite disappointed that none of the advice seems to be that the Government is looking at ways of amending the legislation in order to make it more efficient. It has had three and a half years and all of the resources of government with which to move amendments to make the legislation efficient. All we have heard from the Government is that it will put the legislation through the Parliament and that part of it will not be proclaimed. The Government is saying to the House that it will not breach the legislation but it will not proclaim it because it is not workable. I think the Government's intention is to abuse the system as much as is humanly possible. It does not want legislation in this place which will render it as offending against the legislation. It has no interest in fixing the simple problems in the legislation. It will go to the next election without the legislation and abuse the advertising provisions of it when it has been passed through both Houses of Parliament but not proclaimed. The Parliamentary Secretary comes into this place and expects us to believe that the only people who are affected by this legislation are the members of the Government. The Government wants a free hand to use government money for political campaigns which are funded by the public purse. That is what this clause is all about. The Government has no intention of proclaiming the legislation.

Mr RIPPER: In my last remarks I referred to the Fix Australia, Fix the Roads campaign. I indicated that, in answer to a question in another place, the Minister said that approximately $625 000 had been spent on that campaign from 1993-94 to 1995-96. Earlier this year we had an election in which the federal Labor Party lost office and the Howard coalition Government replaced it. How much is being spent on this campaign in 1996-97? It is $55 500. That clearly shows the party political nature of the campaign. Its object was to change people's views on roads and was directed at the previous federal Labor Government. That is one example of the sort of expenditure by this Government on party political taxpayer-funded advertising. After the last Budget the Government took out full-page

newspaper advertisements to promote the Premier and his Budget, which cost $112 000. We have seen the workplace agreement television advertising campaign, which seems to be designed to convince people that, on that very controversial and politically highly-sensitive issue, the State Government has the right policy. People do not need to be informed so that they will adopt workplace agreements; employers are forcing them down their throats whether they like them or not, particularly if they are new employees. However, the Government must promote its position on industrial relations. That is why taxpayers' funds are being spent on those advertisements.

Last year the State Government spent $22m on advertising. I appreciate that some of that spending could be justified. Sometimes we must promote information about entitlements available for citizens and must explain to people new legislation and so on. However, much of that $22m of public funds was simply used to convince the public of the righteousness of the coalition's political position. It is an important issue, given the imbalance in the funding of our political system. There is no doubt that, at the next election, the coalition will be vastly better financed than the Labor Opposition. The coalition's position is reinforced all the more by its access to and use of public funds over the entire parliamentary term to promote its political policies. Of course, we must have restrictions on this sort of activity, and all the more so in a run-up to an election.

Mr Blaikie: Are you speaking from previous experience?

Mr RIPPER: I have been elected since 1988.

Mr Blaikie interjected.

Mr RIPPER: This matter has been dealt with in the report by the Commission on Government. The Auditor General made his view quite clear to the commission. He was quoted at page 293 of the third report as saying that government advertising and travel involves the use of public funds and, therefore, the regulation of how such funds should be used would assist in ensuring accountability for the expenditure. The former Leader of the Opposition, Mr Barry MacKinnon, said that, although he was not one who wanted to see legislation, he thought it was probably the only way that we will ensure that regulation occurs. In the end, COG recommended that legislation should not be introduced to restrict government advertising. I disagree with that recommendation. If I have another opportunity to speak, I will explain why this Parliament must not follow that recommendation, particularly when it comes to regulating advertising during pre-election periods.

Mr RIEBELING: As I pointed out to the Parliamentary Secretary, this Government has already used public money for political advertising. A classic example is the one mentioned by the member for Belmont, the Fix Australia, Fix the Roads campaign for which $600 000 of state funds were used. In 18 months that campaign achieved a reduction of $660m of federal funding for our roads. If that is a success story, I do not know where this Government is going. The Government must have learned relatively quickly that it had made a disastrous impact with that campaign because it has cut its funding to $50 000 since the new Federal Government was elected.

One of the other areas in which the Government misused public money was during the year leading up to the federal election when this Government bleated that huge amounts of funding for hospitals was not being sent by the federal Labor Government. The Government blamed it for the long waiting lists, lack of maintenance and everything that it could lay its hands on. One remembers that two days after the federal election, this Government found approximately $24m under the bed that the Federal Government had given it. This Government had not used that money because it wanted to create a crisis in our health service. The Government advertised the fact that the Federal Government had been giving this money, but this Government had not been spending it to gain a political advantage. This Government used and misused public money in a campaign to malign the Federal Government for this Government's own political purposes. That is the type of action in which this Government is indulging. This Government says, "Trust us; we will not abuse the system." That was in reference to a federal election campaign, not even its own campaign. These are the lengths to which this Government will go to misinform the public about its true finances. This Government has no credibility when it says that it will not abuse the system that we are debating. Clearly it will abuse it and intends to abuse it. It has absolutely no intention of hamstringing itself with legislation that will restrict its abuse of the public purse.

Mrs HENDERSON: This clause is yet another example of this Government's taking hypocrisy to greater heights. Following the Royal Commission into Commercial Activities of Government and Other Matters, most of us on this side of the House well remember the many and long, bleating speeches from members on the other side of the House about various aspects of the previous Government's administration that they considered unfair to them.

Mr Shave interjected.

Mrs HENDERSON: I refer to the existence of the Government Media Office. How many times did we hear members opposite say what a sleaze machine the office was and how it would be dismantled if they ever came to office? They also went on about political appointments in ministerial offices - the so-called ministerial adviser

system that they would dismantle if they came to office. They carried on for hour after hour in this Chamber about Ministers travelling at government expense and advertising during election campaigns. I even remember advertisements during one pre-election campaign about the home and community care program. Members opposite had the gall to complain hour after hour and moved an MPI about the use of government money to advertise that program during a pre-election period.

Yet here we have a Bill which, if we followed the recommendations of the royal commission, clearly should be proclaimed to ensure that that kind of advertising, self-promotion and travel is banned during election campaigns. That is exactly what members opposite were calling for when they were in opposition. Of course, when the crunch comes they are not interested. We will see another $500 000 campaign such as that promoting workplace agreements. That was a highly political campaign at a time when less than 3 per cent of the work force had signed agreements. We saw advertisements night after night saying how wonderful they were. I hate to inform the Parliamentary Secretary, but dozens of constituents complained to me that those advertisements were painful.

Mr Shave: I had dozens supporting them.

Mrs HENDERSON: That is interesting. The Parliamentary Secretary must have fed that information back to the party room, otherwise the Government would not have continued to plough money into that campaign.

Mr Shave: People have a right to know when the Government is doing something useful.

Mrs HENDERSON: It was an abuse of public money advertising legislation that was highly unpopular in the electorate. The same applied in relation to workers' compensation. Who will forget the television advertisements showing injured people and misrepresenting the workers' compensation legislation, which was broadly condemned by everyone?

Mr Minson: That is not true.

Mrs HENDERSON: Over 8 000 people signed petitions and people marched on this Parliament.

Mr Shave: All the small businesses I know support what we have done.

Mrs HENDERSON: I am sure they do, because their premiums have gone down; I am sure they think it is great. The Parliamentary Secretary should ask those injured at work through no fault of their own and their families what they think of those blatantly political advertisements promoting the workers' compensation system. That is the kind of campaign to which we can look forward.

Members opposite should hang their heads in shame for so blatantly refusing to proclaim this amendment to ensure they cannot abuse the public purse during election campaigns. After all the criticism, motions and debates that went on and on, in which they claimed there was an unfair advantage for the existing Government, they have done exactly the same. It is yet another example of this Government's hypocrisy and we will ensure that the electorate knows about it.

Mr RIPPER: I referred to the Commission on Government recommendations in my previous remarks. One of those recommendations was that no additional legislation should be introduced to regulate government advertising in Western Australia. One might think that supports the Government's position to review these restrictions. If the Government reviews them in the same way it has over the past three and half years, there will be no action and no legislation regulating government advertising. One might say that that is a de facto way of abiding by a Commission on Government recommendation.

It was earlier recommended by COG that the Advertising Standards Council should remain as an independent arbitrator of complaints concerning advertisements, both political and non-political. I disagree with that recommendation, because I do not believe the ASC is the appropriate body to undertake that role. I do not believe it is sufficiently vigorous or that it will act on breaches of political propriety in government advertising. By breaches of political propriety I mean the use of taxpayers' funds to promote political positions taken by ruling parties. The COG report actually shows why the ASC should not be the body to regulate government advertising, particularly in relation to this issue. Page 295 of the third report states -

> The ASC's policy is to allow wide latitude to party political promotion in advertising. The ASC will only intervene if an advertisement unduly plays on fear or there is a clear misstatement of fact which makes the advertisement false and misleading. When making a determination on political advertisements the ASC will not consider complaints about possible future behaviour and activities of political parties.

The very issue we are discussing will not be considered by the ASC. The COG report is inadequate in its discussion of this issue, because after a paragraph like that it is fairly surprising that it would go on to say that there should be

no legislation regulating government advertising and that the whole thing should be left to the ASC. The ASC will not do the job in the general course of events and, in particular, it will not regulate the misuse of taxpayers' funds to promote the political position of the Government through government advertising. It may be that we need some better regulation of government advertising in general to avoid the problems that I have outlined. However, tonight we are dealing with restrictions that have been proposed to operate during pre-election periods. If we need better regulation of government advertising in general, the argument is stronger when we talk about pre-election periods. When in Opposition, the coalition thought there was a need for restrictions in the run up to elections. Now that it is in Government we see a remarkable tolerance and passivity with regard to this issue.

The Parliamentary Secretary has told us that the Government has been reviewing this for three and half years but has not sought any further advice on the deficiencies and remedies. If it carries on reviewing it in the same way, there will be no action whatsoever. That is what the Government wants; it does not want the restrictions imposed on it that it thought should be imposed on Governments when it was in Opposition. My amendment to this proclamation and commencement clause will allow the Parliamentary Secretary to correct any deficiencies in these laws. However, the amendment will not allow him to get away without proclaiming the legislation forever. It will require him to proclaim it before the next election.

Amendment put and a division called for.

Bells rung and the Committee divided.

Remarks during Division

Mr RIEBELING: Mr Deputy Chairman, I listened carefully when you made the call. I heard only one voice for the noes and wonder whether you would rule on whether a division is necessary.

Mr SHAVE: I heard more than one person.

The DEPUTY CHAIRMAN (Dr Hames): Order! It was my impression that there was more than one voice. If the member had raised the issue at the time the decision was made, it might have been closer to my recollection.

Result of Division

The division resulted as follows -

Ayes (21)

Ms Anwyl	Dr Gallop	Mr Pendal
Mr M. Barnett	Mr Graham	Mr Riebeling
Mr Brown	Mr Grill	Mr Ripper
Mr Catania	Mrs Henderson	Mr D.L. Smith
Dr Constable	Mr Kobelke	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Marlborough	Ms Warnock *(Teller)*

Noes (27)

Mr Ainsworth	Mr Kierath	Mr Shave
Mr C.J. Barnett	Mr Lewis	Mr W. Smith
Mr Blaikie	Mr Marshall	Mr Strickland
Mr Board	Mr McNee	Mr Trenorden
Mr Bradshaw	Mr Nicholls	Mr Tubby
Mr Court	Mr Minson	Dr Turnbull
Mr Cowan	Mr Osborne	Mrs van de Klashorst
Mrs Edwardes	Mrs Parker	Mr Wiese
Mr Johnson	Mr Prince	Mr Bloffwitch *(Teller)*

Pairs

Mrs Roberts	Mr Omodei
Mr McGinty	Mr House
Mrs Hallahan	Mr Day

Amendment thus negatived.

Mr RIPPER: The Government has used its numbers to defeat the amendment, which would have provided the Government with some flexibility but nevertheless ensured it was not able to avoid proclamation of the restrictions on government travel and advertising before the next election. We are left with the original proposal of the

Government to provide for selective proclamation of provisions of the Electoral Amendment (Political Finance) Act. The Opposition opposes this clause. We have tried to give the Government the flexibility which we believe it might need if the claims that there are technical deficiencies in sections 5 and 6 of the Electoral Amendment (Political Finance) Act are true and those deficiencies must be remedied before proclamation.

The Government has rejected that amendment, which was more than fair and reasonable. Our overriding concern is that the Government will proceed to an election without these travel and advertising restrictions in effect, because our experience over the last three and a half years is that this Government has abused its access to taxpayers' resources and used those resources to propagandise those taxpayers in support of its political position. The balance of resources between Government and Opposition will be very much in the Government's favour as a result of corporate donations to the coalition side of politics, which we will debate on the next clause. There will also be a massive advantage to the coalition parties by virtue of its access over four years to taxpayers' resources for the purpose of funding its political propaganda. If it was good enough for these restrictions to be supported by the Government when in opposition, it is good enough for the Government to support them when in government. This shonky proclamation clause gives the Government a way to avoid having these laws bind it during the run up to the forthcoming election. If the Government does not believe these laws should be in place, it should take the honourable course and repeal them. However, it does not want to explain to the public that it repealed restrictions on government advertising and travel in a pre-election period, restrictions which the Government supported in opposition. It wants the waters to be muddied and the situation to be less clear. Therefore, it will leave the restriction in the law and leave this funny proclamation clause in place. The Opposition will not support this clause.

Clause put and a division taken with the following result -

Ayes (27)

Mr Ainsworth	Mr Kierath	Mr Shave
Mr C.J. Barnett	Mr Lewis	Mr W. Smith
Mr Blaikie	Mr Marshall	Mr Strickland
Mr Board	Mr McNee	Mr Trenorden
Mr Bradshaw	Mr Minson	Mr Tubby
Mr Court	Mr Nicholls	Dr Turnbull
Mr Cowan	Mr Osborne	Mrs van de Klashorst
Mrs Edwardes	Mrs Parker	Mr Wiese
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Dr Constable	Mr Kobelke	Mr Thomas
Mr Cunningham	Mr Leahy	Dr Watson
Dr Edwards	Mr Marlborough	Ms Warnock *(Teller)*

Pairs

Mr Omodei	Mrs Roberts
Mr House	Mrs Hallahan
Mr Day	Mr McGinty

Clause thus passed.

Clause 26: Section 4 amended -

Mr RIPPER: I move -

Page 31, after line 9 - To insert the following -

19. After section 175ZG insert the following -

" **Conflict of interest precludes certain gifts from being accepted**

175ZH. It is unlawful for -

(a) a political party or a person acting for a political party;

(b) a candidate in an election (including a person included in a group) or a person acting on behalf of a candidate in an election;

(c) a person included in a group in an election; or

(d) a person (not being a political party, a candidate or a group),

to receive a gift made to or for the benefit of -

(e) that party, candidate or group; or

(f) that person for the purpose of the incurring of expenditure for a political purpose,

from any person, or body of persons, whether incorporated or not, who -

(g) is engaged from outside the public sector to provide a service or services on tender or contract to the public sector; or

(f) has been engaged from outside the public sector to provide a service or services on tender or contract to the public sector at any time in the immediately preceding period of 4 years.

Penalty: $1 500 ".

I move that amendment because of the extent of contracting out which has developed under this Government and because of the potential for the perversion of public policy as a result of the extent of that contracting out. My colleague the Deputy Leader of the Opposition has done some work on the extent of contracting out and has reached the conclusion that about $1b of public expenditure is devoted to paying contractors for services to the public sector. Obviously, there are considerable profits to be made by these contractors doing work which was previously done inside the public sector. They have a vested interest in this policy continuing and in those profits being expanded. This has great potential to pervert public policy. I gave a number of examples in the second reading debate. For example, in public transport the public operator MetroBus is losing routes to private bus contractors such as Swan Transit Pty Ltd. About half the public transport routes have been contracted out to private bus operators. They will make significant profits from their access to this previously public sector work. They will have a vested interest in making donations to political parties which support the expansion of that phenomenon.

In discussions on whether MetroBus should be completely privatised, those bus companies already making profits from the public transport system will have a vested interest in a decision being made against the interest of MetroBus. Those same bus companies have a vested commercial interest in the future mode of public transport. For example, there is no doubt that this community will have debates in future about whether public transport should be based mainly on buses or the expansion of the electrified rail system. Guess which position private bus operators are likely to support? They are likely to strongly support the expansion of bus operations because that is where they have the opportunity to make a profit. There is a substantial conflict of interest and the only way out of it is to prevent people contracting to the public sector from making political donations.

Dr GALLOP: I ask the Parliamentary Secretary not to consider this amendment in the light of the traditions in Western Australia which, not to put too fine a point on it, have meant a highly deregulated system of electoral finance. We are slowly moving towards some regulation by way of disclosure. The jurisdictions in North America, particularly some Provinces in Canada, have restrictions on donations from any private corporations to political parties. In some Provinces there are strong restrictions on donations from foreign sources. That is the point of another amendment. In some Provinces there are limits on the amount of money any person or corporation may give to a political party or candidate, and limitations on the amount that can be spent in an election campaign. There is a range of possibilities in that area of electoral finance. It may be that the Parliamentary Secretary believes such a restriction would be against the interests of a properly functioning democracy. However, I urge him to consider this system with those strong restrictions which works quite well in the Provinces of Canada.

The argument for this amendment moved by the member for Belmont is based upon recognition of the reality we now face. In earlier times the amount of contracting out in government was at the margins. Tenders were invited to deliver work to government and contracts were entered into, but they were not at the same core of government activity. More and more government services are now delivered not directly by government employees but by contractors and consultants working for the Government. As the member for Belmont said, this creates a huge potential for corruption. On the one side, one has the contractors whose revenue base is dependent on a government decision, and on the other side, one has a government party wanting to win an election. Indeed, one also has an opposition party wanting to win an election. Undoubtedly, this situation could lead to a relationship developing

between contractors and government, not to put too fine a point on it, which could become highly corrupt. That is the potentiality. The member for Belmont suggests that we send a message to the community; namely, "If you work for the Government in that way, you cannot contribute to the political process."

When we last discussed this Bill, I said that the idea for this amendment arose from Gabler and Osborne, the intellectual gurus of contracting out. They advanced the proposition that if one has a contracting out regime, certain conditions must be met for it to work properly. The first condition is fair and open tendering, about which we all know, and the second condition is that those who want to participate in government through contracts should be denied the right to contribute money to the political process. That is advocated in their book *Reinventing Government*. It is not something which the Opposition dreamt up; it is proposed by the gurus of contracting out who want the system to work well. I ask the Parliamentary Secretary to consider the proposal as a genuine attempt to overcome the potential for corruption which now exists with $1b worth of contracting out in Western Australia.

Mr RIPPER: The Deputy Leader of the Opposition has drawn attention to the potential for corruption. Indeed, that potential is real in instances where vast profits can be made as a result of government decisions. There is always the possibility that the recipients of those profits will imagine that an advantage will be gained by making a donation to the ruling political party. Also, a potential exists for the ruling political party to think it may receive an advantage by way of a donation if it were to award a contract to a particular company. That is one possible evil which could be associated with contracting out and political donations.

My next point is more subtle, I hope, as I refer to the potential not for favours and outright corruption, but for public policy to be diverted from the best community interest. It is all very well for decisions to be made to support contracting out, but I am concerned that the contracting out phenomenon may have a serious effect on future policy making. For example, about one-third of schools are cleaned by private contractors, with two-thirds cleaned by the public sector. Those private contractor cleaners have a real commercial interest in the Government making a decision to increase the number of schools to be cleaned by private contractors. They have a commercial interest in having the Government decide that all schools be cleaned by private contractors. Their profits and expansion will be enhanced if the Government contracts out that work.

Also, the companies have an interest in cleaning standards at schools. When debate ensues in government about how much should be spent on school cleaning, and whether classrooms should be cleaned to standard A or B, the contract cleaning companies have a direct commercial interest in such decisions. It is very unhealthy that a company which makes profit out of important public policy decisions could be in a position to make large donations to the ruling political party or, indeed, the Opposition.

I think that these companies should make a choice: Either decide that they are in business with government and accept the restriction, or decide not to be in business with government. If they are to be in business with government, they should refrain from making political donations. It is not as though we have not had some experience in this State with problems relating to this and related phenomena. The Royal Commission into Commercial Activities of Government and Other Matters drew attention to the interaction between the political donations from various companies and the governing party and decisions made by the Government to engage in business association with those companies.

It was pointed out by the Deputy Leader of the Opposition that we are seeing a similar sort of phenomenon now. It is the case not of government being in business, but of business being in government. It is the same danger as government becoming involved in joint ventures with business in the private sector. The same dangers are evident when business is contracting to the Government to provide all sorts of services. If one has a billion dollars of public money flowing out to the private sector, one has huge potential for corruption and the perversion of the public policy making process. That potential is enhanced if those companies are allowed to make political donations.

Mr RIEBELING: I hope that the Parliamentary Secretary will say that the Government is not corruptible and would not bend to the wishes of people who want to make campaign donations with certain conditions attached. I ask the Chamber to remember that over the past couple of weeks we have witnessed a group say to the Government, "We will run a $1m campaign if you do not do X." What happened? A section was withdrawn from legislation which offended that group. Another example of that practice was the car dealers approaching the Government in the same manner. We were told by the Minister for Fair Trading that that problem will be solved as well.

One need not think too hard to imagine that when considering policy which affects the viability of businesses, organisations will use that leverage to obtain the best deal if they are donating to the political parties in government. Basically, $1b of government money is being spent on contracting out. That is a lot of leverage on any organisation. This amendment states that if people wish to go into business with government, those companies are prohibited from donating to the governing political party or to the Opposition.

Mr Trenorden: That is a very democratic statement. You are into full-on democracy! You want to cut people out of the process.

Mr RIEBELING: Does the member support private firms paying political parties to change legislation?

Mr Trenorden: You have been doing it for decades.

Mr RIEBELING: Does the member support that?

Mr Trenorden: I believe that people have the right to support any political institution they care to.

Mr RIEBELING: I do not understand the member's argument; he probably does not understand it himself. If what I think he is saying is right, he will support the legislation. The Government buckled under the will of money to change legislation relating to letting fees. The Government intends to do the same thing with trading hours for car salesmen.

Mr Shave: What do you think about car salesmen working Wednesday nights instead of Saturday afternoons?

Mr RIEBELING: They should not work on Saturday afternoons. What does that mean?

Mr Shave: Why did you say that we are rolling over, when you support that principle?

Mr RIEBELING: The Parliamentary Secretary's Government changed the legislation. His Government stood for total deregulation of the industry, but now it has changed its view because a campaign will be run against the Government in the marginal seats. That is sufficient pressure, even though it is only a $1m campaign. Contracts valued at $1b have more leverage and can cause a greater possibility of corruption than the corruption of the system over the past couple of weeks by this Government.

Mr SHAVE: For a number of valid reasons, the Government will not support the amendment. The most obvious reason raised by the member for Victoria Park during debate last week was the lack of uniform legislation across Australia. Because we do not have a banning procedure at the federal level, anyone who wants to make a donation, but is inconvenienced by this amendment, can still make the donation to a federal party. Nothing will be achieved by this amendment. It will create an inconvenience but it will not be effective. It has no point if it cannot be effective. Discussion on this issue Australia-wide would be fine. However, as the member for Avon said, people should have a right to donate to political parties. For instance, if a company has 20 or 30 other clients, but 5 per cent of its work is for a Government, and we say that it cannot donate even though it has donated to a certain political party for a long time, that begs the question whether it is fair and reasonable.

In the past it has been put to me that the union movement makes large donations to the Labor Party and, in the same context, Governments supported by unions make large grants to unions for research and projects. It could be argued that, on the one hand, the union movement will give the Government of the day, say, $100 000 for an election campaign, and later on the union movement will receive $150 000 in grants. The issue is a problem, but we are not legislating to resolve that issue. It cannot be resolved. This legislation covers people who are not covered by the federal disclosure legislation - the smaller operators who may be operating in a state sphere. At present the larger political parties must disclose donations in excess of $1 500. If someone does work for a Government under contract, and the donation is in excess of $1 500, which is a minimal amount, a disclosure is made and scrutinised. If there is a problem, it will be quickly seen in the public arena and the appropriate action will be taken.

The intent of the amendment is perfectly honourable. Unfortunately it will not achieve what the member for Belmont seeks to achieve, because it will be too easily bypassed. The same applies to the proposed amendment relating to political donations from overseas. It is honourable, but it is not practical.

Dr GALLOP: Let us consider the arguments by the Parliamentary Secretary in opposition to the amendment: The first point was that a loophole is created by the fact that it will be legislation for Western Australia only. That is true. However, the States and Territories should get together and produce a common code to be set in legislation to deal with disclosure -

Mr Shave: I agree.

Dr GALLOP: The second point is that as soon as we create a law that restricts the right to do something, and a person wants to get around that law - the Parliamentary Secretary says that can be done by donating to political parties in another State - it will be declared. Therefore, the Parliamentary Secretary is correct. A loophole will exist. However, let us say that firm X, based in Western Australia, is doing all sorts of work for the Government in this State. The company is very keen to support the Government, because the Government has been very good to it. It wants to create a good impression. This legislation says that it cannot donate to Western Australian political party A, which happens to be in government. However, the company is keen to help, so it donates to the party headquarters

in Canberra. Every year disclosures will be made by the political party, and we will see that company X donated to party A in Canberra. If company X does not do any work in Canberra or has no real association there, the transparency of it all would reveal the true nature of the intent. That is the point about making a law in this area. The Parliamentary Secretary is right. The situation can be circumvented by certain ruses but given the disclosure conditions throughout Australia due to the commonwealth Act, the ruses would be disclosed and be transparent to the public. In that sense, the amendment would be effective.

Progress

Progress reported.

ROAD TRAFFIC AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr C.J. Barnett (Leader of the House), read a first time.

House adjourned at 11.00 pm

QUESTIONS ON NOTICE

EDUCATION DEPARTMENT - BURROWS, PHILIP

992. Mr KOBELKE to the Minister for Education:

(1) Has the Education Department of Western Australia been asked to investigate a complaint by Mr Phil Burrows against the Education Department submitted in a report dated 25 August 1994?

(2) Has the Education Department of Western Australia responded to this request by Mr Burrows, and if so, what investigation of matters was undertaken?

(3) Has the Education Department of Western Australia responded to a similar request by the State Ombudsman, and if so, what investigation of these matters was undertaken?

(4) If the Education Department has not responded to either Mr Burrows or the State Ombudsman, what are the reasons for the failure to make such a response?

Mr C.J. BARNETT replied:

I am advised -

(1) Yes.

(2) Yes. A partial investigation was conducted initially but was never concluded due to Mr Burrows' refusal to participate.

(3) Yes. The Education Department advised the State Ombudsman that to undertake the investigation sought by Mr Burrows may compromise and/or jeopardise the department's internal disciplinary inquiry into Mr Burrows' alleged "misconduct". The department's inquiry into Mr Burrows has been delayed due to a stay issued by the Western Australian Industrial Relations Commission pending the determination of a number of procedural matters. When the Western Australian Industrial Relations Commission has decided these threshold issues and the departmental misconduct inquiry concluded, the department will then be in a position to finalise the investigation of Mr Burrows' complaints.

(4) Not applicable.

POLICE SERVICE - BUDGET INCREASE

1291. Mr BROWN to the Minister for Police:

(1) Has the Police budget increased by $43.8m in the 1996-97 Budget?

(2) Of this increase, has $22.7m been allocated to the increase in police officers' salaries?

(3) If not, what amount has been allocated to police officer salary increases?

(4) How much of this increase has been allocated to the employment of additional police officers?

(5) How many additional officers will be employed in the financial year?

(6) What will be the costs of the additional police officers?

(7) Apart from meeting costs of increased salaries and the costs of additional police officers, what will the residue of the budget increase be used for?

(8) How much has been allocated to each item?

Mr WIESE replied:

(1) Yes.

(2) No.

(3) A total of $25.1m is allocated for salary increases comprising $22.7m for the enterprise agreement and $2.4m for salary increments.

(4) $8.5m. A total of $11.59m is allocated to complete the Government's commitment to provide an additional 800 operational sworn officers. Of this, $8.542m is allocated to employ additional sworn officers and

$3.048m to employ additional unsworn officers in order to release police officers engaged in administrative/clerical roles to operational/frontline duties.

(5) 220 FTEs.

(6) $8.5m.

(7)-(8) Remainder of the budget increase will be expended as follows -

Meeting costs devolved from other government agencies
Capital works
Carryover from 1995-96 for management information system
Crime Prevention Unit
Police transfers
Commonwealth grants - national campaign against drug abuse
Increase to cover price increases
Adjustment for once-off costs in 1995-96
Other adjustments

NATIONAL PARKS - NATURE RESERVES, NEW; ADDITIONAL AREAS; EXCISIONS

1298. Mr McGINTY to the Minister representing the Minister for the Environment:

Since 6 February 1993 -

(a) what new national parks have been created and what is the area of each;

(b) what additional areas have been added to any national parks;

(c) what area has been excised from any national park;

(d) what new nature reserves have been created;

(e) what additional areas have been added to any nature reserves; and

(f) what area has been excised from any nature reserve?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

As the member is aware, changes to land tenure and purpose involves significant administrative work. The Government is in the process of creating significant national parks at areas such as Dryandra and Two Peoples Bay. The Government has created new conservation parks and nature reserves totalling 133 000 hectares and added 63 000 hectares to national parks, conservation parks and nature reserves during its first term.

(a) Reserve No 43961 was gazetted for the purpose of national park. It remains unnamed but may be added to the Shannon D'Entrecasteaux National Park.

(b)

National Park	Additional Area (ha)
Leeuwin-Naturaliste	229
Stirling Range	259
Tuart Forest	265
Karijini	20 848
Rudall River	300
Purnululu	31 000
Nambung	44
Yalgorup	113
Res 43961	1 221

(c)

National Park	Excision (ha)
Kalbarri	3 045
Serpentine	3
John Forrest	0.1
Tuart Forest	0.3
D'Entrecasteaux	0.6

(d) 55 nature reserves totalling 46 937.9 hectares.

(e) A total of 6 470.7 hectares has been added, comprising additions to 26 nature reserves.

(f) A total of 1 379.7 hectares has been excised, comprising excisions from 23 nature reserves.

DADSWELL, LYNDON - "THE WILDFLOWER STATE", PURCHASE CONSIDERATION

1319. Ms WARNOCK to the Minister representing the Minister for the Arts:

Will the Government consider buying the 1950s era work by Lyndon Dadswell "The Wildflower State", as part of its public art plan for Perth?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

The Government will support the City of Perth in its implementation of recommendations arising from the joint initiative of the City of Perth and the Government of Western Australia, Perth - A City for People: Art in the City. Any consideration of purchase by the Government of "The Wildflower State" by Lyndon Dadswell would be guided by plans to implement recommendations of this report.

CONTRACTING OUT - BY GOVERNMENT DEPARTMENTS

1352. Mr BROWN to the Minister for Police; Emergency Services:

(1) Has any -

(a) department
(b) agency,

under the Minister's control made any plans to contract out work to the private sector in the 1996-97 financial year?

(2) Is any of the work proposed to be contracted out currently performed by government employees?

(3) If so, exactly what work is proposed to be contracted out?

(4) How many government employees' jobs in each department or agency will be affected?

(5) Will any plans lead to a reduction in the number of employees in any department or agency?

Mr WIESE replied:

(1)-(5) The third annual survey of competitive tendering and contracting commenced in July, requiring agencies to report on contracts let during 1995-96. They will also be asked to again outline their plans for future contracting; that is, for the 1996-97 financial year, and, where the activity is currently performed in-house, to identify the number of staff currently working in the relevant service area. Once the survey is undertaken and the independent analysis is completed, the ensuing report will be widely distributed. As has occurred in the course of past contracting decisions, there is likely to be a reduction in the number of public sector employees, as staff elect to transfer to private sector providers which are successful in tendering for public sector contracts, or they accept redundancy payments in accordance with approved packages. Despite the magnitude of change in the public sector, associated with CTC and other best practice management initiatives, there are currently only 358 employees actively seeking placement through redeployment.

Significantly, the Federal Government's Industry Commission recently stated - in its final report on competitive tendering and contracting in public sectors across Australia - that CTC is expected to generate higher real income and some increase in overall employment. With average savings of 20 to 24 per cent reported in Western Australia in two previous surveys - and in light of the fact that for every public sector job "lost" in this State since February 1993 there have been 12 private sector jobs created - the Government remains committed to the continued implementation of competitive tendering and contracting in departments and other agencies throughout the public sector. This will involve the progressive examination of many different areas of current "in-house" activity, as to their suitability for testing in the competitive market environment and the eventual selection of the best value for money options for service delivery.

FIRE BRIGADES - KALGOORLIE-BOULDER FIRE STATION

Firefighter Vacancies

1365. Ms ANWYL to the Minister for Emergency Services:

(1) Is the Minister aware that there are two full time firefighter positions currently vacant at the Kalgoorlie-Boulder fire station?

(2) What steps are being taken to fill those positions?

(3) Is it intended to fill those positions on a permanent basis?

(4) Is there any increase in the existing overtime budget for the Kalgoorlie-Boulder fire station for the year 1996-97?

(5) What is the extra provision for overtime given that only 17 firefighters are currently employed?

(6) Will the Minister provide details of the overtime budget for the years ending 30 June 1996 and 30 June 1997?

(7) Is there any provision for rent subsidy when employing temporary or casual staff?

(8) Is it intended to conduct a further training course for firefighters during 1996?

(9) If not, when will a course be held?

(10) If the current vacancies are not filled by firefighters, what steps will be taken to train residents of Kalgoorlie-Boulder to fill those vacancies?

(11) Does the Minister recognise that -

(a) the current manning levels are forcing the fire station to operate on shifts of three firefighters; and
(b) does the Minister consider those manning levels to be adequate?

Mr WIESE replied:

(1) Yes.

(2) As a result of the advertising, one firefighter has been temporarily placed at Kalgoorlie. Further attempts are being made to engage a second firefighter for temporary transfer.

(3) The positions will be initially filled by temporary transfer of eligible firefighters from other areas or the FRS.

(4) No. If necessary, adjustments will be made from current allocations for relieving allowances.

(5) None. The wages that would normally be paid to the two staff who have resigned, compensates for extra overtime when it is required. Effectively, staff costs are contained in overall budget allocations and are managed by the officer in charge at Kalgoorlie. It must also be noted that Kalgoorlie has one firefighter per shift more than any other country station.

(6) The overtime budget for Kalgoorlie fire station for year end 1996 and 1997 is -

1996 budgeted $21 092
1997 budgeted $21 900

(7) Yes. This will be negotiated with each candidate depending on their needs.

(8)-(9) Current indications are that the recruitment of firefighters will not be required until next year. However, if the overall attrition rate were not to increase the situation would require reassessment.

(10) Not applicable.

(11) (a) Yes. This only occurs on some nights and/or weekends when there is an adequate volunteer back up available.

(b) Yes. These levels are adequate because there are two volunteer brigades trained and equipped to support the career firefighters.

POLICE SERVICE - CADET SCHEME, EVALUATION

1379. Mr BROWN to the Minister for Police:

(1) Further to question on notice 29 of 1996, who carried out the evaluation of the viability of the police cadet scheme?

(2) Was the evaluation independently conducted from the Police Service?

(3) What was the methodology used to arrive at the conclusions of the evaluation?

(4) Is the evaluation publicly available?

(5) If not, why not?

(6) What specific conclusions and/or recommendations did the evaluation reach?

(7) What was the cost of the evaluation?

(8) What evidence did the evaluation take into account to reach its conclusions?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) The Human Resource Research and Evaluation Branch of the Western Australia Police Service conducted the evaluation.

(2) No.

(3) Interviews were conducted with senior police officers, staff responsible for recruiting and the administration of the cadet scheme, together with an assessment of the status of similar schemes in other police agencies throughout Australia.

(4) Yes, by application under freedom of information legislation to the WA Police Service.

(5) Not applicable.

(6) Abolish the cadet traineeship scheme and devote the full time equivalents and resources towards other activities of a higher priority in the Western Australia Police Service.

(7) Approximately $1 000 in salary costs for WA Police Service employees.

(8) The evaluation considered information on a range of issues including -

role of cadets;
costs of the scheme;
the selection process for cadets;
maturity and life experiences of cadets;
employment expectations;
community expectations; and
the status of similar schemes in other States/Territories.

CONTRACTING OUT - GOVERNMENT SERVICES

1401. Dr GALLOP to the Minister for Police; Emergency Services:

(1) Since 1993, what services have been contracted out by individual agencies within the Minister's portfolio and what is the total cost of those contracts for each year?

(2) What are the names of the companies that have received contracts in the 1995-96 financial year?

(3) What is the value of each contract in excess of $50 000?

(4) In relation to (3), what is the demonstrated saving of each service contracted out?

(5) In relation to (3), does the contractor have access to, or use of, any government services or facilities in the performance of the contract?

(6) If so, what are they?

Mr WIESE replied:

(1)-(6) Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contractual arrangements in place at any time the details sought are not readily available. I am not prepared to direct considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

ADVERTISING - BUDGET; EXPENDITURE

1429. Dr GALLOP to the Minister for Police; Emergency Services:

(1) In 1996-97, what is the total advertising budget proposed for each individual agency within the Minister's portfolio?

(2) In the same year, what is the expected expenditure in campaign advertising and on non-campaign advertising?

(3) In relation to campaign advertising -

(a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
(b) if there has been an increase in allocation, how is that explained;
(c) what portion of the 1996-97 allocation will be spent on television, radio, print and other media;
(d) in 1997-98, what electronic and/or print medium campaigns are planned in excess of $50 000;
(e) have any of these campaigns been initiated by, or involved, any other agency or body;
(f) if yes, which agency or body?

(4) In relation to non-campaign advertising -

(a) what is the expected expenditure for 1996-97 and how does that figure compare with the previous three financial years;
(b) what is the reason for the difference in figures?

Mr WIESE replied:

(1)-(4) Under the program budgeting format used throughout the public sector, expenditure is not budgeted for at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested.

ADVERTISING - BUDGET; EXPENDITURE

1450. Dr GALLOP to the Minister for Police; Emergency Services:

(1) In 1996-97, what is the proposed allocation for brochures, pamphlets and other similar publications for each individual agency within the Minister's portfolio?

(2) What were the allocations for the previous three financial years?

(3) In 1996-97, what is the proposed allocation for production of videos and similar publicity ventures?

(4) What were the allocations for the previous three financial years?

(5) In 1996-97, has any money been allocated for opinion polling?

(6) If yes, what opinion polling is proposed and what will it cost?

(7) What were the allocations for polling in the previous three financial years?

Mr WIESE replied:

(1)-(7) Under the program budgeting format used throughout the public sector, expenditure is not budgeted for at the level of detail sought. I am not prepared to direct considerable resources to obtain the information requested.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - WA CHIP AND PULP CO PTY LTD, RENEWED NATIVE FOREST WOODCHIP INDUSTRY REPORTS

1560. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Further to question on notice 553 of 1996, in compliance with Ministerial Condition 11, imposed on the WA Chip and Pulp Co Pty Ltd on 28 September 1988, have WACAP and the Department of Conservation and Land Management annually since then and comprehensively in 1993, reported on the monitoring and management of the environmental impacts of the renewed Western Australian native forest woodchip industry?

(2) If yes, will the Minister table the reports?

(3) If not, why not?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) The WACAP approval was issued on 27 September 1988. Since then WACAP's forest management responsibilities have been substantially taken over by CALM but the conditions of the WACAP approval

have not yet been amended to reflect this change of responsibilities. WACAP provided annual reports covering the years 1988, 1989, 1990, 1991 and 1992 - received on 2 July 1990, 17 June 1991, 7 February 1994 - and although not legally required to do so CALM provided reports covering 1988, 1989 and 1990 - received on 3 September 1990, 9 November 1990 and 5 June 1991. In 1993 WACAP raised with the EPA the need for changes to the conditions and meetings were held with CALM. It was concluded that these changes should be dealt with in parallel with amendments to CALM's other approvals for forest management so that all environmental conditions relating to forest management could be amalgamated. That process has taken longer than expected, but is progressing. A review of CALM's compliance with its forest management approvals is being undertaken by the EPA with advice from a specialist committee which it has established. The process is due for completion in 1997.

(2) Yes. [See papers Nos 536A-F.]

(3) Not applicable.

POLICE SERVICE - TILBURY, MR AND MRS, PARENTS OF STEPHEN WARDLE

1576. Mr McGINTY to the Minister for Police:

(1) Were the parents of Stephen Wardle, Mr and Mrs Tilbury, stopped at Perth Airport twice or five times between 1993 and 1995?

(2) Following publication of the select committee report on the Western Australia Police Service, what efforts have been made to ascertain whether the WAPS requested that an alert be placed with the Federal Police and the Australian Customs Service at Perth Airport so that Mr and Mrs Tilbury were interviewed on leaving or arriving in Australia?

(3) Who in the WA Police Service requested that the alert be placed at Perth Airport?

(4) When was the alert lifted and why was it lifted?

(5) What was the reason for the alert being placed in the first place?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) Twice.

(2) None, the Police Service internal investigation into Mr Tilbury's complaint of 23 December 1994 identified the alert.

(3) Officer in charge, Argyle Diamond inquiry.

(4) Expired 30 November 1994, and was not renewed.

(5) Confidential information regarding the alleged movement of diamonds.

FIREARMS - BAN; EXEMPTIONS

1579. Mr McGINTY to the Minister for Police:

(1) I refer to the ban on the civilian ownership of semiautomatic firearms agreed to by all States and the Commonwealth and ask, has the Minister decided which gun owners will be exempt from the national ban?

(2) Will farmers who already own semiautomatic rimfire firearms, semiautomatic shotguns, or repeater shotguns be automatically exempted?

(3) Will people who live in towns, but shoot vermin on farms at weekends be exempt as called for by the Minister's National Party colleague, the member for Collie?

(4) Is it still expected that 40 000 firearms will be withdrawn from circulation in Western Australia, including 25 500 semiautomatic rimfire firearms; 5 266 semiautomatic shotguns and 10 922 repeater shotguns, pump action and lever or bolt action shotguns?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) The possession and use of the semiautomatic firearms referred to in the question is linked to the categorisation of firearm licences as contained within Resolution 4 - Basic Licence Requirements. The firearms referred to are contained within category C and D. The original agreement provides that primary producers may seek an exemption under certain grounds. Subsequently at the Australasian Police Ministers' Council conference on 17 July 1996, it was agreed that members of approved clay target associations would also be able to seek an exemption for self-loading or pump action firearms for use only in the pursuit of their sport. The onus of responsibility will be with the firearm owner to justify a licence to own and use such firearms. They will be licensed accordingly.

(2) No, refer to (1).

(3) The agreement provides that persons who have written permission from a property owner will be able to destroy vermin on those properties and will be able to continue as licensed firearm owners of category A and B firearms in the same way as they do currently. They will not be able to own and use category C firearms for this purpose. The figures quoted refer to the numbers of those particular firearms currently licensed in Western Australia.

(4) It is not possible to accurately estimate how many persons may seek and be granted an exemption, however, this figure could range between 5 000 and 10 000 firearms.

BOLD REGIONAL PARK - FIRE RISK REDUCTION PROGRAM

1581. Dr CONSTABLE to the Minister for Emergency Services:

(1) Is there a program in place to reduce the risk of fire in Bold Regional Park?

(2) If so -

(a) who is responsible for implementing the program;
(b) when was the program introduced;
(c) what does the program cost; and
(d) what are the essential terms of the program?

(3) If no to (1) -

(a) why not; and
(b) how is the risk of fire in Bold Park being assessed and managed?

Mr WIESE replied:

(1) Yes.

(2) (a) The Town of Cambridge in conjunction with the WA Fire Brigades Board.

(b) The City of Perth established the program in 1989-90. This program has now been taken over by the Town of Cambridge.

(c) The Town of Cambridge has allocated $20 000 for the program.

(d) The essential elements of the program include cutting weeds and undergrowth; mowing; cutting and maintaining fire breaks, and maintaining access tracks.

Additionally, the WAFBB, the Town of Cambridge and interested people have been working together to establish a fire prevention and response plan for the park. The plan is in its final stage of development and will be implemented prior to the fire season.

(3) Not applicable.

EDUCATION DEPARTMENT - DISPUTE RESOLUTION PROCEDURES FOR SCHOOLS

1582. Dr CONSTABLE to the Minister for Education:

What procedures are in place for the resolution of disputes between parents and/or students, and government and non-government schools, if those disputes cannot be determined at the school level?

Mr C.J. BARNETT replied:

Disputes involving government schools are referred to the district superintendent and to central office of the Education Department where further efforts are made to obtain a satisfactory resolution, including the conduct of formal investigations in cases where the parties have been unable to reach a settlement.

Disputes in non-government schools, if unable to be resolved by a school, can be taken to the school's governing body, and/or in the case of systemic schools, to the relevant central administering body, for further action. The central administering bodies include the Catholic Education Office, Anglican Schools Commission, Swan Christian Education Association and the Seventh Day Adventist Conference. The State Government does not become involved in disputes that arise from the day to day operational aspects of non-government schools. However, government intervention occurs when a formal written complaint is received and/or when there is sufficient cause to believe that the circumstances of a dispute would render a non-government school unable to maintain the minimum conditions necessary for registration. The conditions for registration cover the curriculum, organisational strategies for enhancing student learning, teacher qualifications, school buildings, education resources and financial viability.

EDUCATION DEPARTMENT - COMPUTERS IN SCHOOLS

1583. Dr CONSTABLE to the Minister for Education:

(1) How many computers are provided by the Education Department to each primary and secondary school in Western Australia?

(2) Based on the number of computers provided only by the Education Department what is the ratio of computers to students in -

(a) primary schools; and
(b) secondary schools?

(3) What specific funding was available in each of the last five years for the purchase of computers for all primary and secondary schools in Western Australia, and what was the source of that funding?

(4) What is the ratio of funding per student?

Mr C.J. BARNETT replied:

(1) Moneys are provided to schools from a range of state and commonwealth funded programs administered by the Education Department. Individual schools make decisions on how best to use these funds based upon the objectives of the program and the needs of the student body. Resources, and the decisions on how best to use them, are increasingly being devolved to schools. The department does not keep records on what specific equipment schools acquire from their funds.

(2) The Education Department currently makes specific provision for the following ratio of computers per student -

(a) one computer per 100 students in every primary school - schools with student numbers less than 100 receive one computer per 50 students; and
(b) one computer per 40 students in every secondary school.

However, as stated in (1), funds are provided by the Education Department to schools to purchase resources based largely on a per capita formula. Schools will use these funds, and locally raised revenue, to purchase computers. The actual ratio of computers to students in schools is therefore considerably higher than that specifically provided for in the base funding.

(3) During the last five years the following amounts were expended from centrally provided funds for replacing obsolete computers -

1995-96	$686 571
1994-95	$390 507
1993-94	$322 629
1992-93	$264 356
1991-92	$156 605

However, schools have been able to replace obsolete computers from their school grants and other sources, as evidenced by records available to the department. For example, from January 1995 the ability to acquire computing equipment under a lease contract arrangement has been available to schools and it is estimated that in excess of 50 per cent of schools have taken advantage of this arrangement. Departmental records indicate that in 1994-95 approximately $2m had been committed by schools to acquiring computers in this way and it is estimated that 80 per cent of this amount was directly related to computers in classrooms for student use. During 1995-96, a further $5 750 000 has been expended by schools on leasing computing equipment. This indicates that during the life of this program approximately 3 100 computers were acquired, under the leasing arrangements, specifically for student use.

(4) It is impractical to attempt to calculate ratios of funding per student due to the factors outlined in the answer to the first question.

EDUCATION DEPARTMENT - COMPUTERS IN SCHOOLS

1585. Dr CONSTABLE to the Minister for Education:

(1) How many computers in each primary and secondary school have been purchased other than through the Education Department; for example, through P & C or sponsorship - in the last five years?

(2) If the Minister cannot answer (1) because he has no knowledge of the numbers of computers purchased by P & C organisations or through sponsorship, how are the computer needs of schools assessed by the Education Department?

Mr C.J. BARNETT replied:

(1) As resources, and the decisions on how best to use them, are increasingly being devolved to schools, and schools are tending to fund purchases from a range of sources, it is impractical to determine which schools have acquired hardware and exactly how this hardware has been acquired.

(2) At an organisational level, computer needs of schools are determined by surveying examples of best practice and exploring trends and developments in the use of technology in the curriculum both nationally and overseas. This information is used to set system objectives which are in accordance with the department's strategic plan and which can be used to prioritise the allocation of available funding. At a school level, the school development plan is used to determine priority objectives. These objectives are serviced accordingly by the use of both allocated funds and any additional non-departmental funding available to the school. Some schools allocate a high priority to the use of technology and have accordingly directed a higher proportion of available resources into this area.

TRAFFIC ACCIDENTS - AND OFFENCES, FLOREAT AREAS

1602. Dr CONSTABLE to the Minister for Police:

(1) How many -

(a) traffic offences; and
(b) road accidents,

have occurred in each of the following areas in the last year to 30 June 1996 -

(i) Floreat;
(ii) City Beach;
(iii) Wembley Downs;
(iv) Churchlands;
(v) Woodlands;
(vi) Wembley;
(vii) Scarborough; and
(viii) Doubleview?

(2) At which sites did the most -

(a) traffic offences; and
(b) road accidents,

occur?

(3) What are the comparable figures for (1) and (2) for the 1990 year?

Mr WIESE replied:

(1)-(3) I am advised by the Commissioner of Police that the Police Service is unable to provide the information in the format requested. Until recent organisational changes, the suburbs mentioned were part of Traffic Division 1 which extended from Scarborough to Maylands and Dianella to Cannington. Statistical information was kept with regard to the whole division, not individual localities. The Minister for Transport via Main Roads WA may be able to assist with information regarding crashes using local government areas and road names.

FIREARMS - HANDED IN SINCE 10 MAY

1607. Dr CONSTABLE to the Minister for Police:

(1) Have any of the proposed banned firearms been handed in in Western Australia since 10 May 1996?

(2) If yes, how many?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) Yes.

(2) 547 consisting of 397 self-loading rifles; 50 self-loading shotguns and 100 repeating shotguns. Please note some of these firearms may have been returned to owners as they may have been handed in for reasons other than surrender.

RIVERS - NORTH WEST, REPORT

1635. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Who is compiling the report on the state of the north west rivers?

(2) When will it be released?

(3) Who is overseeing this project?

Mr MINSON replied:

The Minister for the Environment has provided the following response -

(1) The Water and Rivers Commission has engaged consultants to prepare a report on the state of the northern rivers. This covers rivers in the Indian Ocean, Timor Sea and western plateau drainage divisions; that is, all of the State outside of the south west drainage division.

(2) Early next year.

(3) The Water and Rivers Commission.

POLICE SERVICE - CRIMES AGAINST THE PERSON, CLAREMONT TOWN CENTRE

1644. Dr WATSON to the Minister for Police:

(1) In each year since 1993, how many crimes against the person have been reported in and around the Claremont town centre?

(2) How many were -

(a) sexual assaults;
(b) common assaults;
(c) abductions?

(3) How many in each category of victims were -

(a) men;
(b) women?

(4) What action, if any, did police take to prevent these crimes prior to January 1996?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

The statistics for the area specified as " in and around the Claremont town centre" are not defined within the Western Australia Police Service offence information system, however, statistics and operational strategies for the Claremont locality are listed below -

		1993-94	1994-95	1995-96
(1)	Offences against the person	67	67	70

(2)	Sexual assault	10	9	9
	Common assault	33	28	24
	Abduction	0	1	0
(3)	Sexual assault - men	0	1	0
	Sexual assault - women	10	8	9
	Common assault - men	22	20	13
	Common assault - women	11	8	11
	Abduction - men	0	0	0
	Abduction - women	0	1	0

(4) Some of the actions taken by police in the locality of Claremont in an attempt to prevent the occurrence of these offences included, but were not confined to, the following -

Vehicle and foot patrols.
A Neighbourhood Watch program.
Contributions by police to local newsletters in which policing issues, concerns and dangers were highlighted.
Police delivering information sessions to school children on alcohol, drug and personal safety issues.
The establishment of a youth forum to identify and address youth problems.
Media presentations and material outlining crime prevention information and strategies.

POLICE SERVICE - HOMESWEST, RECIPROCAL ARRANGEMENTS

1649. Dr WATSON to the Minister for Police:

What reciprocal arrangements and agency coordination are made with the Police Department when complaints are made about tenancies in Homeswest houses when children are resident in those houses?

Mr WIESE replied:

I am advised by the Commissioner of Police that no reciprocal arrangement exists between the WA Police Service and Homeswest. Occupancy of Homeswest properties is subject to agreement between Homeswest and the tenant. Police are only involved when violence or a breach of the peace is a likely consequence. Concern for the welfare of any children involved is referred to Family and Children's Services.

EDUCATION DEPARTMENT - INTENSIVE LANGUAGE CENTRES

Level 3 and 4 Positions, Academic Requirements Abolition

1675. Mr KOBELKE to the Minister for Education:

Why has the Education Department abolished the academic requirements as a selection criterion for level 3 and 4 promotional positions at intensive language centres?

Mr C.J. BARNETT replied:

The selection criterion "substantial and successful tertiary level studies in a discipline relevant to this position" was not included in the level 3 and level 4 promotional positions at intensive language centres because -

(i) the criteria could be interpreted in different ways; that is, academic qualifications in English as a second language or studies in administration;

(ii) other criteria relating to knowledge, understanding and experience in the education of non-English speaking background students more than adequately meets requirements to ensure suitable people are appointed to the position;

(iii) many quality ESL teachers who could more than adequately fill the position would be denied the opportunity of applying because of incomplete qualifications in ESL even though they possess a four year teaching qualification which makes them eligible to apply; and

(iv) the transfer rights to equivalent level 4 positions have less restrictive selection criteria.

EDUCATION DEPARTMENT - PAINTING OF SCHOOLS, LEAD PAINT TESTS

1683. Mr KOBELKE to the Minister for Education:

(1) When government schools are painted as part of a maintenance or repair program, what criteria or conditions are used to judge as to whether or not the old paintwork should be tested for lead paint?

(2) How many schools in the 1995-96 financial year had testing undertaken to ascertain whether the existing paintwork contained lead before cleaning or painting maintenance was undertaken?

(3) Were Department of Occupational Health, Safety and Welfare regulations followed in all cases?

(4) Where proper safeguards were either not in place or not followed for painting undertaken involving the removal or sanding of lead paint, what steps have been taken to ensure that this does not reoccur?

Mr C.J. BARNETT replied:

(1)-(4) This question was previously asked on Wednesday, 26 June 1996 and an answer has been provided. Please refer to parliamentary question 1486.

EDUCATION DEPARTMENT - ASBESTOS IN SCHOOLS REGISTER

1685. Mr KOBELKE to the Minister for Education:

(1) From what date did the Education Department of Western Australia cease maintaining a full and accurate register of all asbestos in government schools?

(2) Why did the department cancel the program to collate an asbestos register for every school still containing asbestos?

(3) How many schools currently have an up to date asbestos register?

(4) In the case of maintenance at a school which does not have an asbestos register, who decides what contains asbestos during maintenance and construction work?

(5) What are the steps required by the principal or health and safety officer in any school to ensure that maintenance work undertaken does not involve working with asbestos cement products without adequate warning and appropriate safety measures being undertaken?

(6) Has the Education Department of Western Australia given clear guidelines for principals to ensure that maintenance or repair work undertaken at their schools does not create health hazards due to the inadvertent handling or working with asbestos products?

Mr C.J. BARNETT replied:

(1)-(2) The Education Department of Western Australia has not at any stage intended to have a full and accurate register of all asbestos cement products in government schools. The Education Department has an accurate register of schools with asbestos cement roofs.

(3) There has not been a survey to determine which schools have completed an asbestos cement register.

(4) In schools that do not have a completed asbestos cement register, all material that resembles asbestos cement is treated as such.

(5) Work on asbestos cement products is done in out-of-school hours by contractors that are familiar with the Education Department's requirements.

(6) Yes. A 69 page manual titled "Asbestos Management Procedures in the Workplace" has been provided to schools.

EDUCATION DEPARTMENT - FIVE YEAR OLD PROGRAM

New Preprimary Buildings, Bathrooms and Toilets

1688. Mr KOBELKE to the Minister for Education:

(1) Will the new preprimary buildings to be located on school grounds for the expansion of the five year old program, be provided with self-contained bathroom and toilet facilities?

(2) If all new buildings are not to be equipped with a self-contained bathroom and toilet, then what is the minimum standard acceptable for the installation of these new buildings?

(3) What is the cost saving for each five year old unit of not providing smaller age appropriate toilets?

(4) What is the estimate of the additional time in supervising the preprimary children with their toileting due to the failure to install smaller age appropriate toilets?

(5) Has there been an estimate of the staff costs in providing the additional supervision and if so, what is the estimated cost?

Mr C.J. BARNETT replied:

(1)-(5) This question was already asked on Wednesday, 26 June 1996. Please refer to parliamentary question 1490.

EDUCATION DEPARTMENT - BURROWS, PHILIP

1690. Mr KOBELKE to the Minister for Education:

(1) Further to the answer provided by the Minister to question on notice 992, did Mr Burrows refuse to participate in any inquiry investigating his complaint or his non-cooperation related to another matter which was the substance of a "misconduct inquiry" against him?

(2) Given that the Minister's previous answer stated that this was a partial investigation, what were the areas or parts of the complaint which formed the basis for this "partial investigation"?

Mr C.J. BARNETT replied:

(1) The departmental records indicate that Mr Burrows' complaints of discrimination made in his letter dated 25 August 1994 were viewed by the department as being directly related to the "misconduct inquiry". The misconduct inquiry, and therefore the complaint of discrimination, was unable to be concluded because Mr Burrows declined to discuss the misconduct inquiry with the investigating officer.

(2) The investigating officer made inquiries into each of the alleged discriminations.

EDUCATION DEPARTMENT - BURROWS, PHILIP

1691. Mr KOBELKE to the Minister for Education:

(1) Was Mr Philip Murray Burrows offered a choice of two teaching positions in government schools for the second term in 1994?

(2) What was the date on which this offer was made to Mr Burrows and was it given formally in writing or by what other means?

(3) From what date was material collated by the Education Department raising serious concerns about the suitability of Mr Burrows to take up a teaching appointment?

Mr C.J. BARNETT replied:

(1) Yes.

(2) The departmental records show that offers were made by telephone, probably on 4 May 1994 by a primary personnel consultant. Mr Burrows makes mention of the date and the nature of the offers of employment in a facsimile to a primary personnel consultant dated 5 May 1994.

(3) The departmental records indicate that the first material collated which raises concerns about his suitability to take up a teaching appointment was on 26 October 1979 which followed a regional superintendent's visit to his school on 23 to 26 October 1979. Similarly, complaints were received in 1984 while Mr Burrows was the principal at Ongerup Primary School and in 1986 during Mr Burrows' term as principal at Chowerup Primary School. He was subsequently demoted from principal to a teaching position. In relation to the most recent concerns held by the department, complaints from parents and notes taken by school counsellors were compiled in September 1993.

EDUCATION DEPARTMENT - NON-ENGLISH SPEAKING BACKGROUND STUDENTS

Population; Teacher Qualifications

1720. Mrs ROBERTS to the Minister for Education:

(1) Will the Minister instruct his department to undertake a survey of the government school system to ascertain the non-English speaking background pupil density of the school population showing which primary and secondary schools' population is between -

(a) 5 and 10 per cent of NESB;
(b) 10 and 15 per cent of NESB;
(c) 15 and 20 per cent of NESB; and
(d) in excess of 20 per cent of NESB,

(NESB being defined as individuals born outside Australia or having at least one parent born in a non-English speaking country)?

(2) What steps have been taken by the Education Department to appoint individual teachers or individuals in promotional positions with special qualifications and experience relevant to the special needs of these children?

(3) What are these qualifications?

Mr C.J. BARNETT replied:

(1) No.

(2) Teachers employed through the ESL program are required to have specialist qualifications. Any teacher can apply for promotional positions. However, teachers with relevant qualifications and experience are more competitive in merit processes for promotion.

(3) ESL teacher qualification requirements are currently two post-graduate units in the area of English as a second language acquisition.

INDEX PROGRAM - MIDLAND AREA; COMMONWEALTH FUNDING CUTS

1737. Mr BROWN to the Minister for Education:

(1) Is the -

(a) Minister;
(b) Government,

aware of the Index program operated in the Midland area?

(2) Is the Minister aware the program has resulted in 75 per cent of school refusers either returning to education or obtaining work?

(3) Is the -

(a) Minister;
(b) Government,

aware the Index program is threatened by federal government expenditure cuts?

(4) Is the Government prepared to provide interim funding to the index program to enable it to continue until November/December 1996?

(5) Is the Government prepared to make representations to the Federal Government for funding to be provided to the index program?

(6) Will the Minister make the direct representations to the Federal Government for funding to be provided to the index program?

(7) If so, when?

Mr C.J. BARNETT replied:

This question was redirected from the Minister representing the Minister for Employment and Training to to the Minister for Education. The Minister for Education has already been asked this question - refer to parliamentary question 1736 - and a response has been provided.

INDEX PROGRAM - MIDLAND AREA; COMMONWEALTH FUNDING CUTS

1739. Mr BROWN to the Minister for Education:

(1) Is the -

(a) Minister;
(b) Government;

aware of the Index program operated in the Midland area?

(2) Is the Minister aware the program has resulted in 75 per cent of school refusers either returning to education or obtaining work?

(3) Is the -

(a) Minister;
(b) Government

aware the Index program is threatened by Federal Government expenditure cuts?

(4) Is the Government prepared to provide interim funding to the Index program to enable it to continue until November-December 1996?

(5) Is the Government prepared to make representations to the Federal Government for funding to be provided to the Index program?

(6) Will the Minister make the direct representations to the Federal Government for funding to be provided to the Index program?

(7) If so, when?

Mr C.J. BARNETT replied:

This question was redirected from the Minister representing the Minister for Employment and Training to the Minister for Education. The Minister for Education has already been asked this question - refer to question 1736 - and a response has been provided.

BUDGET (COMMONWEALTH) - CUTS; SAVINGS, COST CUTTING MEASURES

1748. Mr BROWN to the Minister representing the Attorney General:

(1) Has the Minister asked any of his departments or agencies to identify savings, cost cutting or other measures that will enable the Government to cover the $90m cut imposed on the State by the Howard Commonwealth Government?

(2) Have any savings, cost cutting or other measures been identified which will save some or all of the shortfall?

(3) What savings, cost cutting or other measures have been identified?

(4) What measures does the Government intend to implement?

(5) When does the Government propose to implement these measures?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) The Premier has written to Ministers seeking their advice as to ways in which savings may be achieved in the non-service related activities of their agencies to meet the agreement reached with the Commonwealth at the Premiers' Conference to assist the Commonwealth with its budgetary problems. Ministers have been specifically advised that no reductions in service delivery will be entertained.

(2) Some $40m of savings measures have been identified by Ministers to date which will contribute to the $60m reduction in financial assistance grants agreed to at the Premiers' Conference. In relation to the $30m reduction in specific purpose payments, as the member is well aware the Commonwealth has not yet provided specific details of these reductions.

(3)-(5) The Premier advised the House last week that the savings being implemented arise from the ongoing identification of efficiency in the administrative operations of departments. They are continually being implemented and will continue to be implemented as more efficient ways of delivering services are identified.

EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE/NON-ENGLISH SPEAKING BACKGROUND STUDENTS, CONSULTANT POSITIONS

1758. Mrs ROBERTS to the Minister for Education:

(1) How many intensive language centres are there as of March 1996 -

(a) for primary school aged children;
(b) for compulsory secondary school aged children;
(c) for post-secondary aged pupils;
(d) in the metropolitan area; and
(e) in country and regional areas?

(2) How many of these centres have -

(a) a person appointed to a level 4 position;
(b) a person appointed to a level 3 position,

in charge?

(3) What are the criteria used in each case for creating these promotional positions?

(4) Are these promotional positions funded through the grant provided by the Federal Government for teaching of English as a second language for new arrivals and the support programs normally referred to as stage 1 and stage 2 programs?

(5) What has been the contribution from the state Education budget towards the funding of these positions?

Mr C.J. BARNETT replied:

(1) (a) Four intensive language centres for primary aged students;
(b) two intensive language centres for compulsory secondary aged students;
(c) one intensive language centre for post-compulsory aged students;
(d) seven intensive language centres in the metropolitan area;
(e) there are no intensive language centres in the country as there are insufficient numbers in any one district to establish a centre. There are programs in all schools with new arrivals. Currently, there are 22 such programs.

(2) (a) Two centres have a level 4 person in charge;
(b) five centres have a level 3 person in charge.

(3) The criteria for these levels are number of staff to be managed and number of students enrolled.

(4) Yes.

(5) The state Education budget met the cost of the classification process.

POLICE SERVICE - LANGFORD, JOHN; FREEDOM OF INFORMATION REQUEST

1777. Mr THOMAS to the Minister for Police:

(1) Is the Police Department the respondent of a freedom of information request by Mr John Langford?

(2) Did the Police Department claim that an appeal against a decision to refuse access to information was out of time when in fact it was faxed on 28 June 1996 and was in time?

(3) Is the Minister concerned at police record keeping which would allow such an error to be made?

(4) If yes to (3) above, what steps is the Minister taking to ensure that it does not recur?

Mr WIESE replied:

In response to (1) and (2) the Commissioner of Police has advised as follows -

(1) Yes.

(2) No.

In response to (3) and (4) I advise as follows -

(3) No.

(4) Not applicable.

EDUCATION DEPARTMENT - SECONDARY INTENSIVE LANGUAGE CENTRES

Teachers Employment

1780. Mrs ROBERTS to the Minister for Education:

(1) How many full time equivalent teachers are employed at secondary intensive language centres?

(2) How many FTE staff are employed specifically to teach English as a second language to children of non-English speaking background within the secondary support program?

(3) How many teachers are employed at secondary level -

(a) at intensive language centres;
(b) within the support program?

(4) How many teachers have teaching English as a second language as their major teaching area with one of the other secondary subject areas as a minor teaching area?

Mr C.J. BARNETT replied:

(1) 35.4 FTEs.

(2) 17.6 FTEs.

(3) (a) 35.4 FTEs
(b) 17.6 FTEs.

(4) 64 FTEs.

TASK FORCE ON ROAD SAFETY AT SCHOOLS (1991) - REPORT 1993; RESPONSE

1795. Mr CATANIA to the Minister for Education:

(1) Will the Minister confirm that a 1991 task force on road safety at schools referred its recommendations to the Government in 1993?

(2) Has the Education Department set out a policy in response to this report, and if not, why not?

(3) If yes, what measures have been implemented in response to this report?

(4) Which recommendations have not been implemented?

(5) Will the Minister provide reasons as to why not?

Mr C.J. BARNETT replied:

(1) Yes.

(2)-(5) Subsequent to the release of the report "Task Force on Road Safety at Schools" the policies of the Education Department and the Department of Planning and Urban Development were modified and aligned to ensure that road safety is adequately accommodated as part of the planning process for new schools and the redevelopment of existing schools. These revised policies are now applied in cooperation with local government authorities in the development of school sites.

Traffic management is an issue of conflicting needs. Schools are the focus for particular users with needs which are different to those of users of other parts of the road system. Safety around schools is of paramount importance, but other aspects must also be considered. The issue is a question of balance. In the vicinity of schools, the needs of children, teachers and parents must be balanced against the needs of the wider community. The benefits provided to one group must be balanced against the cost of facilities and disadvantages to other groups. Accordingly, the Education Department has adopted a combination of design strategies including off-street and embayment parking to facilitate the safe setting down and picking up of students. Often, it is possible to meet this need by adopting a joint planning approach with the local authority in respect of the development of adjacent public open space and/or community purposes sites.

With regard to existing schools, funds are made available annually to enable the Education Department to provide appropriate improvements such as embayment parking on a 50/50 shared cost basis with local government authorities. It is considered that those recommendations which related to the Education Department have been implemented.

FIREARMS - AMMUNITION USED BY GOVERNMENT DEPARTMENTS

1796. Mr CATANIA to the Minister for Police:

(1) I refer the Minister to the *Government Gazette* dated 7 May 1996, page 1963, and ask which government departments use ammunition?

(2) For each department, will the Minister specify -

(a) the type of ammunition supplied;
(b) the amount of ammunition to be supplied;
(c) the type of firearms held by the department;
(d) the number of each firearm type; and
(e) under which department are the firearms registered?

(3) What safety provisions are in place to ensure that the firearms are secure at all times when not in use?

(4) Who won the tender to supply the ammunition?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) The following government departments are recorded as having corporate licences and would use ammunition -

1. Department of Fisheries
2. Ministry of Justice
3. Director General of Agriculture
4. Agriculture Protection Board
5. Western Australia Police Sevice
6. Zoological Gardens Board
7. University of Western Australia

(2) (a) Type of ammunition supplied is in accordance with the calibre of the firearms licensed.

(b) Amount is dependent on the licence holders' requirements.

The WA Police Service's requirements are:-

- .22 Long Rifle - 100 000
- .22 Winchester Magnum Rimfire - 5 000
- .223 Remington - 70 000
- .308 Winchester - 20 000
- .380 Auto - 8 000
- 9mm Nato - 60 000
- .38 Smith and Wesson Special - 230 000
- .40 Smith and Wesson Auto - 200 000
- 12 Gauge - 70 000

(c)-(d)

Department of Fisheries	Handguns	4 x revolvers
	Shotguns	2 x repeating shotguns
		1 x single shot shotgun
Ministry of Justice	Handguns	86 x revolvers
		72 x pistols
	Rifles	10 x repeater rifles
	Shotguns	60 x repeater shotguns
Department of Agriculture	Handguns	2 x revolvers
	Rifles	43 x repeating rifles
		1 x single shot rifle
		8 x self loading rifles
	Shotguns	12 x single shot shotguns
		4 x repeating shotguns
	Air Rifles	1 x air rifle
Agriculture Protection Board	Rifles	131 x repeating rifles
		49 x self loading rifles
	Shotguns	12 x single shot shotguns
		29 x double barrel shotguns
		16 x repeating shotguns
		20 x self loading shotguns
	Air Rifles	2 x air rifles
Police Service	Handguns	3 090 x revolvers
		140 x self loading pistols
	Rifles	450 x repeating rifles
		17 x self loading rifles
		10 x single shot rifles

	Shotguns	53 x single shot shotguns 6 x double barrel shotguns 223 x repeating shotguns 23 x self loading shotguns
	Air Rifles	3 x air rifles
Zoological Gardens Board	Handguns	1 x tranquilliser pistol
	Rifles	4 x tranquilliser rifles 6 x repeating rifles
	Shotguns	3 x single barrel shotguns 1 x repeating shotgun
	Air Rifles	2 x air rifles
University of WA	Handguns	1 x revolver
	Rifles	4 x tranquilliser rifles 1 x repeating rifle
	Shotguns	2 x single shot shotguns 3 x double barrel shotguns
	Air Rifles	1 x air rifle

(3) The firearms held under the particular firearm corporate licence are required to be held in accordance with the Firearms Act or any specific condition that may be applicable to that licence. In respect of the WA Police Service issue firearms when not in use are kept in secure and locked approved firearm cabinets. The ballistics section armoury is a secure and alarmed premises.

(4) The ammunition tender has not yet been awarded.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - DUTCH GOVERNMENT, MEETINGS OR CORRESPONDENCE CONCERNING KARRI FORESTS

1811. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has the Minister and/or representatives from the Department of Conservation and Land Management -

(a) met with or

(b) corresponded with the Dutch Government in the past few months concerning the Dutch Government's stance on the State's karri forests?

(2) What was the outcome of these exchanges?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) (a) No.
(b) Yes.

(2) CALM sent letters on 24 May 1996 and 22 July 1996 detailing significant errors of fact in the Dutch reports and correspondence. CALM received a response from the Directoraat-Generaal, Rijkswaterstaat on 12 September 1996. The department is presently reviewing the response and a document which was provided.

ETHNIC GROUPS - NON-ENGLISH SPEAKING BACKGROUND (NESB) PEOPLE, PROGRAMS MEETING NEEDS; LANGUAGE SERVICES, FUNDING ALLOCATIONS

1820. Mrs ROBERTS to the Minister for Police:

(1) What funds have been allocated, within the Minister's portfolio, for programs which are aimed at specifically meeting the needs of ethnic groups and individuals of non-English speaking background?

(2) To which/what programs have these funds been allocated?

(3) What amount has been allocated for language services?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

(1) The sum of $30 000 has been allocated to meet programs within the ethnic affairs unit.

(2) Those programs comprise -

Cross-cultural awareness training
Youth seminars and information exchanges
Monthly meetings with representatives of the ethnic community
Recruitment and marketing initiatives for applicants from NESB
TAFE courses offering assistance to applicants from NESB
Research into police/ethnic relations
Collection of ethnicity data and racial vilification crime information
Creation of a multicultural handbook for operational police
Implementation of a language service policy.

(3) No specific amount has been allocated to language services. This initiative is absorbed within the ethnic affairs unit budget.

EDUCATION DEPARTMENT - NON-ENGLISH SPEAKING BACKGROUND CHILDREN, FUNDING ALLOCATIONS

1825. Mrs ROBERTS to the Minister for Education:

What funds have been allocated, within the Education budget, to meet -

(a) the academic needs;
(b) social needs;
(c) vocational education needs

of children from/of non-English speaking background?

Mr C.J. BARNETT replied:

No funds have been allocated specifically for students from non-English speaking backgrounds. However, all students, including those from non-English speaking backgrounds, have equitable access to programs designed to address -

(a) academic needs;
(b) social needs; and
(c) vocational education needs.

EDUCATION DEPARTMENT - NON-ENGLISH SPEAKING BACKGROUND CHILDREN, TRAUMA AND TORTURE COUNSELLING AND SUPPORT PROGRAMS

1826. Mrs ROBERTS to the Minister for Education:

What counselling and support programs has the Education Department put in place to meet the needs of refugee and other children of non-English speaking background who have experienced trauma and torture -

(a) through the Education budget in 1996-97;
(b) in conjunction with ASeTTs - torture and trauma unit;
(c) mental health section of the Health Department?

Mr C.J. BARNETT replied:

(a) Through the Education budget in 1996-97 students have access to school psychology services, school social worker services in designated districts, school nurses, pastoral care teams, and other government and non-government agencies as appropriate.

(b) Students and school personnel have access to the services of the Association for the Settlement of Torture and Trauma Survivors.

(c) Students are referred to Health Department services as appropriate.

EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE PROGRAMS FOR NON-ENGLISH SPEAKING BACKGROUND CHILDREN, REVIEW

1827. Mrs ROBERTS to the Minister for Education:

Will the Minister conduct a review of delivery of English as a second language programs, to children of non-English speaking backgrounds, and their suitability for -

(a) children in the metropolitan area;
(b) children in regional and country areas?

Mr C.J. BARNETT replied:

No. A comprehensive review of the ESL program was published in 1990. The program was reviewed in 1995 as part of a review of services to students at educational risk. A review of the visiting teacher service was also conducted in 1995. The recommendations from these reviews are being addressed.

RAILWAYS - PERTH TO ROCKINGHAM OR MANDURAH LIGHT RAIL LINK STUDY; CONSULTANT

1845. Mr PENDAL to the Minister representing the Minister for Transport:

(1) Is it correct that the Government has appointed consultants to examine the feasibility of a light rail link from Perth to Rockingham or Mandurah?

(2) If so, does the study involve a route via South Perth and the freeway?

(3) If a Narrows Bridge/Kwinana Freeway route is under study, will the Minister give consideration to the possibility of "sinking" the light rail along the South Perth-Como foreshore?

(4) Who has been engaged as the consultant?

(5) When is the study due to -

(a) commence; and
(b) conclude?

(6) What funds have been allocated by the Government for the study?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1)-(4) As part of the State Government's commitment to building a better public transport system for the people of Perth and, particularly in this case, the people of the southern suburbs, the Government is looking at options to maximise the transport usage of the Kwinana Freeway corridor. In this regard, BSD Consultants has been appointed to consider the engineering complexities of the matter.

(5) The study commenced in July 1996 and it is expected to be completed towards the end of this year.

(6) The study will cost in the order of $50 000.

EDUCATION DEPARTMENT - INTENSIVE LANGUAGE CENTRES, TEACHERS (FTEs) EMPLOYMENT; TEACHER/PUPIL RATIO

1851. Mrs ROBERTS to the Minister for Education:

(1) How many full time equivalent teachers have been employed at each intensive language centre in -

(a) 1988;
(b) 1989;
(c) 1990;
(d) 1991;
(e) 1992;
(f) 1993;
(g) 1994;
(h) 1995;
(i) 1996?

(2) What was the teacher/pupil ratio at these centres in -

(a) 1988;
(b) 1989;
(c) 1990;
(d) 1991;
(e) 1992;
(f) 1993;
(g) 1994;
(h) 1995;
(i) 1996?

(3) How many full time equivalent teachers were employed in the English as a second language program for children whose first language was/is not English in -

(a) 1988;
(b) 1989;
(c) 1990;
(d) 1991;
(e) 1992;
(f) 1993;
(g) 1994;
(h) 1995;
(i) 1996?

(4) What was the teacher/pupil ratio in the support program for children whose first language is not English in -

(a) 1988;
(b) 1989;
(c) 1990;
(d) 1991;
(e) 1992;
(f) 1993;
(g) 1994;
(h) 1995;
(i) 1996?

(5) What was the average time a pupil, whose first language is not English, spent at an intensive language centre on arrival in Western Australia in -

(a) 1988;
(b) 1989;
(c) 1990;
(d) 1991;
(e) 1992;
(f) 1993;
(g) 1994;
(h) 1995;
(i) 1996?

Mr C.J. BARNETT replied:

(1)-(4) Intensive language centres and English as a second language centres are units attached to a school. There is no data collected by the Education Department of Western Australia that would allow for the calculation of the statistics required.

(5) Four terms.

EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE SUPPORT PROGRAM, ATTENDANCE TIME

1852. Mrs ROBERTS to the Minister for Education:

(1) What is the average time a pupil, who has migrated to Western Australia and whose first language is not English, spends in an English as a second language support program?

(2) Why is the provision of the support program for these pupils based on a time, rather than a needs, criterion?

Mr C.J. BARNETT replied:

(1) Primary - one year; secondary - two years; limited schooling - two years.

(2) There is no accurate measure for time that a second language learner will require second language support. There is no accepted proficiency measure to ensure equitable resource distribution. Time is still the most salient factor in determining the level of support for stage 2 second language learners. The English as a second language program differentially resources English as a second language support programs in recognition of identified student needs. For students due to exit the intensive language centre but who are deemed at risk of not succeeding in mainstream education, an extension of time in the intensive language centre can be negotiated. Schools have discretion to prioritise for equitable management of resources.

EDUCATION DEPARTMENT - NON-LANGUAGE BASED SUPPORT PROGRAMS

1853. Mrs ROBERTS to the Minister for Education:

Given that transition and integration are recognised as being crucial for pupils who have migrated to Western Australia from countries where English is not the first language and cultural differences exist, what non-language based support programs are provided for these pupils within -

(a) the intensive language centre structure;
(b) the support program structure?

Mr C.J. BARNETT replied:

(a) Socialisation and sociocultural awareness are integrated into intensive language centre program delivery. Intensive language centres are responsible for the identification of student needs and decisions relating to these needs are reflected in school development plans.

(b) Socialisation and sociocultural awareness are integrated into ESL support program delivery. Schools are responsible for the identification of student needs and decisions relating to these needs are reflected in school development plans.

EDUCATION DEPARTMENT - ENGLISH AS A SECOND LANGUAGE PROGRAMS

Non-teaching Administrative, Consultancy and Advisory Positions, Expenditure; Numbers

1856. Mrs ROBERTS to the Minister for Education:

(1) How much has been spent on non-teaching administrative, consultancy and advisory positions within the English as a second language program for migrant children whose first language is not English in -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996?

(2) What is the number of non-teaching administrative, consultancy and advisory positions within the English as a second language program for migrant children whose first language is not English in -

(a) 1993;
(b) 1994;
(c) 1995;
(d) 1996?

Mr C.J. BARNETT replied:

(1) (a) $143 800
(b) $149 200
(c) $206 300
(d) $223 000.

(2) (a)-(d) Four.

EDUCATION DEPARTMENT - CROSS-CULTURAL TRAINING, COUNSELLING, PARENTAL SUPPORT PROGRAMS IN INTENSIVE LANGUAGE CENTRES; SUPPORT PROGRAM

1857. Mrs ROBERTS to the Minister for Education:

What ongoing -

(a) cross-cultural training programs;
(b) intercultural/cross-cultural psychological counselling services; and
(c) parental support and information programs

has the Education Department provided for pupils in the -

(i) intensive language centres; and
(ii) support program area, in -

(aa) 1993;
(ab) 1994;
(ac) 1995;
(ad) 1996?

Mr C.J. BARNETT replied:

(a) Cross-cultural training programs are available to intensive language centres and support programs on demand.

(b) Intercultural/cross-cultural psychological counselling services are provided according to individual student need.

(c) Parental support and information programs are provided by intensive language centres as part of their core business. Schools are accountable for effective communication with all parents. ESL staff provide an information service for parents/caregivers from a range of cultural and linguistic backgrounds.

EDUCATION DEPARTMENT - RESEARCH CONTRACTS RELATING TO GOVERNMENT SCHOOLS AND EDUCATION

1864. Mr KOBELKE to the Minister for Education:

(1) How many research contracts were let by the Education Department of Western Australia on matters relating to government schools and education in Western Australia?

(2) What was the title and description of each research contract?

(3) On what date were tenders called for each contract and what was the closing date for the receipt of such tenders?

(4) How many tenders were received for each contract?

(5) Where tenders were not called, how many expressions of interest were sought and what was the reason for not advertising for tenders to take up such a contract?

(6) What was the contract price for each research contract?

(7) In each case, has the contract been concluded and the report presented?

(8) In each case, has final payment been made for the work undertaken and, if so, what was the total amount paid for the work?

Mr C.J. BARNETT replied:

(1) Three contracts have been let.

(2)-(4) Research contracts, 26 August 1996 -

Contract No	Contract Year	Description	Opening Date	Closing Date	Value of Contract $	Amount Paid $	Sub-missions
EDQC 146	1995	Consultant to research and report on effective teaching strategies to develop the key competencies	3.10.95	18.10.95	8 982	8 982	2
EDQC 147	1995	Consultant to research and report on school reporting of the key competencies	3.10.95	18.10.95	17 700	17 700	2
EDQC 155	1995	Consultant to research and design a management course for leaders in WA schools	17.10.95	1.11.95	11 000	11 000	1
					$37 682	$37 682	

(5) Not applicable.

(6) See (2)-(4).

(7) All three contracts have been concluded and reports presented.

(8) See (2)-(4).

EDUCATION DEPARTMENT - EDUCATION EXPENDITURE PER STUDENT

1865. Mr KOBELKE to the Minister for Education:

(1) What was the total amount outlaid on education, per student, by the State Government in the 1995-96 financial year excluding specific purpose payments from the Commonwealth?

(2) What was the total education expenditure used for the calculation of the answer to (1) above?

(3) What was the actual student population used for the calculation of (1) above?

(4) What is the estimated outcome on the same three questions above for the 1996-97 financial year?

Mr C.J. BARNETT replied:

(1) The Education Department's total recurrent expenditure per student, excluding commonwealth specific purpose payments for 1995-96 was $4 009.

(2) $972 055 924.

(3) The actual student population used was 242 468 which was the average for the 1995 and 1996 school years.

(4) (a) $4 333
(b) $1 052 663 000
(c) 242 918.

EDUCATION DEPARTMENT - COMPUTERS IN SCHOOLS, EXPENDITURE FOR REPAIRS AND MAINTENANCE; REPLACEMENT

1908. Mr KOBELKE to the Minister for Education:

(1) In the 1995-96 financial year, what was the total expenditure for the repair and maintenance of classroom computers in government schools?

(2) What was the expenditure on the replacement of computers used in school classrooms in the 1995-96 financial year?

Mr C.J. BARNETT replied:

(1) The total central office expenditure by the Education Department of Western Australia for the repair and maintenance of classroom computers in government schools during the 1995-96 financial year was $913 000.

(2) During the same period, the central office expenditure on replacement of computers used in school classrooms was $686 571.

CONSERVATION COUNCIL - FUNDING

1924. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has the Western Australian Conservation Council received its funding for the financial year 1995-96 yet?

(2) If not, why not?

(3) Will the Minister provide a date on which the Conservation Council will receive its $20 000?

(4) Will the Conservation Council receive funding for the financial year 1996-97 during the financial year 1996-97?

(5) Will the Minister please provide the date on which the council is likely to receive funding to the current financial year?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Yes.

(2)-(3) Not applicable.

(4) I cannot give such an undertaking without an application from the council at the time the grants are called.

(5) No.

EDUCATION DEPARTMENT - GOLDFIELDS DISTRICT OFFICE, THREE FTEs REDUCTION

1932. Ms ANWYL to the Minister for Education:

(1) Why has the Education Department told the Goldfields District Office to cut three FTEs in 1997?

(2) Which jobs will be lost?

(3) Why is the full time welfare officer's position to be cut to a part time position?

(4) In regard to (3) above, is the cut a reflection of a drop in truancy rates in the schools at Kalgoorlie-Boulder?

(5) What are the attendance rates for students in the Eastern Goldfields High School during 1996 and which years, if any, have low attendance rates?

(6) Does the welfare officer liaise with the students-at-risk programs and, if so, on what basis?

Mr C.J. BARNETT replied:

I am advised -

(1) After trialling a formula for distributing resources to districts in 1994 and 1995 some revision has been made to reflect movement in student numbers and number of schools in districts. The Education Department developed a revised formula for the allocation of district support services. This formula was applied to all districts and resulted in a 3.3 reduction in FTEs to the Goldfields district.

(2) The reduction of FTEs comes into effect in 1997. This reduction was taken into account when the district management board determined the profile for the district office for 1997. It is therefore difficult to differentiate between those services that were redefined or reduced due to need and those that were clearly reduced due to the FTE reduction.

(3) The full time welfare officer position has been reduced for 1997. This decision was made by the district management board after consultation with schools. From the information gathered, it was the district board's belief that the position will be able to continue to provide an adequate service. The district has developed other strategies and programs aimed at addressing the truancy issue including a number of school based initiatives.

(4) In part, the cut in the school welfare officer's time is due to a drop in truancy rates in the Kalgoorlie-Boulder schools. While there has been a slight increase in truancy at Eastern Goldfields Senior High School this year, there has been a significant decrease in the Kalgoorlie-Boulder Primary Schools.

(5) The attendance rates at Eastern Golfields Senior High School for students of compulsory age remained consistent with previous years at 94 per cent for the first semester 1996. However, during the second semester, attendance particularly of the year 10 students has declined.

(6) The school welfare officer does maintain contact with the students-at-risk programs, by way of research and referral.

TASK FORCE ON SOCIAL PROBLEMS - ESTABLISHED 1 AUGUST 1996

1933. Ms ANWYL to the Premier:

With reference to the Government Taskforce on Social Problems established on 1 August 1996 -

(a) what were the selection criteria for the chairwomen;

(b) are either of the chairwomen members of the Liberal Party;

(c) who selected the chairwomen;

(d) how is the budget of $40 000 to be deployed;

(e) when will the task force commence meeting;

(f) how many project officers will be employed;

(g) which existing funding will be reallocated;

(h) what will be the selection criteria for the project officers;

(i) will funding be made available and given priority for the special needs projects; and

(j) why is the budget of $40 000 estimated rather than fixed?

Mr COURT replied:

(a),(c) The Premier, with the agreement of the Minister for Regional Development, identified that the chairwomen Ms K. McGay and Ms K. Findlayson, through their roles with the City of Kalgoorlie-Boulder and the Goldfields-Esperance Development Authority respectively, and within the community in general, would be best suited to convene the task force.

(b) Political affiliation is not a criterion for membership of the task force.

(d),(g),(j) A draft budget of a nominal $40 000 has been determined. As resources will be drawn from a range of agencies it is not possible to give a complete breakdown of anticipated costs at this stage. Any resources allocated to the task force will not require a reallocation of funding.

(e) The task force formally met for the first time on 5 September.

(f),(h) The task force will draw on the staffing resources of a range of agencies to complete its project work.

(i) One of the task force's terms of reference is to identify special needs projects. Any funding and prioritisation of projects will be determined following the completion of the task force's review.

CONTRACTS - GOVERNMENT DEPARTMENTS

1946. Mr BROWN to the Minister for Labour Relations; Lands; Housing:

(1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr KIERATH replied:

(1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member for Morley has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

CONTRACTS - GOVERNMENT DEPARTMENTS

1947. Mr BROWN to the Minister for Water Resources:

(1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr NICHOLLS replied:

(1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member for Morley has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

CONTRACTS - GOVERNMENT DEPARTMENTS

1949. Mr BROWN to the Minister for Planning; Heritage:

(1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr LEWIS replied:

(1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member for Morley has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

CONTRACTS - GOVERNMENT DEPARTMENTS

1953. Mr BROWN to the Minister representing the Minister for Finance:

(1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr COURT replied:

The Minister for Finance has provided the following reply -

(1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member for Morley has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

CONTRACTS - GOVERNMENT DEPARTMENTS

1954. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) In each department and agency under the Minister's control, how many contracts does the Government have with the private sector for work which was carried out by government employees when the Government was elected to office in February 1993?

(2) What is the name of each contractor?

(3) What is the nature of the work provided by each contractor?

(4) What is the contract price paid to each contractor?

(5) How many government employees used to carry out the work that is now carried out by each contractor?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

(1)-(5) The specific information sought in this question is not collated or recorded centrally. Individual agencies would need to dedicate significant time and numbers of staff to extract the information and present it in the format requested. Furthermore, it is likely to be difficult to ensure the accuracy of all relevant information over the period requested. The member for Morley has already been provided with copies of the reports on the first two annual surveys of competitive tendering and contracting and the third survey report will be completed towards the end of this year.

POLICE SERVICE - WORKPLACE AGREEMENTS

1970. Mr BROWN to the Minister for Police:

How many serving police officers are employed under workplace agreements?

Mr WIESE replied:

The Commissioner of Police has provided the following advice -

There are no serving police officers employed under workplace agreements.

GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1971. Mr BROWN to the Premier; Minister for Public Sector Management; Youth; Federal Affairs:

(1) How many employees are employed in each agency and department under the Premier's control?

(2) How many of these employees are employed under the terms of a workplace agreement?

Mr COURT replied:

I attach for the member's information a table covering agencies in the Premier's portfolio, which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

Agency	(1) Actual FTEs June 96	(2) Estimated total number of staff covered by WPAs
Administrative Investigations, Parliamentary Comm. for	28	
Auditor General, Office of	121	
Commission on Government	20	
Gold Corporation*	234	40
Governor's Establishment	10	
Joint Houses of Parliament	139	
Premier & Cabinet, Ministry of	711	368
Public Sector Standards Commission	25	32
Salaries & Allowances Tribunal	2	
Treasury Corporation	49	
Treasury Department	164	155
TOTAL	1 503	595

Note: The agency with an asterisk was not part of the FTE monitoring process but an estimate has been provided. The number of staff on workplace agreements are estimated 'head count' figures as reported to DOPLAR.

CONSERVATION COUNCIL - GRANT

1994. Mr PENDAL to the Minister representing the Minister for the Environment:

I refer to the Minister's statement of 28 August 1996, in the Legislative Council, that payments to all voluntary conservation groups, and specifically the Conservation Council and Greening Australia, are 'one-off' and ask -

(a) is the Minister aware of the commitment given by the then coalition spokesman on the environment in *The Greener Times* in January 1993, about the provision of financial assistance to the Conservation Council;

(b) is the Minister aware that it was clearly understood by the parties that the grant would be on a continuing basis;

(c) if not, does the Minister not concede the Government had the responsibility of clarifying the position with the shadow Minister who made the commitment;

(d) will the Minister accept the assurance that it was understood that the grant be ongoing, especially since the then shadow Minister spoke of agreeing to an increase if a compelling case could be made out; and

(e) in light of this, will the Government honour its pre-election pledge?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(a) Yes.

(b)-(c) No.

(d) Whatever may have been intended by the then shadow Minister, government like all bodies relies on the ordinary meaning of words. In addition, I and the former Minister believe that all funding should be justified, not automatic. I feel free to introduce policies and to apply them to funding. This is especially so as my funding is also annual.

(e) The Government has. Exceptions have been made to the general policies to allow the Conservation Council to qualify for a grant.

HOMOSEXUAL MALES - AGE OF CONSENT, AMENDMENT

2002. Ms WARNOCK to the Minister representing the Attorney General:

(1) Is the Minister aware that the age of consent for homosexual males in Western Australia is 21?

(2) Is the Minister aware that the Human Rights (Sexual Conduct) Act 1994 (commonwealth) sets a national maximum age of consent for sexual behaviour in private at 18?

(3) Does the Minister concede that the Human Rights (Sexual Conduct) Act is in conflict with the state law dealing with the homosexual male consent age?

(4) Will the Minister amend the consent age for homosexual males in keeping with the Human Rights (Sexual Conduct) Act?

(5) If not, why not?

(6) Is it the Minister's intention to defend Western Australia's homosexual male consent age at taxpayers' expense, if it is challenged in the High Court under the Human Rights (Sexual Conduct) Act?

(7) If yes, on what grounds will the Minister defend Western Australia's consent age for homosexual males?

Mr PRINCE replied:

The Attorney General has provided the following reply -

(1) I suggest the member reads the law. The law has nothing to do with homosexuality but rather sodomy with any sex. The member will also find prohibitions against incest.

(2) Yes.

(3) No. In any event the member is seeking a legal opinion, which is out of order.

(4) See (1).

(5) Not applicable.

(6)-(7) See (1).

ASSET SALES - OVER $100 000

2021. Mr BROWN to the Minister representing the Minister for the Environment:

(1) Has any department or agency under the Minister's control sold any assets over the value of $100 000 since February 1993?

(2) What assets were sold?

(3) How much was received for each asset?

(4) How were the proceeds of each asset sale used?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

Department of Conservation and Land Management -

(1) Yes.

(2) Land assets: The whole or part of 25 freehold properties have been sold since February 1993 for prices greater than $100 000 each.

(3) Sale prices of properties referred to in (2) above are as follows -

Certificate of Title		
Volume	Folio	Price $
1903	51	750 000
1903	50	370 000
1885	382	1 070 000
1277	952	250 000
1736	393	340 000
1736	394	240 000
1736	395	249 500
1736	396	500 000
1708	679	325 000
1268	178	1 477 000
1726	838	300 000
1438	911	900 000
1372	539	100 000
1726	692	145 000
1566	976	110 000
1016	958	155 000
1099	19	130 000
1070	889	160 000
1208	419	170 000
18	325A	266 000
857	149	142 500
1765	31	145 000
1199	385	190 000
1254	175	110 000
1765	30	115 000

(4) Proceeds of each property sale were used for debt retirement.

Perth Zoo; Kings Park and Botanic Gardens; Water and Rivers Commission; Department of Environmental Protection -

(1) No.

(2)-(3) Not applicable.

WATER CORPORATION - CONTRACTING OUT SERVICES

2039. Dr EDWARDS to the Minister for Water Resources:

With reference to services contracted to the private sector by the Water Corporation -

(a) what is the nature of each service;
(b) who won the contract;
(c) what was the price of each contract;
(d) when was each contract awarded; and
(e) for how long?

Mr NICHOLLS replied:

In relation to contracts for services as opposed to construction contracts, the responses to (a), (b), (d) and (e) are contained in the attached chart. The information requested in (c) is commercially confidential.

Question (a)	**Question (b)**	**Question (c)**	**Question (d)**	**Question (e)**
What is the nature of each service?	**Who won each contract?**	**What was the price of each contract**	**When was each contract awarded?**	**How long does each contract run?**
Answer: Scope of Contract	Answer: Contractor	Answer: Commer-cially Confidential	Answer: Contract Award Date	Answer: Term of Contract
Provision of Operation & Maintenance for Perth North Region	Serco Australia Pty. Ltd.		5 Sept. '95	5 Years
Provision of Operation & Maintenance for Perth South Region	Western Water Services Pty. Ltd. & United Construction Pty Ltd		13 Nov. '95	5 Years
Provision of Metropolitan Water Meter Reading Services	Panel of Suppliers		14 July '95	3 Years
Provision of Operation & Maintenance for Records Management	Inside Information Consulting Pty. Ltd		24 July '95	3 Years, 9 Mths.
Provision of Information Support Services	Ferntree Computer Corporation Limited		11 April '96	To 30 June 2001 with option to extend
Provision of Mainframe & Server Capacity and Related Services	Ferntree Computer Corporation Limited		14 June '96	3 Years with Option for up to 3x1 yr extensions
Provision of Engineering Definition & Design (Water, Wastewater and Drainage)	Gutteridge Haskins & Davey Pty. Ltd.		6 Oct. '95	5 Years
Provision of General Cartographic Services	AAM Surveys Pty Ltd		25 July '95	2 Years
Provision of Co-ordinating Services for Photogrammetric Mapping Services for the Infill Sewerage Projects	AAM Surveys Pty. Ltd.		31 July '95	2 Years

Consultancy for Provision of Photogrammetric Mapping Services	AAM Surveys Pty. Ltd. Using A Panel of Nominated Suppliers		11 Aug. '95	2 Years
Provision of General Surveying Services	Whelans (Survey and Mapping Group Pty. Ltd.)		25 July '95	2 Years
Provision of Surveying Services for Dam Deformation Monitoring	Whelans (Survey and Mapping Group Pty. Ltd.)		25 July '95	3 Years with Option for 1 x 3 Yr extension
Provision of Engineering Definition and Design (Surface Water Assets)	Geo - Eng Australia Pty. Ltd.		6 Oct. '95	5 Years
Provision of Mechanical and Electrical Maintenance Services for Bulk Water and Wastewater Division	Dawson-AOC Pty. Ltd.		22 May '96	5 Years
Provision of Analytical Services for Water and Wastewater Quality	SGS Australia Pty. Ltd.		27 Nov. '95	3 Years with Option for
Supply of Warehousing, Distribution and Transportation	Total Western Transport Pty. Ltd.		29 Aug.'95	2 Years
Supply and Delivery of Stationery and Associated Services	Sands & McDougal Limited		1 Mar.'96	2 Years
Provision of Drilling Services	Drilling and Grouting Services Pty. Ltd.		8 Jan. '96	3 Years with Option for up to 2 x 1 Yr extensions
Fleet Management & Maintenance of Passenger, Light Commercial Vehicles and Heavy Vehicles	JMJ Fleet Management Pty. Ltd.		6 June '95	2 Years
Management & Maintenance of Plant and Equipment	Cockburn Corporation Limited		6 June '95	2 Years
Provision of Grounds Maintenance Services for the John Tonkin Centre and Mt Eliza Conference Centre	Activ Property Care		3 Aug. '95	2 Years
Provision of Front of House Services for the John Tonkin Centre	Chubb Wormald Pty. Ltd.		18 Sept. '95	3 Years
Provision of Consultancy Services for Ground Engineering Investigation	Golder & Associates		31 Jul '95	Orig. 1 Year Extended For further 1 Year

PUBLIC SECTOR MANAGEMENT OFFICE - STRATEGIC MANAGEMENT AND EVALUATION BRANCH, FUNCTION

2051. Mr BROWN to the Minister for Public Sector Management:

(1) What is the function of the strategic management and evaluation branch of the Public Sector Management Office?

(2) How many staff are involved with this branch and who are they?

(3) What is the budget for this particular branch?

(4) What work does the branch perform?

Mr COURT replied:

(1),(4) The strategic management and evaluation branch has incorporated the activities of the former public sector rationalisation branch with some activities previously undertaken by the former management improvement

branch. The new name more accurately reflects the broad range of functions now undertaken within this section of the Public Sector Management Office, in providing the Government with a strategic perspective on the role, structure and management performance of the public sector. The branch also has responsibility for the coordination of the State's role in the Indian Ocean Territories. The branch's activities include -

promoting agency based evaluation of programs, functions and structures in support of continuous management improvement in the public sector;

undertaking, at the request of Ministers, independent reviews of public sector roles, structures, functions, management practices and relevant legislative frameworks;

coordinating central and line agency responses to the implementation of key changes, policies and projects as required by government, and monitoring the extent to which changes and policies are implemented;

maintaining and disseminating up to date information on worldwide trends and developments in the role of government and in regard to public sector structures, management processes, performance and accountability;

making recommendations to government on opportunities for change in the light of evaluation, review and identification of best practices occurring in other public sector administrations;

providing independent advice to government in regard to agencies' proposals for change and their impact on the integration of services across agency boundaries;

participating, at the request of agencies, in steering committee and/or tender evaluation panels to ensure the proper application of the Government's competitive tendering and contracting policy and the State Supply Commission's purchasing policies; and

advising Ministers and chief executives on performance measurement and the implementation of best options for delivering efficient, customer focused, best quality services.

(2) The branch has an approved staffing level of 13 FTEs, in addition to which there are currently two secondees working on mainframe rationalisation projects. The identities of individual public servants are not normally publicly disclosed, and unless the member has a particular reason for seeking such disclosure of the names of the branch staff members, I will follow that convention.

(3) $1 130 000. This figure includes funds for the Indian Ocean Territories program, which is fully recouped from the Commonwealth. The figure excludes salaries for the two officers seconded to work on mainframe rationalisation projects.

TAB (TOTALISATOR AGENCY BOARD) - PREMISES UPGRADE

2084. Mr PENDAL to the Minister representing the Minister for Racing and Gaming:

(1) Is it correct that the TAB has allocated an amount of money to upgrade its premises throughout Western Australia?

(2) If so, how much has been allocated?

(3) Does the TAB intend spending any money on its premises in Mends Street, South Perth?

(4) If so, will the TAB consider creating a new facade for the building harmonious with the historic Windsor Hotel and the Mends Street precinct?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response -

(1) Yes.

(2)

General ongoing maintenance	$1.7m
Upgrades	$1.450m

(3)-(4) No funds budgeted for the Mends Street premises. The property at Mends Street is not owned by the TAB and its current occupancy arrangements are on a monthly basis. The owner has indicated they would prefer the TAB to relocate and the TAB is seeking alternative premises in the area.

WATER AND RIVERS COMMISSION - SALINE WATER SUPPLIED TO THE GOLDFIELDS PROPOSAL BY PETER COYNE; RUST PPK REPORT

2097. Mr PENDAL to the Minister representing the Minister for the Environment:

(1) Is the Minister aware of a report commissioned by the Water and Rivers Commission from the consultants Rust PPK, which overviewed a proposal by Mr Peter Coyne to supply saline water to the eastern goldfields?

(2) Who provided the briefing to Rust PPK?

(3) Was a copy of the briefing made available to Mr Coyne?

(4) Was Mr Coyne approached by Rust PPK for any information regarding the scheme?

(5) Was there a direction to Rust PPK to keep the brief and the report confidential?

(6) Has the Minister received and read the report in its entirety?

(7) Has the Minister received a letter from Mr Coyne, dated 29 August 1996, detailing his complaint into the handling of the assessment of the scheme by the Water and Rivers Commission?

(8) Has the Minister replied to that complaint?

(9) In the light of the serious allegations which the letter contains, will the Minister release the Rust PPK report and will he order an independent inquiry into the process of assessment which is the subject of Mr Coyne's complaint?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Yes. The Water and Rivers Commission commissioned Rust PPK to professionally design a scheme to supply saline water to Kalgoorlie. The scheme was based on Mr Coyne's concept and was required to help the Water and Rivers Commission determine whether the concept was practical.

(2) The Water and Rivers Commission.

(3) No.

(4) No. The Water and Rivers Commission liaised with Mr Coyne.

(5) The normal consultant/client confidentiality relationship applied.

(6) No.

(7) Yes.

(8) No.

(9) The Water and Rivers Commission mailed a copy of the report to Mr Coyne on 17 September 1996. The Minister is awaiting a report from the Water and Rivers Commission. The Minister does not intend to order an inquiry at this time.

LANDCORP - RESIDENTIAL LAND CONTROL; LAND SALES BUSINESS

2099. Mr PENDAL to the Minister for Lands:

(1) How much of the Western Australian residential land market is controlled by Landcorp?

(2) Is it correct that LandCorp is a fully owned and controlled government agency set up by the previous Labor Government?

(3) In view of the Government's -

(a) sale of Bankwest;
(b) closure of the Midland Workshop;
(c) privatisation/corporatisation of other government agencies,

why does the Government remain in the business of land sales?

(4) Will the Minister undertake to make a ministerial statement to Parliament on the Government's intention to remove itself from residential land sales?

Mr KIERATH replied:

(1) In the nine months to March 1996, LandCorp share of metropolitan residential land sales was around 4 per cent based on a survey of major developers by the Urban Development Institute of Western Australia.

(2) Landcorp was established by the Western Australian Land Authority Act 1992 which combined the functions of three existing land development agencies.

(3) Government maintains a strategic land development presence in the metropolitan growth sectors to ensure competition and an adequacy of supply, especially in times of high demand.

(4) The Western Australian Land Authority Act 1992 requires that a review of Landcorp be undertaken by the Minister for Lands after June 1997. The review report will be laid before each House of Parliament.

WORKPLACE AGREEMENTS - CASH PAYMENTS FOR ANNUAL OR LONG SERVICE LEAVE

2107. Mr BROWN to the Minister for Labour Relations:

I refer to the Government's attempts to get public sector workers to enter into workplace agreements, and ask -

(a) is it true that certain government workers have been offered a cash payment of their accrued annual and/or long service leave if they enter into workplace agreements;

(b) is it true that some workers have been, or are due to be, paid a lump sum of thousands of dollars on signing a workplace agreement; and

(c) is this another attempt by the Government to convince employees into signing workplace agreements?

Mr KIERATH replied:

(a) No. However, some public sector employees have negotiated workplace agreements with their employers which contain provisions for cash payments in lieu of leave.

(b) No. If a workplace agreement provides for cash to be taken in lieu of leave, payment requires an application by an employee with approval being subject to employer discretion, taking operational requirements into account.

(c) No.

WORKPLACE AGREEMENTS - INDUSTRIAL ACTION, PROHIBITION CLAUSE

2108. Mr BROWN to the Minister for Labour Relations:

(1) Has the Department of Productivity and Labour Relations -

(a) advised;

(b) recommended; or

(c) communicated with

other departments and agencies to insert into workplace agreements a clause which prohibits employees engaging in any stoppage, ban or limitation of work?

(2) If so, why is this provision necessary?

(3) Have there been instances of government employees employed under workplace agreements taking industrial action?

(4) If so, where has this occurred?

(5) If not, why is such a clause being promoted?

Mr KIERATH replied:

(1) Yes.

(2) To highlight employees' contractual obligations.

(3) Yes.

(4) Department of Minerals and Energy.

(5) Not applicable.

GOVERNMENT EMPLOYEES - UNDER 21 YEARS OF AGE; BETWEEN 21 AND 25 YEARS OF AGE, RECRUITMENTS

2115. Mr BROWN to the Minister for Labour Relations; Housing; Lands:

(1) In each department and agency under the Minister's control, how many employees -

(a) under 21 years of age;
(b) between 21 and 25 years of age

were recruited in the 1995-96 financial year?

(2) How many employees between these ages were recruited in the -

(a) 1993-94 financial year;
(b) 1995-96 financial year,

by each department and agency under the Minister's control?

Mr KIERATH replied:

In question (2), part (b) will be interpreted to mean the 1994-95 financial year.

Department of Productivity and Labour Relations -

(1)	(a)	Two	
	(b)	13	
(2)	(a)	under 21 years of age	five
		between 21 and 25 years of age	seven
	(b)	under 21 years of age	nil
	(c)	between 21 and 25 years of age	seven

Commissioner of Workplace Agreements -

(1)	(a)-(b)	Nil	
(2)	(a)	Nil	
	(b)	under 21 years of age	two
		between 21 and 25 years of age	one

WorkSafe WA -

(1)	Nil.		
(2)	(a)	under 21 years of age	nil
		between 21 and 25 years of age	one
	(b)	under 21 years of age	nil
		between 21 and 25 years of age	one

Workcover WA -

(1)	(a)	Two	
	(b)	Eight	
(2)	(a)	under 21 years of age	nil
		between 21 and 25 years of age	four
	(b)	under 21 years of age	one
		between 21 and 25 years of age	oner

WA Industrial Relations Commission

(1)	(a)	Nil	
	(b)	Seven	
(2)	(a)	under 21 years of age	nil
		between 21 and 25 years of age	one
	(b)	under 21 years of age	two
		between 21 and 25 years of age	four

Homeswest -

(1)	(a)	16	
	(b)	28	

(2)	(a)	under 21 years of age	two
		between 21 and 25 years of age	12
	(b)	under 21 years of age	four
		between 21 and 25 years of age	eight

Government Employees Housing Authority -

(1)	(a)	One
	(b)	Nil

(2) Nil

Rural Housing Authority/Industrial and Commercial Employees Housing Authority -

(1) Nil

(2) Nil

Department of Land Administration -

(1)	(a)	13	
	(b)	71	
(2)	(a)	under 21 years of age	two
		between 21 and 25 years of age	one
	(b)	under 21 years of age	eight
		between 21 and 25 years of age	11

WA Land Authority (Landcorp) -

(1)	(a)	Nine	
	(b)	Seven	
(2)	(a)	under 21 years of age	eight
		between 21 and 25 years of age	14
	(b)	under 21 years of age	seven
		between 21 and 25 years of age	three

HOMESWEST - LETTER FROM B. & P. NAZZARI CONCERNING FENCE CONSTRUCTED AT 55 WOOLGAR WAY, LOCKRIDGE

2132. Mr BROWN to the Minister for Housing:

(1) Did the Minister receive a letter from B. & P. Nazzari concerning the standard and quality of the fence constructed at 55 Woolgar Way, Lockridge?

(2) If so, in that letter did the writer ask the Minister four questions?

(3) Has the Minister replied to the writer?

(4) If so, does the Minister's reply answer each of the questions?

(5) If not, why not?

(6) Will the Minister now answer the questions?

(7) If so, what are the answers?

Mr KIERATH replied:

(1)-(4) Yes.

(5)-(7) Not applicable.

WORKSAFE WA - IMPROVEMENT NOTICES DELIVERED TO *SUNDAY TIMES* PRINT ROOM

2169. Dr WATSON to the Minister for Labour Relations:

(1) Has the Department of Occupational Health, Safety and Welfare delivered an improvement notice or a prohibition notice to the print room at the *Sunday Times* newspaper?

(2) If so, for what reason?

(3) When was the notice delivered?

(4) Has it been complied with?

(5) If so, when?

(6) If not, why not?

(7) How many visits have DOHSWA inspectors made to the print room at the *Sunday Times*?

Mr KIERATH replied:

(1) WorkSafe WA has issued four improvement notices at the press room of the *Sunday Times*. No prohibition notices have been issued.

(2) (a) Noise control measures.
(b) Consultation and cooperation.
(c) Safe systems of work for cleaning of plant.
(d) Lock out systems for maintenance of plant.

(3) Notices (a) and (b) were issued on 9 November 1995.
Notices (c) and (d) were issued on 13 December 1995.

(4) All the above notices have been complied with.

(5) Notice (a) in part by 20 February 1996 and finalised by 13 September 1996.
Notice (b) by 28 November 1995.
Notice (c) by 18 January 1996.
Notice (d) by 18 January 1996.

(6) Not applicable. The delay in finalising notice (a) was due to ongoing long term engineering noise controls being implemented in consultation with staff representatives and acoustic consultants.

(7) The *Sunday Times* premises have been visited by inspectors on six occasions since November 1995. The press room was visited on 9 November and 13 December 1995.

WORKERS' COMPENSATION - CLAIMS FOR HEARING LOSS; TINNITUS

2170. Dr WATSON to the Minister for Labour Relations:

(1) How many people have lodged workers' compensation claims for -

(a) noise induced hearing loss;
(b) tinnitus?

(2) How many of each have been successful?

(3) If none, why not?

Mr KIERATH replied:

(1) (a) 354.
(b) Not identified in data collections; included with other ear diseases and mastoid processes.

(2) (a) Five.
(b) Refer to (1)(b).

(3) (a) The majority of claims on examination were not work-related noise induced hearing loss claims or the hearing loss was less than the required 10 per cent eligible threshold.
(b) Refer to (1)(b).

KEN HURST PARK, LEEMING - FLORA; FAUNA STUDIES

2171. Dr WATSON to the Minister representing the Minister for the Environment:

(1) Has a study been done for the -

(a) flora; and
(b) fauna

at Ken Hurst Park in Leeming?

(2) Will the Minister make the reports available?

(3) If not, why not?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) (a) Yes, a private consultant completed a flora and vegetation survey report for the City of Melville.

(b) Yes, private consultants completed a separate vertebrate fauna survey report for the City of Melville.

(2)-(3) The City of Melville has not released the two reports for public comment, therefore the Minister is unable to make the reports available.

UNEMPLOYMENT BENEFITS - FEDERAL CHANGES; FOR WORKERS DISMISSED FOR STRIKE ACTION

2228. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of the Federal Government's decision to withhold unemployment benefits for six weeks for any workers who are dismissed for taking strike action?

(2) Does the Government -

(a) support;
(b) oppose;
(c) have no view about

this change?

Mr KIERATH replied:

The matters raised in the member's question are outside the jurisdiction of the State Government.

ATLAS SITE, MIRRABOOKA - REZONING FROM REGIONAL OPEN SPACE TO INDUSTRIAL PROPOSAL, MRS AMENDMENT 977/33, SUBMISSIONS

2238. Mr KOBELKE to the Minister for Planning:

(1) How many submissions were received in opposition to the proposed rezoning of the Atlas site in Mirrabooka from regional open space to industrial under the MRS amendment No 977/33 (proposal 4)?

(2) How many of these letters of objection were standard letters, signatories to petitions or individual letters, and, in each case, what were the suburbs of the address of the signatories?

(3) How many submissions were received in support of the proposed rezoning of the Atlas site in Mirrabooka from regional open space to industrial under the MRS amendment No 977/33 (proposal 4)?

(4) How many of these letters of support were standard letters, signatories to petitions or individual letters, and, in each case, what were the suburbs of the address of the signatories?

Mr LEWIS replied:

I refer the member to my previous answer to question 1866.

QUESTIONS WITHOUT NOTICE

UNEMPLOYMENT - NATIONAL PARTY POLICY

521. Mr McGINTY to the Deputy Premier and Leader of the National Party:

(1) Is it National Party policy that to have 60 000 Western Australians out of work would be an acceptable achievement of full employment in Western Australia?

(2) Does the Deputy Premier accept 6 per cent as the contemporary measure of full employment?

(3) Does the Deputy Premier accept that the loss of 10 000 state government jobs from Westrail, the Water Corporation, schools, hospitals and other government departments has added to the pessimism about achieving full employment in Western Australia?

Mr COWAN replied:

(1)-(3) Although I thank the Leader of the Opposition for the question, because I do not get a lot of them, his motive is very transparent in asking the question of me. Nobody would accept that we can have targets and say that 60 000 unemployed is an acceptable figure in this State.

Dr Gallop: The Premier did.

Mr COWAN: That is not what the Premier said. Mr Speaker, allow me to correct the misapprehension of members opposite. What was said, as I understand it, was that this State had a double digit unemployment figure for practically the entire reign of the Labor Government. As a consequence of the current Government coming to power, unemployment has been brought down to a level which, in the eyes of some, is perhaps far from satisfactory, but nevertheless, is far better than the level between 1989 and 1993. It is an admirable achievement for this State to go from having an unemployment figure of about 11.5 per cent when the coalition took over government to under 8 per cent now. Western Australia was the first State to have an unemployment figure below 8 per cent. It is a commendable target to say that is not satisfactory and that 6 per cent would be even better - and that is what the Premier said. I endorse that.

WORKPLACE AGREEMENTS - UNION PARTICIPATION

522. Mr BOARD to the Minister for Labour Relations:

The number of Western Australians who have signed workplace agreements continues to increase every day. A large number of organisations and associations have seen the advantages of cooperation in the workplace. Is the Minister aware of any union that is actively participating in the workplace agreements system?

Mr KIERATH replied:

Recently Homeswest received a letter from the Community and Public Sector Union/Civil Service Association inquiring where the second increase in its workplace agreement was. The issue would be the subject of a special conference before the Western Australian Industrial Relations Commission. Members will remember that at the last state election the Opposition said that workplace agreements would cut wages and conditions; however, here is a union writing to ask where its second increase is. There cannot be a decrease and an increase at the same time - it is physically impossible.

Another interesting factor was that it would be the subject of a special conference before the Western Australian Industrial Relations Commission. This is the same commission that this group opposite said the Government would abolish in its term of government. It has not done that in three and a half years. It is fascinating that all their predictions were proved to be totally wrong. I am encouraged by the actions of this union, because although I have been assured by the Trades and Labor Council that it is not official policy that unions are prohibited from dealing with workplace agreements, this is one instance where a union has worked alongside its members to ensure that their entitlements under workplace agreements come through. I congratulate it for that.

The Government always intended that responsible unions in this State would look after their members and represent their best interests in negotiations, instead of playing politics, which many of them have done in the past. I congratulate the union involved for doing the right thing by its membership and making sure that it provides assistance for all its members, whether by enterprise bargaining or workplace agreements. I am pleased to see that happening. I think the members of that union are also pleased to see that happening.

UNEMPLOYMENT - 6 PER CENT, ACCEPTABLE LEVEL

523. Mr McGINTY to the Premier:

I refer to the Premier's statement that no Western Australian who wants work will be jobless by the year 2000.

(1) Does the Premier say that the 60 000 Western Australians who will then be left on the dole are malingerers?

(2) Does he accept his Employment and Training Minister's whingeing and knocking of the Labor Party's recent initiative to create 1 000 new apprenticeships each year for young Western Australians in areas of identified skilled trades shortage?

(3) Does the Premier's acceptance of 6 per cent unemployment mean that he has tossed in the towel in the fight to provide real jobs for our Western Australian work force?

Mr COURT replied:

(1)-(3) Last week I was asked a question by *The West Australian* along the lines of what was my definition of full employment or what would I like the employment figure to reach. I said that the Government was trying to work towards 6 per cent or less unemployment.

Mr Graham: You promised full employment -

Mr COURT: Members opposite should hang their heads in shame over their performance on employment. I have consistently taken the position on full employment that any person who genuinely wants to work should have the opportunity of working. I will debate with members opposite any day of the week, and I will go to an election any day of the week, on the employment performance of this Government.

In the three years before the coalition came to government -

Mr McGinty: You are happy with 60 000 people in the dole queues?

Mr COURT: No. Members opposite were happy with more than 100 000 people in the dole queues. In the three years before the election, unemployment in Western Australia was consistently higher than the national average. In that three years the number of jobs in this State declined by 10 000. In four years this Government has created 11 000 new jobs.

It is the same as the question on economic growth. The Labor Government experienced minus levels of economic growth before it went to an election. This Government is experiencing very strong levels of economic growth.

Mr Graham interjected.

The SPEAKER: The member for Pilbara, order!

Mr COURT: Far from putting our foot in it, in Western Australia - members opposite do not like this - this Government has achieved an economic trifecta of the highest levels of economic growth, the lowest levels of unemployment and the highest levels of new business investment. This Government is very proud of its employment performance -

Mr Brown interjected.

The SPEAKER: Order, member for Morley!

Mr COURT: We would prefer it if no-one were unemployed. On the question of statistics, as I said on Saturday -

Mr Brown interjected.

The SPEAKER: The member for Morley, order!

Mr McGinty: You did not learn much about economics.

Mr COURT: It was generally accepted in the 1960s that 2 per cent to 3 per cent was the statistically accepted unemployment figure.

Mr Catania: What is it today; are you accepting 6 per cent?

Mr COURT: In this morning's *The West Australian* the economists are saying that the acceptable statistic in this day and age is about 5 per cent.

Mr McGinty: It does not say anything of the sort.

Mr COURT: Professor Ken Clements backed my claim that the notion of full employment being unemployment of 2 per cent to 3 per cent belonged to economic thinking of the 1960s.

Several members interjected.

Mr COURT: I am not at all defensive. The Government's goal is to get unemployment to 6 per cent or less, which is the answer I gave to the media last week. Governments are judged on their performance, not on their rhetoric. Members opposite can talk all they like; they had the opportunity to bring down unemployment when they were in

government. However, not only was unemployment over 10 per cent, but also we had record levels of youth unemployment.

Mr McGinty: You have blown it Premier, and now you are trying to rewrite history.

Mr COURT: I am not. This Government is proud of its performance but we have a lot more to do.

TRAFFIC LIGHTS - MARSHALL ROAD-MALAGA DRIVE, MALAGA, INSTALLATION

524. Mrs PARKER to the Minister representing the Minister for Transport:

Roadworks on the intersection of Marshall Road and Malaga Drive in Malaga are now complete. However, traffic accidents continue to occur quite frequently. The Minister for Transport has agreed that traffic lights will be installed at this intersection when further road realignment works are completed. What possibility is there of installing the traffic lights at the earliest stage of the works program to ensure greater safety at this intersection?

Mr Cunningham: I have been waiting four years for lights to be installed at intersections at Marangaroo.

Mr LEWIS replied:

I thank the member for some notice of this question. As usual I have been advised by the Minister for Transport. I am aware that the member for Helena and other interested parties met on site with the Minister for Transport. Subsequent to that meeting, Main Roads Western Australia rescheduled its program, and it is intended that those signals be installed by January 1997. If at all possible, and subject to programming, they may be installed before that time.

BHP - DIRECT REDUCED IRON PLANT PROJECT

Local Content; Netherlands Company Contract

525. Mr RIPPER to the Minister for Resources Development:

(1) Why has the State Government allowed the $110m contract for the design and fabrication of the gas recycling plant for BHP's direct reduced iron plant project to be awarded to Kinetic Technology Industries, a company based in the Netherlands?

(2) Would the fabrication work provide at least 200 jobs for Western Australians?

(3) Is this sort of weakness on local content policies the reason the Premier has redefined full employment to mean 6 per cent unemployment?

Mr C.J. BARNETT replied:

I am not aware of the details of that contract.

Mr Ripper: They are required to advise you when they let a contract overseas.

Mr C.J. BARNETT: Yes, but they do not necessarily advise me personally. As the member should be aware, much of that technology is offshore. The Australian content on the DRI plant project will be about 65 per cent, the great majority of it Western Australian.

Mr Ripper: What about the civil work, which must be done here?

Mr C.J. BARNETT: The rate of local content on major resource projects in this State is now exceedingly high - far higher than it was previously. There are always challenges. That type of power generation and technical equipment is not produced in Western Australia - most is not produced in Australia. That is a reality. We are building up the ability of local firms to supply that type of equipment. The real rewards for local industry from the development phase will be the ongoing maintenance work, the great majority of which is contracted to local firms.

PILBARA TO GOLDFIELDS GAS PIPELINE - OFFICIAL OPENING

526. Mr AINSWORTH to the Premier:

(1) Does the Premier recall a Labor Party advertisement which appeared in the *Kalgoorlie Miner* in February 1993 and which claimed the Pilbara to goldfields gas pipeline would never be built?

(2) Will the Premier comment on the accuracy of that Labor Party forecast?

Mr COURT replied:

(1)-(2) On 3 February 1993, just a few days before the last election, the Labor Party ran an advertisement to the effect that the coalition's promise of a pipeline from the Pilbara to the goldfields was a joke. The advertisement was headed, "True Colours" and it read -

Sir Charles Court promised to electrify the railway line to Kalgoorlie.

This was economic nonsense and it was never going to happen.

Now his son is promising a gas line from the Pilbara.

The private sector is not stupid and no one will build a pipe line until demand warrants it.

Several members interjected.

The SPEAKER: Order!

Mr COURT: Only months later, this project was in full train. The private sector is not stupid; it has committed to building that gas pipeline. Tomorrow the gas will start flowing from the Pilbara to Kalgoorlie.

Mr Marlborough: How long will it take to get to the other end?

Mr COURT: Is that a trick question? Next week it will take 10 days.

Mr Marlborough: You are smarter than I thought.

Mr COURT: If the member wants a technical answer, it will depend on the draw at the other end of the pipeline.

The gas pipeline will be officially opened on Friday week. It is a significant achievement for the State and it is a magnificent achievement for the private sector. It is even more significant when one considers that the goldfields water pipeline project was commenced approximately 100 years ago.

Several members interjected.

Mr Grill: Will you allow Western Power to compete?

The SPEAKER: Order!

Mr COURT: As the member for Eyre will know, as a result of this pipeline Western Power will face competition and that is one of the positive outcomes of this project. It is a magnificent achievement and it will be officially opened on Friday week and I hope as many members as possible will attend.

FIREARMS - LEGISLATION, CHANGES

527. Dr WATSON to the Premier:

I refer to the tragedy at Port Arthur where 36 people were shot and killed and the Prime Minister's leadership which ushered in a new era of gun control for Australia.

(1) Will the Premier guarantee that the changes to the Western Australian Firearms Act to enact tough new national gun laws will be given highest legislative priority?

(2) In light of the national importance of this issue, will he reaffirm his undertaking that changes to Western Australia's firearms law will be passed through the Parliament before the next state election?

Mr COURT replied:

(1)-(2) If the member cooperates, we will get all stages of the legislation through the House on Thursday.

FIREARMS - LEGISLATION

528. Dr WATSON to the Premier:

I listened to the Premier's reply to another question in which he said the Government should be judged on performance, not on rhetoric. Will he guarantee the passage of this legislation before the next election?

Mr COURT replied:

It is the Government's intention to have this legislation through the Parliament straightaway. The Government has been working for some years on changes to the firearms legislation. The drafting of it has changed considerably because of the agreement which was reached nationally.

Dr Watson: Are you referring to the draft which was circulated earlier this year?

Mr COURT: The Green Paper was put out prior to the agreement which was reached nationally. The Government has been working seven days a week, day and night, to get the legislation and regulations completed. It has come up with a good package. The Opposition will soon be able to pass judgment on it because it will be second read on Thursday. The House will break for two weeks and we would then like to have a reasonable debate on the Bill as soon as we can. The Government has every intention of doing the same thing in the Legislative Council.

VICTORIA DAM - PUBLIC ACCESS RESTRICTIONS

529. Mr DAY to the Minister for Water Resources:

I refer to the Victoria Dam, which is located in Carmel in my electorate, which was originally constructed in 1891 as the first dam to provide a reticulated water supply to Perth, and which was reconstructed with a higher wall in 1991 and ask -

(1) Why is public access to the dam and its impressive visitor facilities prevented on weekends?

(2) Will the Minister support any moves to improve responsible public access to this historic site?

Mr NICHOLLS replied:

(1)-(2) I thank the member for some notice of the question. The member has raised an issue that is in line with the public's increased interest in our dams. He quite rightly pointed out that Victoria Dam was built in 1891 and was the first dam in the hills to supply water to Perth. A new dam was built in 1991. When that dam was built, access to the public was provided where previously there was none. The information provided to me is that the Water Corporation allows people to visit the dam, although the parking facilities are not considered adequate by some people. I know the member for Darling Range is among those people. The 400 metre path to the dam area which is open during the week, is closed at weekends resulting in people having to walk a kilometre to access the dam at weekends. The path is closed because the Water Corporation does not employ a ranger to maintain safety and control in that area on the weekend. I will take up that issue with the Water Corporation.

I understand improvements to the parking facilities will involve significant excavation and capital works. The corporation does not consider the capital cost of that work to be warranted at this time; however, I am prepared to take that up with the member. I also undertake to visit that area and talk with the member about some of the ideas he may have to put forward.

REAL ESTATE AND BUSINESS AGENTS ACT - PROCLAMATION REVOCATION

530. Dr GALLOP to the Minister for Fair Trading:

Given the revelation in *The West Australian* that the Minister showed the legal advice pertaining to the deproclamation of parts of the Real Estate and Business Agents Act to Dr Harry Phillips and David Black, and, by doing so, waived legal professional privilege -

(1) Will the Minister now table the advice?

(2) Given the Minister's claim in this place that her action had the support of leading academics, will she name one?

(3) Why will the Minister not refer the matter to the Supreme Court now that there is senior counsel's advice that the actions taken by the Minister and the Attorney General were illegal?

Mrs EDWARDES replied:

(1)-(3) In relation to the information that *The West Australian* published, I could have a document like this in my hands yet not show the document itself. That is what happened. A lot of people are frustrated about the interpretation of the information by *The West Australian*. I have no intention of tabling the legal advice. That has been the practice of this Government as it was the practice of previous Governments. I sent the advice that was tabled in this Parliament to the Crown Solicitor. He advised me that nothing in that legal opinion was not considered in the advice given to the Government by the Crown Solicitor. The Crown Solicitor has confirmed the advice it gave to the Government that the action it took was legal and within power. What has happened has been lost in the debate. In the advice to which I referred last week, the premise on which the advice was based was wrong. The Executive is mindful of the Parliament's role. There has been a change in circumstances; the revocation of the proclamation is not an amendment to the Bill. If the Bill was to be amended, the Government would have brought it back to the Parliament. There will be an economic impact study. We do not know whether there will be any amendments. That is the reason we are carrying out the economic impact study. Once that is completed we will inform the Parliament.

REAL ESTATE AND BUSINESS AGENTS ACT - PROCLAMATION REVOCATION

531. Dr GALLOP to the Minister for Fair Trading:

I do not believe the Minister for Fair Trading answered one part of my question. Given the Minister's claim that her action had the support of leading academics, can she name one of those academics?

Mrs EDWARDES replied:

I said that increasing numbers of people are frustrated at *The West Australian*'s misinterpretation of their comments.

Several members interjected.

The SPEAKER: Order! I formally call to order the member for Peel.

POLICE SERVICE - LIQUOR AND GAMING SQUAD, DISBANDED UNDER DELTA PROGRAM

532. Mr BLOFFWITCH to the Minister for Police:

Is the Minister aware of claims that the liquor and gaming squad no longer exists under the Delta program? If that is true, who now looks after this important program in our society?

Mr WIESE replied:

The information that the member for Geraldton conveyed is correct. The liquor and gaming squad has been disbanded under the Delta initiatives. Officers from the liquor and gaming squad are now being dispersed through the various districts in the State. Part of that important initiative is that for the first time in many years general duties police officers will work on the streets.

Mr Catania: You added another burden on police officers.

Mr WIESE: As part of their normal policing duties - something I expected the member for Balcatta to support absolutely - those police officers will now work their way through licensed premises, such as hotels, and speak to the customers and the licensees to observe whether proper standards and the legislation are being adhered to. That is one of the positive initiatives of the Delta program that has been hailed by the community and welcomed by licensees. I hope members of the Opposition will acknowledge that positive initiative by Commissioner Falconer and the Western Australia Police Service.

RETAIL TRADING HOURS (MOTOR SHOPS) ORDER - DEPROCLAMATION CONSIDERATION

533. Mr CATANIA to the Minister for Fair Trading:

Will the Minister consider deproclaiming -

Several members interjected.

Mr CATANIA: I will start again, this time in Latin.

The SPEAKER: I would understand the member.

Mr CATANIA: As I did not take the trip that the Deputy Premier thought I would take, I thought I would ask a question in Sicilian just to remind him.

(1) Now that car salesmen are threatening to run a marginal seats' campaign against the Government, will the Minister for Fair Trading consider deproclaiming the provisions of the Retail Trading Hours (Motor Shops) Order 1995 which provides for Saturday afternoon trading?

(2) Is it true the Minister has already given an undertaking to the motor trades industry, so that when the heat dies down over her deal with the real estate industry to deproclaim legislation affecting its interests she will do the same for car salesmen?

(3) If not, will she change her mind if the threat to the Government involves a $1m campaign in marginal seats?

Mrs EDWARDES replied:

(1) I am sympathetic to concerns raised by the Motor Trade Association of Western Australia and motor vehicle salespeople. The Government is conducting a survey of customers purchasing motor vehicles.

(2)-(3) No, I have not given any guarantee of the sort suggested by the member for Balcatta; however, I have indicated to that industry that I am sympathetic to its views.
