



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE COUNCIL

Wednesday, 31 May 2000

Legislative Council

Wednesday, 31 May 2000

THE PRESIDENT (Hon George Cash) took the Chair at 4.00 pm, and read prayers.

INTRODUCTION OF SAFE INJECTING ROOMS AND A HEROIN PRESCRIPTION TRIAL

Leave to Amend Motion

HON NORM KELLY (East Metropolitan) [4.02 pm]: I seek leave to amend motion No 3 on today's Notice Paper. It is now almost nine months since I first gave notice of this motion, and in the ensuing time I have had consultations with various groups. The purpose of seeking leave to amend the motion is to update the motion so that it better reflects what I seek to achieve when it comes on for debate.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.03 pm]: The member has indicated to me outside the Chamber the sorts of words he has in mind. Before the House gives leave to amend, I would be interested to know whether he wants to substitute the same words.

The **PRESIDENT**: I cannot enter into that issue. I do not know what was discussed, but Hon Norm Kelly is signifying something to the Leader of the House.

Hon Norm Kelly: They are the same words.

The **PRESIDENT**: Is leave granted?

Leave denied.

FINANCE BROKING INDUSTRY IN WESTERN AUSTRALIA - APPOINTMENT OF SELECT COMMITTEE

Amendment to Motion

Resumed from 25 May on the following motion moved by Hon Ken Travers -

That -

- (1) A select committee of three members shall be appointed.
- (2) The committee be appointed to inquire into and report on reasons for losses associated with the finance broking industry in Western Australia, including but not limited to:
 - (a) the statutory responsibilities relating to the finance broking industry;
 - (b) avenues for legal redress for investors;
 - (c) consideration of the adequacy of existing legislation to prevent a recurrence of the events which led to the loss by investors who relied on finance brokers.
- (3) The committee have power to send for persons, papers and records and to move from place to place.
- (4) The committee report to the House not later than 31 October 2000, and if the House do then stand adjourned the committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

to which the following amendment was moved by Hon Dexter Davies -

To delete all words after "That" and insert -

the House notes the appointment and operation of the Gunning Committee of Inquiry into Fair Trading Boards and Committees and resolves to allow that committee to conclude its inquiries before giving further consideration to the appointment of a select committee to inquire into matters related to the finance broking industry.

HON RAY HALLIGAN (North Metropolitan) [4.04 pm]: Last week, when talking on the amendment to motion No 1 moved by Hon Dexter Davies, I started to speak about Hon Nick Griffiths. I will now leave those comments until a little later in my speech.

Hon N.D. Griffiths: You mean I can go now?

Hon **RAY HALLIGAN**: I will work up to a crescendo.

The situation here is that there are competing needs. The original motion asked for a select committee and the amendment asks that that be deferred until such time as the Gunning committee hands down the results of its inquiry. I talked about competing needs, but there are, of course, needs and wants. I believe in this instance that the Government is looking after

the needs of the investors. That was the whole purpose of the Gunning inquiry. I remind members that the Gunning committee held its first hearing on Monday, 3 April this year, and the chairman in his opening address made it clear that the committee had extensive powers to gather information and evidence and that those powers were not limited to public servants; that the committee would conduct its hearings as open hearings as circumstances permitted; that the committee intended to take a robust view of the width of its terms of reference; and that the committee had been assured of the full cooperation of the Police Service. With those things in mind, it can be accepted that the Gunning committee has a wide-ranging reference to items that it must look into, and for that reason it will hopefully satisfy the needs of the investors, at least until the time it reports.

The wants are entirely different. I am concerned that the Labor Party wants certain things that will not necessarily help the investors who have lost money through some unscrupulous finance brokers. It is a pity Hon Bob Thomas is on urgent parliamentary business outside this Chamber, because when I spoke some time ago I mentioned to him kangaroo courts. I think I mentioned them also to the Leader of the Opposition. I will repeat that: I am concerned that some members opposite - not all of them - want to conduct a kangaroo court. For the sake of those members, I will read out the definition of "kangaroo court" from *The Macquarie Concise Dictionary*. It states that a kangaroo court is -

an unauthorised or irregular court conducted with disregard for or perversion of legal procedure, as a mock court by prisoners in a jail, or by trade unionists in judging workers who do not follow union decisions.

I think it is very well described, and some members opposite may want to conduct a kangaroo court, rather than do something positive for those investors who have lost moneys.

I refer to Hon Nick Griffiths for whom I have a lot of time.

Hon N.D. Griffiths: It looks as though you have 22 minutes; I am worried!

Hon RAY HALLIGAN: Hon Nick Griffiths is a pillar of society.

Hon Derrick Tomlinson: A pillow?

Hon RAY HALLIGAN: He is a pillar of society, with a law degree and considerable experience not only in creating legislation in Parliament but also in its interpretation. That is often important. Often when they are asked, members in this place are not able to interpret law, particularly civil law. It is important that we have people of that ilk in this Chamber who can provide to people like me information that we might not otherwise get.

Hon Nick Griffiths continually looks for truth and justice. He keeps telling me that and I believe him.

Hon W.N. Stretch: He is a lawyer.

Hon RAY HALLIGAN: Exactly, he is a lawyer. He tries to assist people irrespective of their political leanings and I applaud him for that. It is important that all politicians be prepared to assist anyone who asks for their assistance.

We have lawyers on either side of the Chamber. On this side is the Attorney General.

Hon E.R.J. Dermer: We would rather have ours.

Hon RAY HALLIGAN: I am sure that remark will be included in *Hansard*. I have a great deal of time also for the Attorney General. Issues are associated with this motion that I do not believe have come to the fore as yet. We have heard about the state Finance Brokers Control Act under which the practices of people associated with this proposed select committee will fall. However, a number of Commonwealth Acts also exist, such as the Australian Securities Investment Commission Act and the Managed Investments Act of 1998. From what I can gather, the Commonwealth has a role to play in this scenario. However, I am not sure all of that has been explained. I know that the Attorney General has tried to explain to members on this side of the House, as well as members opposite, how all of these parts come together. However, I am not averse to hearing an opposing view to that which I have heard from the Attorney General. Quite often it is important that opposing views be expressed; therefore, I am looking to one person on the other side of this Chamber who can provide that opposing view. I sincerely hope Hon Nick Griffiths will take up that challenge for not only me but also others on his side of the House.

An amendment to the motion for a select committee to be set up seeks to put aside the establishment of a select committee until the Gunning committee can provide a report. I can see much logic to that argument, which it appears many members opposite cannot see. If I am wrong in believing the amendment will create a situation that benefits the investors, I sincerely hope that someone on the other side of the Chamber will explain to me where I am wrong. Looking at the other side of the Chamber there is only one person from whom I want to hear those words.

Hon Ljiljana Ravlich: You have a fascination for him.

Hon RAY HALLIGAN: I could exclude many others by name, but I will not do so on this occasion. I would like to hear Hon Nick Griffiths' thoughts on this matter and his explanation of exactly how my thinking is incorrect and how this amendment will be to the detriment of investors who have lost their moneys. However, should Hon Nick Griffiths be silent on this matter I do not believe for one moment that he necessarily disagrees with my argument.

Amendment put and negatived.

Motion Resumed

HON BARRY HOUSE (South West) [4.16 pm]: I have not spoken on this motion so far, so I will make a few general

comments and then deal with some of the wording of the motion. I will start by reiterating the obvious issues in this case. Many people, most of whom are elderly, have lost either their superannuation or their life savings. That is a very serious matter. Our focus must be on those investors getting as much of their funds back as possible. The Government has responded to that focus by appointing supervisors to Grubb Finance Consultancy and Global Finance. The Government has spent well over \$1m to track some of the paper trails to see what has happened to the money involved.

The other main issue is that a few people within the finance industry have obviously badly managed investors' finances. As a result, the community wants us to pursue the few finance brokers involved and bring them to book. That situation is obviously affecting the reputation of the whole finance broking industry. I am sure that everybody involved in that industry is feeling that acutely and wants it addressed, because it is unfair to the vast majority of good, honest brokers in the industry. It must be stopped, exposed and the offenders brought to book. The Government's objectives - I believe they are shared by the community - are threefold: First, and most importantly, to get back the maximum amount of money for investors; secondly, to investigate the processes that have been involved, and if there are any problems, to correct them; and, thirdly, to bring to book those who have transgressed. It is obvious from what we have heard in this House that the Opposition does not see it in those terms; it sees it as a political exercise and as an opportunity to score political points. Somehow it is linking its rhetoric and its actions on this matter to what seems to be a concerted attempt to put some dents in the Government's credibility as a financial manager.

Let us run through a couple of the vehicles being used by the Opposition in addition to this motion, which vehicles are all very suspect because they lack credibility. The first one is a recent accusation about the Government's budget deficit.

Point of Order

Hon E.R.J. DERMER: Hon Barry House is straying far from the relevance of the motion before the House.

The PRESIDENT: Why is he straying from the motion? I do not understand, and I have been listening.

Hon E.R.J. DERMER: He is certainly wandering far and wide from the issue of the finance broking industry.

The PRESIDENT: There is no point of order. Hon Barry House has only just started and seems to be speaking to the terms of the motion.

Debate Resumed

Hon BARRY HOUSE: For Hon Ed Dermer's benefit, I am explaining that, of the vehicles the Opposition has been desperately using to put a dent in the Government's financial credibility - I will outline a few of the other vehicles - the motion before this House is just one of them.

Recently questions were raised about the Government's budget deficit. They were exposed as totally wrong and fraudulent because they were based on incorrect and inaccurate figures from the Australian Bureau of Statistics. That vehicle has shown up the Opposition as incompetent and wrong.

The second vehicle used by the Opposition is the attack on the Government's spending priorities. We have seen a massive attempt by the Labor Party to attack the spending -

Point of Order

Hon TOM STEPHENS: The Opposition would very much like the opportunity to debate the Government's appropriation Bills.

The PRESIDENT: What is the Leader of the Opposition's point of order?

Hon TOM STEPHENS: My point of order is that regularly the Chair is extremely tough on ensuring that members stick to questions before the House. It would be totally inconsistent for the Chair to tolerate this departure from the motion before the House.

The PRESIDENT: Is the Leader of the Opposition suggesting that the Chair is not listening to the member?

Hon TOM STEPHENS: No, Mr President.

The PRESIDENT: What is the point of order then?

Hon TOM STEPHENS: My point of order is that the Opposition would very much like to debate the appropriation Bills, but that opportunity is not currently before us, nor should it be available to Hon Barry House during this first hour.

The PRESIDENT: There is no point of order.

Debate Resumed

Hon BARRY HOUSE: In addition to this motion which is being used by the Labor Opposition to attempt to put a dent in the Government's financial credibility, another vehicle is its attack on the Government's spending priorities. The Opposition has focused on the Northbridge tunnel as one example. The construction of Graham Farmer Freeway and the Northbridge tunnel, as even the Opposition should know by now, is a magnificent success story.

The PRESIDENT: I have given Hon Barry House a fair bit of latitude. However, in the end he must start talking about

the motion. I understand that he was joining these matters to make a point. However, he should not start talking about the Graham Farmer Freeway.

Hon BARRY HOUSE: I am attempting to outline a desperate strategy being used by our political opponents to attack the financial credibility of the Court Government. I am using a few examples of that strategy. The motion moved by Hon Ken Travers is one arm of that strategy. The other examples I am giving relate to different aspects of that strategy. I will not elaborate in detail, but in addition to the Northbridge tunnel, we have seen attacks on the belltower, which will turn into a magnificent asset for this State, and on the Narrows Bridge duplication, which is already desperately needed.

Hon Ken Travers interjected.

Hon BARRY HOUSE: The south west has done very well. Has the member not been down there lately?

Hon Ken Travers: You have everything in the central business district; that is the problem.

Hon BARRY HOUSE: No, that is not right at all.

Hon N.F. Moore: They do not like the exhibition centre.

Hon BARRY HOUSE: The exhibition centre could be used as another example.

Another arm of this attack on the Government's financial credibility has been an attack on accountability. The Opposition is always on very dodgy ground there. It is only because of the disgraceful decade of the Labor Government during the 1980s that the need for accountability has risen to such an extent. We now have, for example, freedom of information legislation, the Anti-Corruption Commission and the Public Sector Management Act. We have seen royal commissions into WA Inc activities and into the Easton petition. All of that has arisen out of the Opposition's disgraceful period in government in the 1980s.

To demonstrate that this motion is purely a political exercise, I will draw a comparison between this attempt to create a select committee and the situation arising in the early 1990s. Members might recall Western Women Financial Services Pty Ltd and Robin Greenburg. Let us consider what happened in the Western Women case. Money was lost in a financial scandal. Obviously somebody did the wrong thing. One may say that there is a similarity between that matter and the problem with the finance broking industry. The ALP has not talked about this comparison for obvious reasons. If the ALP checks the records, it would find that while it was in government, its government agencies were actively recommending Western Women as a sound investment. Its fingers were very dirty in that case. Obviously, it is reluctant to draw that comparison.

Hon N.F. Moore: Did it set up an inquiry of its own?

Hon BARRY HOUSE: That is the next point to which I will refer. The only inquiry into Western Women was by a select committee of this House under the late Hon Bob Pike.

Hon Ken Travers: It was a standing committee, actually.

Hon BARRY HOUSE: That committee set about examining the activities of Western Women. That was done only as a last resort because the Labor Government would not and did not set up an inquiry. Let us compare that with the current situation of the finance brokers. We already have a government-initiated inquiry - the Gunning inquiry - conducting hearings and going about its work. Once again, the comparison makes the Labor Party look very shallow in its attempts to convince people that this motion is anything other than a political exercise. The Gunning inquiry has been set up and it is conducting its work now. It should be allowed to complete its work. Some results have already emerged from the Gunning inquiry because of matters which it has exposed. Attention has already focused on the need for some elderly people, who have lost their life savings in some cases, to access social security. Judge Gunning made that comment as a result of some of the hearings he has conducted. That is a useful outcome for some of those people who have found themselves in dire straits.

The Gunning inquiry has cleared up some of the issues surrounding the responsibilities that are shared between the state supervisory body - the Finance Brokers Supervisory Board - and the federal supervisory body - the Australian Securities and Investments Commission - and has ascertained that many of the responsibilities lie with the federal body, not the state body. I could raise a host of other matters, but I might be repeating some of the issues that have been raised over the past couple of weeks.

I turn now to the wording of the motion. Paragraph (4) states -

The committee report to the House not later than 31 October 2000, and if the House do then stand adjourned the committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

I had considered moving an amendment to this paragraph of the motion, but I do not believe it deserves an amendment. However, it does deserve some comment. The standing order that expresses most clearly how select committees should report to the House is Standing Order No 338, which states -

The President may publish a report that is ready for presentation during an adjournment of more than 14 days. A report so published is deemed to have been tabled and ordered to be printed but shall be presented in accordance with these rules when the Council resumes its sittings.

We could argue that under that standing order, all the words in paragraph (4) after the word "2000" are superfluous. That is not a major issue, I know, but I was interested to check whether a consistent line has been taken by select committees, and I found that the terms of reference of select committees in this House in the past few years have used a variety of words. The terms of reference of the Select Committee on Immunisation and Vaccination Rates in Children state in paragraph (1) -

A select committee be appointed to inquire into and report, not later than 30 June 1998 on immunisation and vaccination rates in children including, but not limited to -

They then outline the matters that are to be investigated.

The terms of reference of the second committee on native title - the Select Committee on Native Title, of which I was a member, state in paragraph (4) -

The committee report a Bill to the House on a date [if any] specified in the motion referring to it and in any event not later than Thursday December 10 1998.

The terms of the reference of the first committee on native title - the Select Committee on Native Title Rights in Western Australia - state in paragraph (5) -

The Committee report to the House not later than November 27, 1997, and if the House do then stand adjourned the Committee do deliver its report to the President who shall cause the same to be printed by authority of this order.

That wording is similar to the wording in paragraph (4) of this motion. The inconsistency of wording in the terms of reference of select committees of this House may not be a big deal, and I did not think it was a big enough deal to move an amendment to the motion, because the standing orders cover this situation, but I do believe that all the words after "2000" in paragraph (4) are superfluous.

Paragraph (1) of the motion states -

A select committee of three members shall be appointed.

The standing orders indicate that, unless otherwise ordered, a select committee shall consist of three members. However, because of the way this House has evolved over the years, a select committee of three members does not satisfactorily reflect the composition of this Chamber. Therefore, at the end of my remarks I will move that in paragraph (1) the word "three" be deleted and the word "six" be substituted; and that after the word "appointed" the following words be added -

Three of whom shall be members who support the Government, two of whom shall be members of the Opposition, and one who is not a member who supports the Government or is a member of the Opposition.

The reason for that amendment is that a select committee of six members would better reflect the composition of this House and would also better reflect the wishes of the community in returning members to this House than would a select committee of three members. Members of this House are elected on a system of proportional representation, and that system has dictated that this House have 17 government members and 17 opposition members from a variety of parties. There are 11 Labor members, three Greens, two Democrats and one Independent.

Hon N.D. Griffiths: I think the electorate voted for 12 Labor members.

Hon BARRY HOUSE: That may have been so at the time, but that member has seen the light and has deserted the Labor Party.

The select committee should reflect the composition of the House and the wishes of the community by having half of its members represent the Government and half of its members represent the combined Opposition parties. If the Opposition does not agree to this amendment, it will further illustrate our point that this motion is merely a political exercise and not a meaningful exercise to try to get to the bottom of what has happened in the finance broking industry. If the Opposition insists that this select committee have three members and refuses the opportunity for this committee to have six members - I hope I hear from Hon Ken Travers that he will accept this amendment - it will indicate clearly that the Labor Party is not interested in justice and fairness in this inquiry.

Hon E.R.J. Dermer: That is a ridiculous assumption to make!

Hon BARRY HOUSE: If the Opposition will not accept my invitation to set up a select committee of six members rather than three members, it will indicate that it is not genuine in moving this motion. I have some experience in this matter, because I have been a member of the Standing Committee on Public Administration in this Parliament. That committee comprises six people. The number of members on that committee accurately reflects what my proposed amendment is seeking to achieve with this select committee. The Standing Committee on Public Administration has been effective because it genuinely and constructively deals with issues in a non-political way. It looks at what needs to be achieved and focuses on outcomes. Apart from one attempt at a little political manipulation, no blatantly political exercises have been thrust on the Standing Committee on Public Administration.

Let us consider some of the issues with which the committee has managed to deal with its six members. It dealt with government outsourcing and contracting out in the United Kingdom, and considerable follow-up work is being done by the committee on that topic in the interests of state public administration. If the committee operated in a different format,

it could have turned that inquiry into a political exercise. It would have been easy for an Opposition of any ilk to pick out one contract and place it under the microscope in the knowledge that something had gone wrong. The committee did not, and will not, do so.

Another issue which illustrates clearly the value of this type of committee is the report to the House on some allegations about people's health involving skin and eye disorders associated with industrial emissions from the Wagerup refinery. The Public Administration Committee could have taken on those specific allegations and conducted an intense, in-depth inquiry, but that was not its role. Its members did not try to become forensic scientists or investigators. Our role was to ensure that the system of public administration to deal with that matter operated in an effective and fair manner. We did that. The committee recommended that a working party be established to bring several government agencies together on at least a half-yearly basis to keep abreast of issues across various departments. The allegations are being investigated properly and, most importantly, the process is in place to make sure that such matters are investigated properly. The issue before us is no different.

I return to where I started: The Government's objective, as should be the Opposition's - let us see how genuine it is - is to get the maximum amount of money back for investors who have lost dough. We should investigate the processes. If they are not correct, we should change them to ensure the processes and supervisory functions are correct. We should also bring to book those who have transgressed.

Amendment to Motion

Hon BARRY HOUSE: Therefore, I move -

That, in paragraph (1) -

- (i) the word "three" be deleted and the word "six" be substituted; and
- (ii) after the word "appointed" the following words be added -

three of whom shall be members who support the Government, two of whom shall be members of the Opposition and one who is not a member who supports the Government or is a member of the Opposition

I commend the amendment to the House.

Point of Order

Hon KEN TRAVERS: I seek clarification regarding the amendment. I query not the deletion and substitution of membership numbers, but the addition of the words after "appointment" outlining who the members of the committee shall be. Is that not in breach of standing orders? If it is in order, will it require an absolute majority of the House to suspend Standing Order No 342, which outlines how members of a select committee shall be appointed? As a relatively new member, I would like to know whether Standing Orders Nos 303 and 304 are relevant.

The PRESIDENT: The standing orders concerning a ballot come into play if a ballot is required. Standing Order No 341 states -

Unless otherwise ordered, all select committees shall consist of 3 members.

Standing Order No 342 provides a method that may be used, but the House can order otherwise. The amendment invites the House to order the specific members of the committee. The amendment is not out of order; in fact, what it seeks to do has been done before.

Debate Resumed

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.47 pm]: I support the amendment. I remind members where we are up to in this debate. The substantive motion seeks to set up a select committee of three members, and an amendment was moved which sought to delay the establishment of the select committee. Regrettably, the Opposition did not support that proposition. Unfortunately, I was not in the House to call a division at the time and members' names do not appear in a division list in *Hansard*. Nevertheless, opposition members indicated they would not support the proposal, so the establishment of the committee will not be delayed until the Gunning inquiry completes its works.

The concerns expressed by the Government in this debate are becoming increasingly apparent; namely, that this motion is nothing more than a political exercise by the Labor Party with the potential to seriously derail the Gunning inquiry. We have argued at length about the matter, and members of the Opposition have disagreed with the Government. Therefore, the Opposition has every intention to allow the Gunning inquiry and other activities undertaken by police and supervisors to be seriously derailed by a select committee of the House. Members opposite do that for only the grossest of political purposes.

A number of mechanisms are being used to sort out the finance broking problem, none of which is political. The Gunning inquiry is not political, as none of its members has political allegiances to my knowledge - they were certainly not appointed by virtue of their political views. The fraud squad is investigating potential corruption and illegality, and it is not political. Supervisors are carrying out the detailed analysis of the various transactions that have been cause for concern, and they are not political. So three exercises are going on concurrently which are designed to get to the bottom of the problems

surrounding the finance broking industry and some of the players in it. None of those exercises involves the political process. They are independent of the political process, and quite deliberately so, because ever since this matter blew up it has been used by the Opposition for gross political purposes, regardless of the consequences. The member for Fremantle has never been constrained in his comments about this matter in the Parliament, regardless of the truth or otherwise of his allegations.

Hon B.K. Donaldson: He will not say it outside the House.

Hon N.F. MOORE: He never makes these comments outside because he knows darn well that he will have a writ on him so quickly that he will not be able to move. That is another demonstration of the political nature of the Labor Party's attitude to this matter. We have put in place a process which we believe will come to a proper and considered conclusion in this matter and it will be done outside the political theatre. We gave the Labor Party an opportunity to delay the establishment of a select committee to give us a chance to see whether Mr Gunning does the job properly, but it was not prepared to accept that. That was a decision of the House and I will not reflect on it.

This amendment will provide the Labor Party with an opportunity to ensure that, having decided it wants a political forum to be involved in this matter - in other words, having decided that it wants a select committee - there is a chance to establish a select committee which at least reflects the membership of this House from a political perspective. We have argued that, for a number of reasons we have outlined, we do not want the select committee to be established. However, it appears we will get one, because the numbers in the House indicate that the Government's position will not be supported by a majority of members. Therefore, it seems we will be unable to prevent the formulation of this committee. All we can now do is put to the Labor Party the proposition that if it is hell-bent on having a select committee, it should be set up in such a way that its membership reflects the membership of this House from a political point of view. The amendment seeks to increase the membership of the committee from three to six members and of the six members, three are to be government members, on the basis that 17 of the 34 members of this House are Government members; two members should be from the Labor Party, which is described in the amendment as the Opposition, and it has 11 members, formerly 12, which would entitle it to two out of six members; and one member should be from the other parties which are neither members of the Government nor of the official Opposition; that is, the Greens (WA), the Australian Democrats and the independent. If one operates on a numerical and proportional basis, one member of the committee would represent those three parties. We have been told over the years that we need to have proportional representation in this House to reflect the views of the community, and we now have this ridiculous system of electing members under which every interest group has the potential to have a member in this House. We now have the proportional representation system of election to the Legislative Council. Those who argue for proportional representation tell us that it is important to enable every point of view to be made known in this Chamber provided those people get a couple of percentage points of votes in an election. As a result, the traditional political system that we had in this House over many years where there was a Government and an Opposition - essentially two parties - has now changed. We now have a variety of views on a variety of issues. Therefore, if we are to have select committees, it makes a lot of sense that they represent the proportionality of the House. I understand that the mover of the motion which proposed three members was suggesting that we ought to have one Australian Labor Party member, the mover himself, who would be the chairman; one member from the Government; and one member representing the Australian Democrats, the Greens (WA) and the independent. I think that is what he had in mind - he can correct me if I am wrong - and I understand why he wanted that. That would give us a situation where 17 members of this House would have one representative on the committee, 11 members would have one representative and six members from the other parties and the independent would have one representative also. That is hardly fair. It is almost 3:1 in proportional terms.

Hon Ken Travers: How did it work when you first came to this House?

Hon N.F. MOORE: I was trying to explain to the member that we did not always have a proportional representation system in this House. It is a recent phenomenon which was foisted upon us by the Labor and National Parties. They know our views on it - we did not vote for it, but they did.

Hon N.D. Griffiths: It was never meant to be like this at all.

Hon N.F. MOORE: The member is quite right. We all wonder if it was meant to be like this. I suspect that it was never meant to be like this at all.

Hon Norm Kelly: Stop picking on the minor parties.

Hon N.F. MOORE: I am not picking on anybody. I am just trying to reach a situation where the party or parties which have collectively, as a coalition, 17 members in this House have about half the membership of the committee. Is that unfair? Is it fair that the Australian Democrats, the Greens (WA) and the independent, who collectively have about 15 per cent of the vote, should have one member on a select committee, the same as the Labor Party which won 30 or 40 per cent of the vote and the coalition which also won 30 or 40 per cent of the vote and has half the members? I am trying to make the point that if one accepts the nature of this House is such that it is elected by proportional representation and the views of the community are reflected through whoever is elected to it, and that is the way the House should operate, then one should give serious thought to the proposition that committees of the House should reflect the same proportions. I would be fascinated to hear what members of the Opposition have to say about this proposal because it is important.

The finance broking industry is probably the most significant issue in the political arena at the present time - it certainly is in the minds of some sections of the media - and, in the Government's view, it is being investigated properly. However, we have a move by a political party which wants to use the political processes to score political points at the expense of

what we see as a proper, independent, non-political means of solving these difficulties and problems. We have gone through the process and we have reached the stage now where one does not have to be a genius to recognise that the House is going to give us a select committee into the finance broking industry. We are going to get a select committee whether we like it or not. We sought to delay its establishment, but the Opposition did not accept that. We now say that if there is to be a select committee, let us not have one that does not reflect the membership of the House. Let us not have one that has only three members; let us have one that has six members. The number of members could be six, 12 or whatever is required, but to get a reasonable balance of members reflecting the composition of the House, six is probably the most appropriate.

Hon Ken Travers interjected.

Hon N.F. MOORE: I do not have a problem with that most of the time because I often argue that we should not send Bills off to committees because the House itself ought to debate them. One of the problems with the committee system that we have in this place -

Hon Ken Travers interjected.

Hon N.F. MOORE: If the member wants to have a Committee of the Whole House, I do not have a problem with that. The member can bring in the witnesses and go for his life. However, the member wants to take off to a smoke-filled room and start a process of his own in which he and somebody else who supports political involvement in this issue, possibly the Australian Democrats, use their numbers 2-1 to make sure they carry out a highly political process to, if possible, discredit the Government. It has nothing to do with resolving the issues surrounding the finance broking industry. If that is what the Opposition is worried about, it would leave the Gunning inquiry, the fraud squad and the supervisors to do their job.

Debate adjourned, pursuant to standing orders.

[Questions without notice taken.]

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL 2000

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon HELEN HODGSON: I move -

Page 2, line 2 - To delete "comes" and substitute "is deemed to have come".

Page 2 line 2 - To insert after the words "operation on" the following words -
and from 5 October 1999 being

Page 2, lines 2 and 3 - To delete the words "it receives the Royal Assent" and substitute the following words -
section 93E of the principal Act had effect

This is the amendment to which I referred yesterday during the second reading debate and which relates to the date of effect of the changes that will be made to correct the anomaly that has been discovered in the legislation. The amendment that was circulated at short notice yesterday has now been replaced by the amendment on Supplementary Notice Paper No 36; however, the wording is the same.

The Attorney General indicated yesterday that there was no need for this amendment because the insurance companies had given an undertaking that they would not exploit this anomaly in order to attack people's claims. I will raise three points in an attempt to convince the Attorney of the need for this amendment to be retrospective. Firstly, yesterday I read into *Hansard* a letter from the Law Society of Western Australia to the Minister for Labour Relations, which states that members of the Law Society have been informed that this anomaly is being used to defeat workers' entitlements to workers compensation. The second piece of evidence, which is anecdotal, is that I have been informed by a person who represents insurers in legal proceedings that the instruction from the insurance companies is to fight claims on the basis of this technicality.

The third and most convincing piece of evidence was presented to me last week, and I believe a copy was also delivered to the Minister for Labour Relations. That evidence comprises the full set of papers and correspondence on the case of worker Derick John Cooke that has been flowing between his solicitors, the State Government Insurance Office and the conciliation and review directorate of WorkCover Western Australia. This case hinged on the question of whether an election could be made within the appropriate time. In answer to the minister's assertion yesterday that the insurance companies said they would not exploit this loophole, I have a letter from SGIO Insurance to Mr Adam Quinn of WorkCover's conciliation and review directorate, the relevant paragraph of which reads -

There has been ample time for the worker to file an application as to the referral of the question of degree of disability within the time limit prescribed by legislation.

Notification pursuant to Regulation 19P is immaterial to this particular case.

The final paragraph reads -

Accordingly, I do object to your suggestion that this application be considered as though it had been lodged within the time required by Regulation 19N.

In other words, the insurance company has written to WorkCover to say that it objects to a person being given an extension of time to make the appropriate election. The rest of the correspondence backs up this view. The conciliation and review directorate wrote back to the solicitors to indicate that the insurer objected to the directorate considering the application. The letter reads -

Accordingly as your application was not lodged within the timeframe prescribed I regret I am unable to process your application.

The clincher is probably a letter from the conciliation and review directorate dated 15 May in which Mr R.E. Monger indicates as follows -

I have considered the issue in this matter further, made inquiries, and taken advice regarding the definition of "termination day" for the purposes of Common Law proceedings.

I have previously indicated that it could be argued that the term means the day from which the 6 months calculation commences is the day on which the first payment of workers' compensation was actually paid to the worker.

However I consider the stronger argument is that the terms means the day from which the 6-month period is to be calculated is the first notional work day in respect of which workers' compensation payments were made, even if the payment in respect to the first and subsequent days was not made until some time thereafter.

Even WorkCover is using the interpretation to defeat the opportunity for someone to have an extension of time to exercise his or her rights to make the appropriate election. We were told yesterday that the insurance companies agreed they would not use the legislation in this way. However, insurance companies have rejected the extension of applications on this basis. Clearly, workers are losing out on their entitlements because of the interpretation applied to this provision. Therefore, it is vital that the effect of the fix-provision be retrospective to the date that the legislation first applied.

I was told this afternoon that WorkCover has no records of this happening. That is very interesting given that I have all the correspondence relating to one instance. If it has happened to one worker, it no doubt has happened to others. Even if only one worker is affected, the fix must go back to the date on which the problem was caused. Whether these provisions affect one worker or 100 workers, we must do the right thing by these people.

Hon PETER FOSS: I have no objection to the amendments, although they are not necessary. In fact, I am not certain that they will achieve the purpose the member wishes to achieve. However, that is her problem, rather than mine. The Government will support the amendments.

Hon N.D. GRIFFITHS: I am a little concerned about the words used by the Attorney General: He said that this was Hon Helen Hodgson's problem, not his. We all have a duty in this place to put in place workable legislation. Hon Helen Hodgson is concerned about the problems of injured workers, not her problem. She has given an example of an injured worker. By moving the amendments, she seeks to put in place what was originally intended. In the words of the second reading speech, the Bill is to "deal with an unintended anomaly". Hon Helen Hodgson seeks to have the unintended anomaly removed; namely, the law should be as though the unintended anomaly never occurred. If a problem exists in the drafting of the amendments and their technical application, it is incumbent on the Attorney General, with the full resources of government behind him, to rectify them.

It has been said that insurance companies are behaving as though the law is as the Bill intends it to be; therefore, no problem should arise. That is a nice argument. However, if companies have all been behaving in that way, there is no problem. Equally, if some companies have not been behaving appropriately, no problem arises in dealing with this unintended anomaly. We should make good law and ensure a bit of fair play. Hon Helen Hodgson seeks to do the right thing with her amendments; therefore, the ALP has no hesitation in supporting them.

Hon J.A. SCOTT: The Greens (WA) support the amendments which fix an ambiguity which has caused a problem. Like Hon Helen Hodgson, I received the material from which she read regarding a worker who was put outside the protection of the Act by this ambiguity. These amendments will clarify the ambiguity and make clear when a worker can begin the process of a claim and get it dealt with. In the cases where the laxity of an insurance company to deal with the process in a timely way has contributed to the hold up, this anomaly especially needs to be fixed. It will not cost a great deal to the system as few people will be able to get back into the system through this change.

Hon PETER FOSS: That might all be very well if a number of amendments were not moved. The problem is with the amendment applying to clause 4(2)(b). My interpretation is that if we make all of the provision retrospective - we will not apply this only to the part which should have been retrospective - we will make the retrospective change prospectively. The biggest problem with the examples given is that they do not meet the criteria, not that they do not observe them.

What does Hon Helen Hodgson think would happen if clause 4(2)(b) were retrospectively amended? If the injured worker did not give notice at the time of the accident, he could certainly not give it now because more than 14 days has passed. Hon Helen Hodgson seems to think that provision would also be changed. I propose a further amendment. I do not think

the member's amendment is right; however, if she is to do this, it should be applied only to clause 4(2)(a). That is the clause the amendment will retrospectively correct. The other amendments are prospective. What the member is doing is quite dangerous: She is applying the amendment to the entire Bill when it should apply only to clause 4(2)(a). It would be better to amend the Bill to say "This Act, other than clause 4(2)(a), comes into operation on the day on which it receives the Royal Assent". A further amendment should state that "Clause 4(2)(a) is deemed to have come into operation on and from 5 October 1999 . . .". Such an amendment might be acceptable. However, the amendment proposed by Hon Helen Hodgson would create confusion about its intent. I do not see a problem with the Bill. The examples the member gave to the Chamber do not fit her amendment. If a person has run out of time to give notice when the Bill comes into force, he would still be out of time if the amendment were passed. The person still must give notice within seven days. Although people have acknowledged that the Bill will be interpreted in that way, it does not give them the liberty to give notice within 21, 56 or whatever number of days. A better amendment would be "This Act, other than clause 4(2)(a) . . .". A new clause 2(a) could be inserted that states "Clause 4(2)(a) is deemed to have come into operation on and from 5 October 1999".

Hon HELEN HODGSON: I was interested in the Attorney General's comments on the effect of the amendment. I am concerned that the Chamber is making the same mistake it made when it caused the loophole. We are arguing about amendments without having the opportunity to look at the proposals. Although I circulated the amendment yesterday, I had only one contact with a ministerial adviser this afternoon. At no stage during that conversation was the issue of the drafting and the interpretation raised. I have not had the opportunity to obtain further advice from the drafter on whether a drafting issue is involved. Problems will be created if the Chamber continues to work on these things on the run.

Hon Peter Foss: I totally agree.

Hon HELEN HODGSON: I would appreciate it if the Attorney General circulated his proposed further amendment.

Hon Peter Foss: The amendment should be defeated altogether. I have simply said that if there must be an amendment, we should try to make it better.

Hon HELEN HODGSON: When a problem needs to be fixed, cooperative action is sometimes needed. As is recorded in *Hansard*, my amendment was circulated late yesterday because I expected a response from the minister. That response did not come and the way debate flowed in the Chamber yesterday meant we were left on the run. We bought a day by deferring the debate until today. I expected telephone calls to my office first thing this morning. However, I had only one telephone conversation about half an hour before the sitting commenced. There has been no further follow-up. That briefing addressed the substantive issue, but not the drafting. Fiddling with drafting in the Chamber on the run will create more problems. The Attorney General has identified what he thinks is a problem with the amendment. We need time to look at the amendment and determine whether any unintended consequences would be created and whether a further amendment is necessary. The dinner break is drawing fairly close. We could buy at least an hour and a half over dinner to thrash this out. Perhaps somebody could check the drafting of the amendment to see whether there is a potential problem.

Sitting suspended from 5.56 to 7.30 pm

Hon HELEN HODGSON: I seek leave to move an amendment that will precede the amendments I have already moved. This will deal with the issue of drafting that the Attorney General raised before the dinner break.

Leave granted.

Hon HELEN HODGSON: I move -

Page 2, line 2 - To insert before "This Act" the words "(1) Section 4(2)(a) of".

This addresses the issue the Attorney General raised that there could be an issue if only section 4(2)(a) were dealt with retrospectively, and the rest of the Act would not be caught by the amendment I had already moved.

Hon PETER FOSS: This now addresses the concerns I had. However, I raise one point: When Hon Helen Hodgson spoke today about her amendment I did not have a copy of it. I do not think it was, as she said, another lot of words saying the same thing as we had last Thursday.

Hon N.D. Griffiths: You said that.

Hon PETER FOSS: No, Hon Helen Hodgson said it. She said it did not make a big difference.

Hon N.D. Griffiths: You said they were the same words.

Hon PETER FOSS: I was inquiring because I did not know. That was my understanding of it. When I read them they were quite different in intent from what we had last Thursday. That is one of the reasons I became considerably concerned. As the words have now changed, the amendment is acceptable and we will deal with the concerns that I had.

Amendments put and passed.

Hon HELEN HODGSON: The drafting change we have made requires a further amendment, which was also circulated on the sheet handed around during the dinner suspension. I move -

Page 2, after line 3 - To insert the following new subclause -

- (2) Section 4(1) and 4(2)(b) and (c) come into operation on the day on which this Act receives the Royal Assent.

This confirms that only proposed section 4(2)(a) is affected by the retrospective application.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 and 4 put and passed.

Title put and passed.

Bill reported, with amendments.

GOVERNMENT FINANCIAL RESPONSIBILITY BILL 1998

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Purposes of this Act -

Hon HELEN HODGSON: I move -

Page 2, lines 15 and 16 - To delete subclause (2).

I addressed this issue at some length in the second reading debate on this Bill. This is the subclause which states that nothing in this legislation creates rights or duties that are enforceable in judicial or other proceedings. As far as I am concerned, there is no point putting legislation through this place if it is not enforceable in any way. All we are doing is creating a statement of policy, and we all know they can be easily overruled or changed from time to time. If it is policy that may need to be changed, why enact it as legislation? If it is creating a framework that is meant to be enforceable, there must be an ability to question it and take it to a court of law. This subclause neuters the Bill and makes it no more than a statement of what the Government would like to happen. With the inclusion of these two lines, the public of Western Australia is still not adequately protected through this Bill. I understand that neither the Government nor the Australian Labor Party members will support this amendment, but I feel it is vital to place our concerns on the record.

Hon PETER FOSS: It is extraordinary for such a speech to be made in this Chamber. The standing orders of the Legislative Council have exactly the same status. They certainly have an effect in the Legislative Council but they are not in any way judicially enforceable. They have effect in this place, and certainly have an impact on it, because they cannot be changed without the approval of the Legislative Council. Similarly, this policy cannot be forgotten; it is enacted in legislation. Sometimes the most important matters are those which are not subject to people running off to the courts. It would be unacceptable for this to become a matter of litigation. It is a major statement of principle enacted in legislation which, like the standing orders of the House, is not judicialable.

Hon J.A. SCOTT: The Greens (WA) will support the Australian Democrats on the deletion of this subclause. According to the second reading speech and the explanatory memorandum provided with the Bill, there are a range of requirements under this legislation. For example, it requires that the value of the financial element used in relation to financial targets shall be calculated in accordance with Australian Accounting Standards or government finance statistics methodology. It requires that as a minimum the financial projections and results report are to include a general purpose financial report as detailed in the Australian Accounting Standards. It also requires the Government to publish at least once in each calendar year a financial strategy statement, setting out the Government's medium-term targets. All the way through the Bill are requirements, but there is no way in which those matters are enforceable. They are motherhood statements. What is the purpose of this Bill if there will be no enforcement of the principles? The Government is trying to pretend it is accountable when it is not.

Hon N.D. GRIFFITHS: The Australian Labor Party opposes the amendment because it recognises that this Bill is a public relations exercise. The amendment is a grandstanding exercise.

Amendment put and a division taken with the following result -

Ayes (5)

Hon Helen Hodgson
Hon J.A. Scott

Hon Christine Sharp

Hon Giz Watson

Hon Norm Kelly (*Teller*)

Noes (21)

Hon Kim Chance
Hon J.A. Cowdell
Hon M.J. Criddle
Hon Cheryl Davenport
Hon Dexter Davies
Hon E.R.J. Dermer

Hon B.K. Donaldson
Hon Peter Foss
Hon N.D. Griffiths
Hon Ray Halligan
Hon Tom Helm
Hon Barry House

Hon Murray Montgomery
Hon N.F. Moore
Hon Simon O'Brien
Hon Muriel Patterson
Hon B.M. Scott

Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Ken Travers
Hon Ljiljanna Ravlich
(*Teller*)

Amendment thus negated

Clause put and passed.

Clause 4: Interpretation -

Hon PETER FOSS: I move -

Page 2, lines 21 to 23 - To delete the lines and substitute "Standards Board;"

This is a technical amendment to refer to the appropriate body.

Hon HELEN HODGSON: This amendment is necessary basically because of the effluxion of time since this legislation was first introduced into the Parliament when a number of changes were made to the way in which standards were prepared and presented. Although it would be easy to be critical of the time lapse that has occurred since it was introduced, the Australian Democrats will support this amendment as it is necessary to bring the legislation up to date.

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 3, line 24 - To insert after the word "Assembly" the words "or the Legislative Council".

This amendment is to recognise the constitutional reality that it is unnecessary to elect the Legislative Assembly and the Legislative Council concurrently, although it is the convention. There may be an instance when there is a difference between them and this amendment will simply protect the integrity of the pre-election measures in the case of two separate elections being called.

Hon PETER FOSS: It is probably a constitutional possibility rather than a reality. However, I have no problem with this amendment. The constitutional possibility could occur and I expect the Western Australian population would not be too excited about a general election of the Legislative Council being held alone. Some of the matters proposed to be gone through may fall on deaf ears, but the theoretical possibility exists and I see no harm in adding these words to the legislation.

Amendment put and passed.**Clause, as amended, put and passed.****Clause 5 put and passed.****Clause 6: The financial management principles -**

Hon PETER FOSS: I move -

Page 4, after line 22 - To insert the following new paragraph -

- (d) spending and taxing policies are to be formulated and applied with consideration to the effect of these policies on employment and the economic prosperity of the State.

As this amendment was made at the request of the Australian Labor Party, I will leave it to Hon Nick Griffiths to explain it.

Hon N.D. GRIFFITHS: I thank the Attorney General for his generous invitation. The words speak for themselves and I will put them in their context. We are dealing with the financial management principles of government. The public will be aware that the Australian Labor Party is concerned about matters of equity, about employment and about the economic prosperity of the State. Therefore, one of the financial management principles should state that spending and taxing policies are to be formulated and applied with consideration to the effect of these policies on employment and the economic prosperity of the State. I thank the Attorney General for acknowledging the Australian Labor Party's contribution to making this Bill better by way of what it encourages future Governments to do, albeit it is fundamentally a public relations exercise.

Amendment put and passed.**Clause, as amended, put and passed.****Clauses 7 to 11 put and passed.****Clause 12: Government Financial Projections Statements -**

Hon PETER FOSS: I move -

Page 9, after line 7 - To insert the following subclause -

- (7) If information that is otherwise required to be included in a Government Financial Projections Statement is excluded because of subsection (6), the statement must contain a general description of the excluded information.

Again, the amendment explains itself. It deals with a situation where the information has been excluded. Even though the information will not be included, there will be a general description of the excluded information.

Hon HELEN HODGSON: The Attorney General's amendment is based largely on an amendment that was placed on the Supplementary Notice Paper in my name very early in the evolution of this Bill. As has been identified by you, Mr Chairman, when guiding us through this debate, the difference is that my amendment has an extra requirement to do with

the implication of the matters to which the information relates. Essentially the guts of this issue is the treatment of information that the Government considers to be commercial in confidence. The Bill as originally drafted provided that such information could be excluded from being reported in the financial projections statements. This issue will come up again later when we talk about mid-year financial projections statements and again when we talk about pre-election financial projections statements.

I support the extent to which the Attorney General's amendment goes but I shall be seeking the Chamber's support to include another element further on. As I said in my second reading speech, this matter came up in the federal-equivalent legislation, which is the Charter of Budget Honesty Bill 1996, and in the report of the Joint Committee on Public Accounts, which looks specifically at the issue of commercial in confidence. Members may remember that in this place a few weeks ago we debated the question of how commercial in confidence can be used to conceal information from the public. We are saying that there may be instances in which the Government does not want to disclose detail of people's financial commitments and obligations. However, it must at least acknowledge that they exist. We would prefer to see the extent to which such commitments exist also disclosed without going into any of the issues that are truly confidential, such as secret information, precise amounts of contract and so on. We will support the Attorney General's amendment, but I shall seek to add further words to the amendment once it has been dealt with.

Amendment put and passed.

Hon HELEN HODGSON: I move -

Page 9, after line 12 - To insert the following -

set out the implications of the matters to which the information relates for the amount or value of any financial element.

I have already addressed the fact that it is not sufficient to include a description; the Bill must also include some indication of the extent of involvement.

Hon PETER FOSS: The Government will oppose this amendment. We are starting to get into excessive detail. If the information is to be included, to start putting in those aspects takes it from being a financial statement to being an opinion on a matter that we decided would not go in anyway.

Hon N.D. GRIFFITHS: I concur.

Amendment put and negatived.

Hon J.A. SCOTT: If the Treasurer does not follow the requirement outlined in the clause, what will happen? Is it enforceable?

Hon PETER FOSS: The question relates to another clause we have already dealt with. I am not sure why the question is being asked at this stage. One could reasonably assume that having been given that requirement, it will be carried out.

Hon J.A. SCOTT: I understand that this clause requires the Treasurer to release a government financial projections statement with each budget or supplementary budget. Is the Attorney General saying there is no requirement?

Hon Peter Foss: No.

Hon J.A. SCOTT: What provisions are contained in this Bill if that does not occur?

Hon Peter Foss: It relates to an earlier clause.

Hon J.A. SCOTT: Which particular clause is the Attorney General talking about?

Hon Peter Foss: Clause 3(2).

Clause, as amended, put and passed.

Clause 13: Government Mid-year Financial Projections Statements -

Hon PETER FOSS: I move -

Page 9, line 23 - To delete "15 February" and substitute "31 December".

Hon HELEN HODGSON: Although this amendment was not put in my name, I have some continuity with the management of this Bill. The opposition member handling this Bill has changed. I understand that the purpose of this amendment is to bring forward the time for mid-year financial projections statements to make it more closely approximate to the middle of the financial year. Our feeling was that the original date of 15 February was two-thirds of the way into the financial year rather than halfway and that one would get a more accurate picture of the mid-year position if the date were brought forward. I understand there has been some agreement that the time line can be managed, which was originally of some concern.

Hon PETER FOSS: It is a matter of what people want. People can have an earlier statement but they will end up with an earlier balance date, or they can have a later statement and end up with a later balance date. The original figure was to allow a 31 December balance date, whereas if there is a 31 December report date, there will probably be an October balance date.

This is not really of any great consequence to the Government. People will still get something which will of necessity relate to an earlier period.

Hon J.A. SCOTT: The Chamber is supporting this clause of the Bill. This clause is a result of the previous failure to ensure that there was some reality to this Bill, which would be a very good Bill if it had any real meaning. This is as good a motherhood statement as those contained in other clauses.

Amendment put and passed.

Hon PETER FOSS: I move -

Page 10, after line 30 - To insert the following subclause -

- (5) If information that is otherwise required to be included in a Government Mid-year Financial Projections Statement is excluded because of subsection (4), the statement must contain a general description of the excluded information.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 14: Government Financial Results Report -

Hon PETER FOSS: I move -

Page 12, lines 10 and 11 - To delete the words "the Australian Accounting Standards" and substitute "external reporting standards".

This amendment recognises that the financial report can be prepared in accordance with external reporting standards - that is a defined term. The clause requires the reports to be brought back to Australian Accounting Standard 31 but they may be prepared to one of the external standards referred to, which is the GFS. It recognises the method by which they may be prepared.

Hon HELEN HODGSON: Once again this is a case of bringing the Bill up to date to recognise accounting standards that are now being implemented. Members may recall that there was some significant discussion over the correct interpretation of a particular set of figures, depending on whether it was on the GFS or some other measure. I think that underlines the issue here and that we need to make sure that the Bill refers to other forms of standards that have been implemented since the Bill was introduced in 1998.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 15: Pre-election Financial Projections Statements -

Hon PETER FOSS: I move -

Page 12, line 22 - To delete the figure "14" and substitute "10".

Again I defer to Hon Nick Griffiths, who no doubt can give us the history of this change.

Hon N.D. Griffiths: The words are self-explanatory and they need no further explanation.

Amendment put and passed.

Hon PETER FOSS: I move -

Page 14, after line 4 - To insert the following new subclause -

- (6) If information that is otherwise required to be included in a Pre-election Financial Projections Statement is excluded because of subsection (5), the statement must contain a general description of the excluded information.

This follows the same process as the previous two amendments, which are of a similar nature.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 16: Costing pre-election commitments -

Hon HELEN HODGSON: Clause 16 has a large number of amendments listed and it is my understanding that at this stage we may not be prepared to pass the clause as it stands. It seems to me that if the Attorney General could clarify whether the Government still supports this clause, we would have an indication of whether we need to move all the amendments.

Hon PETER FOSS: Amendments that I will support are to delete the current clause 16 and to substitute a new clause 16 and a new clause 17. I will not support any other amendments proposed by Hon Helen Hodgson, those which go through to page 6 on the Supplementary Notice Paper. I move -

Page 14, line 27 to page 15, line 27 - To delete the lines.

Hon Helen Hodgson: That is part of the procedure I want to have clarified. If we replace clause 16, effectively amendments M16 and all of the rest and the two new clauses become redundant. I wanted to seek clarification of where we were at.

The CHAIRMAN: That is correct.

Amendment put and passed.

Hon PETER FOSS: I move -

Page 14, line 27 to page 15, line 27 - To delete the clause and substitute the following clauses -

16. Quarterly financial statements

The Treasurer is to release a statement for each quarter setting out the budget result from the beginning of the current financial year to the end of the quarter.

17. Budget papers to include outcomes etc.

Budget papers are to include —

- (a) outcomes;
- (b) resource cost; and
- (c) the number of full time equivalent staff,

for each output for the budget year and each of the 2 preceding years.

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

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

ALBANY REGIONAL PRISON INSPECTION REPORT

Statement by Minister for Justice

HON PETER FOSS (East Metropolitan - Minister for Justice) [8.18 pm]: Yesterday I tabled an inspection report for Albany Regional Prison. The inspection was conducted between 5 and 10 September 1999 by the custodial services inspection team from the Ministry of Justice.

The inspection was prisoner-focused and examined the conditions of custody for prisoners, compliance with legislation and reasonable expectations of service, and the effects of imprisonment on particular groups of prisoners. The custodial services inspections project was established to be independent of the ministry's prison administration and has been directed by the executive director, policy and legislation with advice from a senior officer from the United Kingdom Home Office with extensive experience in the conduct of prison inspections. The inspection reports are tabled in Parliament in accordance with the Government's policy of maintaining an open and accountable prison system. As with the report on an inspection of Bunbury Regional Prison which I tabled last year, those matters that potentially may threaten the security of the prison have been omitted from the published report. A full record of these matters is however being maintained by the Ministry of Justice and actions arising from these matters will be progressed. On application, members may seek a confidential briefing on these matters.

The report identifies several examples of good practice. For example, the inspectors report that they observed positive and constructive interaction between prisoners and staff, which they recommend as a model for other prisons. In addition, the level of prisoner input into daily procedures and the prison's supportive arrangements for visitors are commended.

The report also identifies some matters requiring attention. These include the need to conduct more programs for prisoners and to apply these programs throughout a prisoner's sentence rather than towards the time of release. Some, such as the need for a review of prisoner disciplinary proceedings and the need for a use-of-force register, are already being addressed. The other recommendations are being considered by the Ministry of Justice for implementation.

As members will recall, the ministry's inspection process was established last year to prepare prisons for the requirements of inspections by an office of an Independent Inspector of Custodial Services to be created pursuant to provisions of the Prisons Amendment Act 1999. In accordance with that commitment, the Government is progressing the appointment of an Independent Inspector of Custodial Services. The position was advertised on 11 March and an appointment is anticipated by June. In order to reinforce the independence of this role, the merit selection process is being conducted independently of the Ministry of Justice.

The Independent Inspector of Custodial Services will report to Parliament in relation to all prisons and police lockups operated by or on behalf of the Ministry of Justice. It is intended to extend this coverage to include juvenile detention centres, the administration of certain community-based orders, and, ultimately, all police lockups. The inspector will operate autonomously in providing Parliament with independent, informed advice about the treatment of and conditions for prisoners and the extent to which the objectives of imprisonment are being achieved.

With this appointment and with the various reforms under way within the State's prison system, the Government is demonstrating its commitment to improving custodial services and making them fully open and accountable to the community.

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 3) 1999

Second Reading

Resumed from 15 March.

HON N.D. GRIFFITHS (East Metropolitan) [8.20 pm]: I am pleased to be speaking on this Bill in the last few hours of 31 May 2000. The timing for this Bill to be dealt with by this House is interesting. I note that the budget for 2000-01 was read in this House and in the other place 13 days ago. I refer to the document sometimes called "the progress of Bills" and note that this Bill was introduced in the other place on 14 October 1999 and was transmitted to this place on 17 November 1999. I have expedited much legislation for the Government and continue to do so.

Hon N.F. Moore: We can sit longer if you want to.

Hon N.D. GRIFFITHS: I am always happy to sit here. The Attorney General should take heed of what the Leader of the House says. When I handle Bills, they are not delayed, but I have points to make and I do my best to make them. If I do not succeed, then so be it.

Hon N.F. Moore: For which I am eternally grateful.

Hon Kim Chance: You never say that to me!

Hon N.D. GRIFFITHS: There are reasons for that.

The PRESIDENT: Order! If Hon Nick Griffiths addresses his comments to me, I will not interject. That means that he can get on with it and the Leader of the House and the Attorney General can listen.

Hon N.D. GRIFFITHS: Thank you, Mr President. I do not mind interjections, but I understand the standing orders -

The PRESIDENT: I do.

Hon N.D. GRIFFITHS: I know that you understand the standing orders far better than I could ever hope to, Mr President. I accept them with good humour and I know Hon Kim Chance also does. I know that all the members who are interjecting are keen to make a speech. They were making the point that my comments were succinct. They have diverted me from that objective.

This Bill was introduced into the Legislative Assembly on 14 October 1999. It left that place on 17 November 1999, and was first and second read by the Attorney General on 18 November 1999. What is the Bill all about? I have given members the title: Appropriation (Consolidated Fund) Bill (No. 3) 1999. It deals with taking out of the consolidated fund a sum for recurrent payments made during the year ending 30 June 1998 and a further sum for the year ending 30 June 1999. I find the timing interesting. With respect to the year ending 30 June 1998, the sum is - these are big numbers and regrettably my bank account does not have as many zeros on the left-hand side of the decimal point, although I am not worried about the zeros; it is the other numerals that I like - \$247 281 850.40. I do not want members to forget that last figure which was for the year ending 30 June 1998. For the year ending 30 June 1999, the figure is \$348 154 996.

Under recurrent expenditure for the year ending 30 June 1998, I refer in passing to the first schedule under the heading of "Parliament", which covers the operations of the Legislative Assembly and the Joint Library Committee. The first schedule also contains areas of government presided over by the Premier in his capacity as Premier, Treasurer, Minister for Public Sector Management and Federal Affairs and includes: Premier and Cabinet, Contribution to Anti-Corruption Commission Trust Account; Office of the Auditor General; dare I say it, the Salaries and Allowances Tribunal; the Electricity Corporation; the Water Corporation of Western Australia; the Rural Housing Authority; the Western Australian Land Authority; the Government Insurance Fund; and the Public Sector Standards Commission. Under the heading of Deputy Premier - again in passing - are a number of regional development corporations for which the Deputy Premier has a penchant for sending out glossy brochures. Under the Minister for Resources Development, Energy, and Education are a number of matters of relatively detailed interest including Education with a figure of \$25m, the Country High Schools Hostels Authority and the Secondary Education Authority. Further down under the Minister for Primary Industry and Fisheries we see Agriculture, Contribution to Plant Research and Development Trust Account. Under the Minister for Mines, Tourism and Sport and Recreation a significant number of payments are listed as follows: Minerals and Energy, the Western Australian Tourism Commission, Rottnest Island Authority, Sport and Recreation and the Western Australia Sports Centre Trust. We then come to the Minister for the Environment, and Employment and Training with Conservation and Land Management, and Environmental Protection. Under the Minister for Labour Relations, Planning, and Heritage are listed the Western Australian Planning Commission and the Heritage Council of Western Australia. Under the Attorney General, Minister for Justice and the Arts we see Justice and Culture and the Arts, which covers the Art Gallery of Western

Australia, the Library Board of Western Australia and the Western Australian Museum. Under the Minister for Finance, and Racing and Gaming, as he then was, we have State Revenue - a pretty basic matter - and the Office of Racing, Gaming and Liquor, which is very important, but was even more important before the High Court ruled that a substantial part of the State's taxation revenue belonged in the jurisdiction of the Commonwealth. At that time, however, a substantial part of the State's revenues, belonged within the jurisdiction of the State. Under the Minister for Health we see Health, Contribution to Hospital Fund. Under the Minister for Lands, Fair Trading, and Parliamentary and Electoral Affairs are listed Land Administration and the Western Australian Electoral Commission. Under the Minister for Local Government and Disability Services we see Local Government and the Disability Services Commission. I am going through the areas of government for a purpose. Under the Minister for Family and Children's Services, Seniors and Women's Interests we have Family and Children's Services. Under the Minister for Housing, Aboriginal Affairs and Water Resources we have the Office of Water Regulation. The Minister for Police and Emergency Services has responsibility for Police - I would have thought that was pretty basic - the Bush Fires Board, a very important organisation, and Fire and Emergency Services, all of which are basic functions of government.

I refer now to the Minister for Contract and Management Services, State Supply Commission, Office of Multicultural Interests and the Western Australian Building Management Authority. Those were the matters for which these payments for the year ending 30 June 1998 were required. For the year ending 30 June 1999 the areas of recurrent expenditure were as follows: Again, the Parliament, the Joint House Committee and the Premier under his various categories to which I referred earlier, Premier and Cabinet, again the Anti-Corruption Commission, the Auditor General - I will say in a whisper the Salaries and Allowances Tribunal -

Hon Simon O'Brien: Are you complaining about that?

Hon N.D. GRIFFITHS: Certainly not; it must be properly funded. To continue: The contribution to the Cyclones Elaine and Vance trust account. I would put that in a separate category from the observations I am making. There is also the Water Corporation and the Electricity Corporation. Under the Deputy Premier are the development commissions. Under the Minister for Resources Development, the Office of Energy and Education are Resources Development, Energy, and Education, which required \$60.57m - there are no cents; there is probably no sense in this operation at all - the Curriculum Council, which is pretty basic, and Education Services. Under the Minister for Primary Industry and Fisheries is Agriculture, which is very important to this State. Under the Minister for Mines, Tourism, Sport and Recreation are Minerals and Energy again, the Chemistry Centre (WA), a body which is pretty important to the functions of government, and the Western Australian Sports Centre Trust, which again is fairly basic to the Ministry of Sport and Recreation. Under the Minister for Transport is an appropriation for Transport, and the Western Australian Coastal Shipping Commission. Under the Minister for the Environment, Employment and Training are Conservation and Land Management, Environmental Protection, the Kings Park Board and the Western Australian Department of Training. Under the Minister for Labour Relations, Planning and Heritage - I do not believe this - are the Industrial Relations Commission and Planning. Under the Attorney General again we have Justice spending more than \$80m, and the Professional Standards Council. Surely we knew that was coming. Then we have the Director of Public Prosecutions, which can vary, but it is pretty basic. Culture and the Arts required a broad figure, not detailed in the schedule but dealt with elsewhere, and then the Library Board, and the Western Australian Museum again. Under the Minister for Finance, Racing and Gaming are State Revenue and the Valuer General's Office. Under the Minister for Health are Health and contributions to the hospital fund. Under the Minister for Lands, Fair Trading and Parliamentary and Electoral Affairs are Land Administration, Fair Trading and the Electoral Commission. I do not think anyone can say I am not speaking to the Bill!

Hon Peter Foss: You are reading it.

Hon N.D. GRIFFITHS: I certainly am. It is something the Attorney General should do occasionally with the Bills he deals with.

Under the Minister for Local Government and Disability Services are Local Government and the Disability Services Commission. Under the Minister for Family and Children's Services are Seniors and Womens Interests and Family and Children's Services - that is great. Under the Minister for Housing, Aboriginal Affairs and Water Resources are Aboriginal Affairs, water regulation, the Swan River Trust and the Water and Rivers Commission. Under the Minister for Police are again the Police Service and Fire and Emergency Services. Under the Minister for Works, Services, Multicultural and Ethnic Affairs, and Youth are the rather surprising items of Contract and Management Services and the Office of Multicultural Interests.

In each case the amounts of expenditure are set out. Why is all of this being dealt with? It is being dealt with in this way because of the wording of section 28 of the Financial Administration and Audit Act 1985, which provides that where the Treasurer determines that expenditure should be made for which no appropriation has been made in the financial year, or an appropriation has been made in the financial year but the charging of that expenditure will cause the appropriation to be exceeded and so on.

Then in each of those particular years were the Treasurer's Advance Authorisation Act, one for 1997 and another for 1998. In section 5(1)(a) of each with respect to these matters are payments of extraordinary or unforeseen expenditure in anticipation of, or in addition to, the relevant appropriations by Parliament which expenditure is to be charged in that financial year to the consolidated fund and subsequently submitted to the Parliament for appropriation from the consolidated fund and so on.

In his second reading speech on Appropriation (Consolidated Fund) Bill (No. 3) read so eloquently by the then Minister

for Finance, who had an understanding of these matters - which, it seems no-one else in the Government has - he made the observation that the payments were of an extraordinary and unforeseen nature. He then made reference to the legislation to which I have referred.

Having gone through those matters in general terms, it seems to me that the Treasurer could have had a job in Robin Hood's band because he is capable of drawing a very long bow indeed. Some of these matters, such as the cyclone expenditure, are of an unforeseen nature. However, to suggest all those matters in the amounts set out are of an extraordinary and unforeseen nature is to be somewhat extraordinary in one's reasoning and rather unforeseen with respect to the gullibility of others who must read what is set out.

What is occurring here is a very bad practice. The amounts of money involved are becoming increasingly greater. In years gone by these advances were made, but they were not of the magnitude of those in this Bill. An examination of them in detail, which I do not propose to do now, to ascertain whether they are extraordinary or unforeseen would disclose that most reasonable people - some reasonable people can get it wrong sometimes - would find the argument that they are extraordinary in itself somewhat extraordinary. To suggest they are unforeseen shows a complete lack of foresight on the part of the Government. In fact, its rhetoric is always about the past - it is an expert in hindsight. However, it does that without much wisdom.

Having made the point about lack of orderliness and foreseeability, I want to examine the timing of these matters. I am told this is a House of Review and therefore we have the benefit of having seen documents tabled in the other place. It is not a debate if a document is tabled. I propose to refer to a document tabled in the other place; that is, document No 382. I will make a number of points about that document to demonstrate what this Bill is about. I have put it in its legal context, and I have a query about the proper process. We are dealing with timing, a contemptuous attitude towards the Parliament, evidence of bad financial management and the arrogance of a Government which uses the rhetoric of accountability but in practice pays it little, if any, substantial regard. I point out that the document refers to the Bill. The purpose of my referring to this document is to put on the record the little, if any, due regard this Government has for dealing with public money with respect to parliamentary scrutiny. Once the money has been spent, the reasons for it do not matter as much. It is very important to place on the record of this House where that material is available. The \$247 281 851.40 is expenditure in the financial year ending 30 June 1998. It is important to note what funding was sought on 31 May 2000 and when it was approved. I will take some time to go through those matters in the document. The document I am referring to marries with the Bill. I do not propose to spend any longer than is necessary, but I will refer to about 20 examples, because it is important to make the point. General statements have been made about somebody being slack about timing, treating the public with contempt and giving one example. There is more than one example here. It is important that this House have on its record a number of those examples.

The first example relates to the Legislative Assembly. I prefer to say the other place, but that is what is said in the Bill. Funding of \$90 000 was sought on 19 May 1998 - this is 31 May 2000 - and was approved on 24 June 1998. What is the problem? Why the delay? The Ministry of the Premier and Cabinet, which is at the forefront of government, sought additional funding of \$4.33m on 24 June 1998 and it got approval for \$3.343m on 29 June. Our friends at the Anti-Corruption Commission sought \$3.54m on 17 December 1997 and \$1.372m on 5 March 1998. The first request was approved by the Treasurer on 12 January 1998, and the second on 25 March 1998. Western Power sought \$1m. Treasury made that request on 5 May 1998 and it was approved on 22 May 1998. The Water Corporation sought \$19 000 on 5 May 1998 and it was approved on 22 May 1998. Additional funding was sought by the then Rural Housing Authority on 29 May 1998, an amended request was made on 8 June 1998 and it was approved on 18 June 1999. The Western Australian Land Authority made a request on 5 May 1998 which was approved on 22 May 1998. Provision for unfunded liabilities in the government insurance fund was sought on 19 March 1998 and was approved on 2 June 1998. It makes one wonder about the processes of government. The Office of the Public Sector Standards Commissioner made a request for additional funding on 20 March 1998 which was approved on 10 June 1998. These examples cross over the budget period, and that causes me concern. We are dealing with some matters under the responsibility of the most senior members of the Government. It goes to the core of how the Government conducts business.

The next example is quite topical and relates, in part, to the Oakajee development. The document I am referring to says that land purchase funds for that purpose were transferred to LandCorp between 1 December 1997 and 16 June 1998. I would have thought that that would be part of the budgetary process for that year. Again, a request for supplementary funding was approved on 3 March 1998. Again I would have thought that this would have been dealt with in the budgetary process. I suggest that these documents provide an insight into how government was not working in those years, was not working before and continues not to work. The contribution to the South Hedland enhancement trust account - not a large amount of money - was sought on 10 June 1998 and funding was approved on 22 June 1998. These matters should have been brought before the Parliament to be dealt with in a specific way long before now. The contribution to the Western Australian Government-China economic and technical research trust account was sought on 10 June and the funding was approved on 22 June 1998. That was almost two years ago and we are giving it the tick now. Most of us would like to deal with the taxation department in that way. The Office of Energy's contribution to the alternative development board trust account was for less than \$100 000. Additional funding was asked for on 2 October 1997 and was approved on 10 November 1997. We are dealing with it tonight. That is just fantastic! The Education Department sought \$25m. It sought, firstly, an amount of \$21.5m for enterprise agreement salary expenses. The Education Department approached Treasury for that additional funding on 12 June 1998, and it was approved on 26 June 1998. Again, I do not want to spell out on what day I am speaking, but it does not say much for the Government that we are dealing with these matters now. The Education Department also sought an additional funding of \$3.5m, which was approved on 12 June 1998.

I turn now to Agriculture WA, which did not seek a huge amount of money, but that amount was sought on 20 March 1998, and it was approved on 12 June 1998. Perhaps that indicates how well the Minister for Primary Industry gets on with the Treasurer. The Minister for Mines must get on better with the Treasurer than does the Minister for Primary Industry, because he sought additional funding on 11 June 1998, and his request was approved on 25 June 1998. The Minister for Tourism - now we really know who gets on well with the Treasurer - sought his additional amount on 8 June 1998, and it was approved on 24 June 1998. I am not suggesting favouritism, but it is good to know that the Leader of the Government in this House gets on well with the Leader of the Government in the other place. It would be awful if it were otherwise. The Rottnest Island Authority, which also comes under the Minister for Tourism, got fairly quick treatment. The document refers to an amount that was sought on 11 February 1998 and was approved by the Treasurer on 3 March 1998. The Department of Sport and Recreation - there might have been a falling out here - sought additional funding on 22 May 1998, and it was approved on 24 June 1998. The Western Australian Sports Centre Trust sought additional funding on 6 April 1998, and it was approved on 13 May 1998. The Department of Conservation and Land Management sought an additional \$2.47m on 5 June, and it was approved on 18 June 1998. The Department of Environmental Protection sought an additional \$1.338m on 29 May 1998, and it was approved on 19 June 1998. Again, I keep reminding myself that today is 31 May 2000. The Western Australian Planning Commission sought additional funding on 15 September 1997, and it was approved on 7 October 1997. The Ministry of Justice sought \$21.620m on 27 May 1999. That is what the document says, but that cannot be right. I assume that is a typographical error.

Hon Simon O'Brien: The Bill relates to the financial year ending June 1999 as well.

Hon N.D. GRIFFITHS: I know that, and I am referring to that part of the schedule which relates to expenditure in 1997-98 and am pointing out this extraordinary unforeseen expenditure. That is one argument. The other argument is why are we dealing with them now? Why do we need to deal with them at all; and, if we do need to deal with them, why have we not dealt with them before now? It does not say much for our standard of parliamentary accountability that we are dealing with these matters so late in the piece.

Hon Ljiljana Ravlich: The money has already been spent.

Hon N.D. GRIFFITHS: That is right. I find the whole process somewhat silly, because the money was spent years ago, and we are dealing with it now. There are problems with the Financial Administration and Audit Act and with the Treasurer's Advance process if we are dealing with these matters in this manner. These are huge amounts of money. This is not petty cash. With regard to Justice, the almost non-funded Legal Aid Commission could do very well with that \$21m, and so could many other agencies.

Hon Peter Foss: What did you say about legal aid?

Hon N.D. GRIFFITHS: It is very poorly funded.

Hon Peter Foss: It is the best funded in Australia by the State.

Hon N.D. GRIFFITHS: I am glad the Attorney has woken up at last. That is an outrageous and stupid comment, as the Attorney well knows.

Hon Peter Foss: We give legal aid more funding per capita than does any other State.

Hon N.D. GRIFFITHS: The Attorney got the worst deal per capita out of his mate the member for Tangney than did any other state Attorney General, and he cut into the Legal Aid Commission savagely.

Hon Peter Foss: I did not.

Hon N.D. GRIFFITHS: The Attorney did, and he knows it.

Hon Peter Foss: You are misrepresenting the situation. We get more per capita than any other State, and we have made up the Federal Government's shortfall. That is a disgraceful statement.

Hon N.D. GRIFFITHS: The Attorney had better have a chat with the Director of the Legal Aid Commission. The Attorney said he made up the Federal Government's shortfall. The Attorney had better look at the estimates debate in the other place. He should not worry about what *The West Australian* says but just look at the report of the estimates debate in the other place. I am glad the Attorney has woken up -

Hon Peter Foss: I will go back to sleep again.

Hon N.D. GRIFFITHS: The Attorney's mind has been asleep on the job for seven years.

Hon Peter Foss: You have been sending everybody to sleep for even longer.

Hon N.D. GRIFFITHS: At least I am giving the Attorney a nice, comfortable and relaxed feeling about how life will be under a good Government that cares about people, which this Government does not. I am talking about this Government's financial mismanagement, and the Attorney is at the core of it. How far back does the Attorney want to go? Does he want to go back to the North West Shelf pipeline?

Hon Peter Foss: This State gives more money to legal aid than does any other.

Hon N.D. GRIFFITHS: How much money did the Attorney make out of it?

Hon Peter Foss: Nothing. The State did pretty well out of it.

Hon N.D. GRIFFITHS: Eventually. The consumers of gas paid a fortune over almost two decades.

Hon Peter Foss: Quite the contrary. It was one of the best things that ever happened to Western Australia.

Hon N.D. GRIFFITHS: One of the problems with this Government is that it cannot add up.

Hon Peter Foss: Nonsense.

Hon N.D. GRIFFITHS: I will not be diverted for longer than five minutes. I am talking about the \$21.5m that was sought by Justice on 27 May 1999 - which I assume should be 1998 - and that was approved on 10 June 1998. That is not an insignificant amount of money, and one would think that would have been dealt with in the normal budgetary processes.

Hon Peter Foss: Have you forgotten what happened in 1998?

Hon N.D. GRIFFITHS: I know what happened in 1998, and I will deal with it appropriately when I am able to do that in the context of how we debate matters in this House. Another matter to do with the Attorney, who is now awake, is the Art Gallery of Western Australia, which sought additional funding on 17 June 1998, and it was approved on 25 June 1998. Why are we dealing with these matters on 31 May 2000? If the minister handling this Bill thinks this is good and proper practice, let him say so.

Hon Peter Foss: I could go into some of the purchases of your Government. Would you like to hear about those?

Hon N.D. GRIFFITHS: I was elected in 1993. I have not been in government, my friend.

Hon Peter Foss: You deny any responsibility for those terrible people who went before you, do you?

Hon N.D. GRIFFITHS: Hon Peter Foss should get down on his knees and apologise to the Australian people for Bob Menzies' lies about the Vietnam War! What is the relevance of the Attorney's silly arguments? I am making the point that we are dealing with the actions of this Government of which the Attorney General is part. My job is to make it accountable, which is very difficult because this is the most unaccountable Government I have had the misfortune to witness.

Hon Peter Foss: You have forgotten the Burke Government, have you?

Hon N.D. GRIFFITHS: I remember the Court Governments, the McLarty Governments, Moo-cow Mitchell and the Boer War.

Several members interjected.

The PRESIDENT: Order! Hon Nick Griffiths has the floor. I know that other members want to speak. Let Hon Nick Griffiths have his say, and then other members can have their say.

Hon N.D. GRIFFITHS: I am getting reasonably close to a conclusion. All of these examples must be placed on the record, uncomfortable though they may be for those who seek to interrupt in such an inane and piggish, and almost priggish, manner.

Hon E.R.J. Dermer: On the public record, thereby extending accountability, despite this Government.

Hon N.D. GRIFFITHS: Absolutely. I thank Hon Ed Dermer for his most learned interjection.

The Library Board sought amounts on 9 March which were approved on 25 March, and on 18 June which were approved on 26 June 1998. The Attorney General has no interest at all in being accountable for the Government's expenditure of a couple of years ago. The Western Australian Museum sought an amount on 19 May which was approved on 26 May 1998, and an amount on 17 June which was approved on 26 June 1998. Health is a pretty extraordinary function of government. An amount sought on 25 September was approved on 23 December. An amount of \$14.594m was sought on 25 February and approved on 2 June. The Government did not want that one in the budget. The contribution to the hospital fund was an amount of \$66.1m. An amount of \$44.6m was sought on 25 September 1997 and approved on 23 December 1997. Again I make the point that today is 31 May 2000. That shows great accountability! An amount of \$7.2m sought on 25 February was approved on 2 June. An amount of \$35.42m was approved on 26 June 1998.

Hon Peter Foss: You do not know what it is for. You do not know where the hospital fund comes from.

Hon N.D. GRIFFITHS: If the Attorney General wishes me to go through in detail, I will do so. I will show a greater knowledge of these matters than he has been showing about financial responsibility during the past couple of days. I am making a point about the timing of this Government's financial processes. It seems that the Attorney General wants to engage in another debate, which he is welcome to do at the committee stage. Again, I remind him that I am referring to a document which deals with timing.

An amount sought on 4 June was approved on 24 June 1998. For Disability Services amounts sought in January 1998 and again in May 1998 were first approved in February 1998 and then in June 1998. One wonders why these matters are being dealt with in this way. Family and Children's Services sought additional funding for the WA Drug Abuse Strategy Office on 23 June 1997 and 22 September 1997 - those amounts were not in the budget - and additional funding on 16 December 1997, which was approved on 6 February 1998. What is this process all about? Why was extraordinary recurrent expenditure ending 30 June 1998 not in the budget? It was dealt with well before the terms of the budget should have been

finalised, but of course the Attorney General has no good answer for that. An amount of \$15.595m for Police was sought on 21 May 1998 and approved on 19 June 1998. We have Police funding for the disgraceful behaviour on the part of this Government when it came to the Fremantle wharves in early 1998, which involved supplementary funding of \$2.3m which was approved on 21 May 1998. Why are we dealing with this in 2000?

The next part of the Bill relates to recurrent expenditure in the financial year ending 30 June 1999. A moment ago I dealt with matters to do with recurrent expenditure for the financial year ending June 1998. There have been no apologies at all for getting some form of parliamentary approval on 31 May 2000. What I have said in respect of the previous financial year -

Hon Peter Foss: It is the last millennium, a century ago!

Hon N.D. GRIFFITHS: That is right. The Attorney General treats the public of Western Australia with absolute contempt in every way, particularly in the now thankfully minimal part he has in the management of its finances.

Dealing with the financial year ending 30 June 1999, which is covered by schedule 2 in the Bill, the Ministry of the Premier and Cabinet is referred to. An approach for funding was made on 11 June and approved on 25 June. The Water Corporation sought funding on 4 June and 18 June 1999. The Electricity Corporation sought an amount for resources development relating to the Oakajee project. An amount was approved on 3 March 1998. An amount of \$2.35m was sought on 23 February 1998 and approved on 3 March 1998. An extraordinary item of expenditure for Education was \$60.5m. A sum of \$77.5m was sought on 2 June 1999 and approved on 9 June 1999. It may have been extraordinary or unforeseen, but it was \$60.5m! Why were these matters not dealt with in the ordinary budgetary process? They were dealt with for reasons to do with deficit denial.

Hon Simon O'Brien: That is not the case at all. This is a regular thing.

Hon N.D. GRIFFITHS: It has been happening under the member's Government.

Hon Simon O'Brien: They were unforeseen.

Hon N.D. GRIFFITHS: I grant that unforeseen and extraordinary circumstances do arise. However, the degree to which the current Government fails to foresee and the way it carries on is somewhat extraordinary.

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: The Attorney General can describe whatever Government he cares, but he is a member of this Government.

Hon Simon O'Brien: Why not conclude your remarks and sit down?

Hon N.D. GRIFFITHS: Hon Simon O'Brien needs to learn from history because one day he will be a minister, a very good minister. Like all of us who sit on various sides of the House, we must sometimes just listen and take it. His interjections are welcome.

Hon Simon O'Brien: I did not realise you were honouring me with a rite of passage.

Hon N.D. GRIFFITHS: Ordinarily I would not say that about Hon Simon O'Brien and I will conclude my comments shortly. However, I am aware that his preselection is pretty safe, so I am allowed to be nice to him.

Agriculture Western Australia sought an amount of \$7.6m on 3 June 1999, and that was approved on 15 June 1999. Expenditure at the Chemistry Centre should be for pretty basic stuff. However, an extraordinary amount of \$566 000 was sought on 18 December 1998, and approved on 30 December 1998. I do not understand why that was not in the budget for that year. I am referring to expenditure in the financial year ending 30 June 1999 which one would think would be in the budget. It may have been extraordinary or unforeseen, but it was approved, and it was not in the budget. So much for financial management!

The immobiliser subsidy scheme is the subject of comment. Additional funding of \$971 000 was approved on 7 September 1998, but that additional funding is to be offset by savings in the Police budget. The budget figures are moved around a little from ministry to ministry. These matters should have been dealt with in the budget. The Department of Conservation and Land Management sought \$4.3m for a land transaction completed on 18 June 1999. I should think CALM would have known what was going on. Budgets are not meant to be absolutely precise, but certain things should have been budgeted for and foreseen. If that land transaction was completed on 18 June 1999, surely it was foreseeable? The reappropriation was sought on 21 June 1999 and approved on 29 June 1999. The Ministry of Justice sought \$18.1m on 14 June 1999, and that was approved on 30 June 1999. The Government had no difficulty approving the expenditure, so why did it not go through the budget in the normal course of events? Maybe the Attorney General will explain it all in great detail, although I doubt that he can.

Hon Simon O'Brien: You said you would draw your remarks to a close. Can you explore that a bit more?

Hon N.D. GRIFFITHS: I will explore that a little more as I have a few other matters to refer to.

The timing has two parts to it; one is with respect to the financial year when the request was made and approved - certainly that can occur with good reason towards the end of the financial year; the second part, and the substantive point, is that we

have been asked to give a tick to it on 31 May 2000. It does not matter when it occurred in the financial year ending 30 June 1999, it is at best almost two years ago. If members bear that point in mind they might appreciate the points I am making a little more than some of them seem to be.

State Revenue shows transactions in June 1999. The Health Department sought an amount of \$109 376 000 on 29 September 1998, and that was approved on 1 April 1999. Why was that not in the budget? Why is it being dealt with in May 2000? The Department of Land Administration sought and received approval for an extraordinary payment in June 1999, and this is May 2000. The Department of Local Government sought an extraordinary payment on 23 June 1998 that was approved on 30 June 1998. We are dealing with the financial year ending 30 June 1999. Why are we dealing with it now? I suppose it is better we are dealing with it now than not at all, but it seems to be a rather silly way to transact business. The Disability Services Commission sought additional funding of almost \$6m in June 1999, and that was approved in June 1999; this is May 2000. Family and Children's Services sought a total of \$2.2m on 27 July 1998 and 11 June 1999. The first amount was approved on 4 September 1998 - that is a long time ago - and the second on 25 June 1999. Both amounts relate to the year ending 30 June 1999. A long time has passed. I have interesting examples in the Water and Rivers Commission that deal with recurrent expenditure for the financial year ending 30 June 1999, where the request and approval were made in June 1998. We have good ministers and bad ministers, but it seems some ministers perhaps could have been on top of their portfolios better than they have been.

Schedule 2 of the Bill deals with the consolidated fund for the year ending 30 June 1999. These items are for amounts sought and approved in 1998. The Office of Multicultural Interests sought an amount in November 1998, and that was approved in December 1998.

I said a few short moments ago that I was drawing my remarks to a close. I suggest that the examples I have given demonstrate a cavalier attitude on the part of this Government to sound financial practice and parliamentary accountability. I have spoken about history, but it is living history because those responsible for this maladministration continue to be in charge of this State.

HON LJILJANNA RAVLICH (East Metropolitan) [9.21 pm]: I support this Bill and, in doing so, I will take the opportunity to express my concerns in relation to it. I concur with the sentiments expressed by my learned colleague, Hon Nick Griffiths, in relation to the timing of this Bill. We are dealing with a Bill which has already appropriated for the 1997-98 financial year an amount from the consolidated fund for the 1998-99 financial year. One does not need to be too smart to know that the money has already been spent by government agencies, so we are dealing with this in a retrospective light.

Nevertheless, I am not sure how agencies deal with these matters, and whether they spend the money and then go to the Government. For example, the Ministry of the Premier and Cabinet sought appropriation from the consolidated fund of \$4.912m. I am not sure whether agencies identify that they have a shortfall by so much and wait for the appropriation by the Government, or whether other mechanisms are in place which allow agencies to overextend themselves and then go cap in hand to the Government. Whichever way government agencies deal with it, there is some potential to put government agencies in a squeeze and cause cash flow problems.

I agree with the comments of Hon Nick Griffiths about these payments being of an extraordinary and unforeseen nature, as referred to in the minister's second reading speech. It must be said that expenditure of \$595.442m is hardly of an unforeseen nature.

Hon Peter Foss: It must be like PICL all over again.

Hon LJILJANNA RAVLICH: The Attorney General may think that, and he will have an opportunity to comment on that or any other matter in relation to the financial management of the State, in the past, present and future. However, it is pretty poor financial management when we are appropriating from the consolidated fund for a period two years ago. It does not matter which way this is looked at, it is sloppy financial management.

I want to consider a couple of specific issues, one being the appropriation for the Office of the Auditor General in the 1997-98 financial year. The other area I shall spend some time discussing is that of Health and the appropriation sought of \$66.12m. Specifically, I shall relate some of my comments to the Joondalup hospital.

The Office of the Auditor General sought an appropriation of \$325 000, which was mainly attributable to additional work following legislative and policy changes. That amounted to a sum of \$280 000. I hold the view that the Office of the Auditor General is a very good office, and I have a very high regard for the work of Des Pearson, the Auditor General, and his team. If I have one criticism of his office it is that I do not think his findings are as hard as they possibly could be, and sometimes he takes a soft approach. That is the only criticism I have of his office, and I certainly have had sufficient confidence in that office to refer a number of matters to it since I have been a member of this place. In my dealings with the office I have found the staff to be more than capable, efficient, reliable and extremely diligent in the performance of their functions. However, if one area requires additional funding, it is the Office of the Auditor General. Of course, the Auditor General must provide independent and impartial information regarding public sector accountability and performance to the Parliament. He is a hostage of nobody, and I think he exercises that function with a great deal of integrity.

The office has had an enormous increase in workload. That is a fair assessment. The reason for that substantial increase, and probably an increase in the functions performed by the Auditor General and his staff, can be largely attributed to the

changing focus of the public sector. This requires the Office of the Auditor General to keep pace with the Government's changes in policy on government purchasing and contracting out. Obviously, the Auditor General could involve himself in an enormous amount of work. Therefore, I do not find it at all surprising that the Auditor General has sought an increase in the appropriation for his office.

With regard to the shift in policy and direction, it is fair to say the Auditor General probably does not touch the surface of what is in the community. Over the past three years I have referred at least three or four matters to his office. If all members of Parliament were to refer the same number of matters, not taking into consideration all the other functions of that office, the Office of the Auditor General would certainly have its work cut out. One of the key functions of that office is to report on matters of significance, which covers a wide-ranging set of circumstances or areas. Certainly, members of Parliament use the Office of the Auditor General quite extensively. It is an important area, and one which is growing in importance due to the Government's focus on commercial activities with the private sector.

The Auditor General also provides, as a matter of course, audit opinions for annual reports for government agencies, and there is certainly no shortage of government agencies. There are about 50 major agencies and about 200 smaller agencies and there are other agencies as well. The Auditor General certainly has plenty of work to do with the provision of advice to agencies on a general range of matters. It is fair to say that the Office of the Auditor General has its work cut out for it. However, it is of concern that while the growth of the responsibility of that office has increased, the office has not been appropriately funded by this Government. The other day I was going through the profile of the public sector workforce and I happened to come across some information which was of interest and which I believe supports the argument about the office being underfunded.

Before I go to that, I bring to the attention of the House the shift in the Government's activities and in particular the growth of its interrelationship with the private sector through the procurement of goods and services. The other day I asked a question in this place in relation to the expenditure on goods, services and works by this Government and I received information in relation to the 1998-99 financial year. The information was that this Government spends a sum of \$0.94b on goods, on services it spends a sum of \$3.69b, and on capital works it spends \$1.0b. That is a total of \$5.63b. I understand that the state budget is somewhere around \$9.8b, so the purchasing component makes up more than 50 per cent of the total state budget - not an insignificant amount at all. I compare this information I received with information I had previously extrapolated from the review of the State Supply Commission, which was tabled in May 1999. That showed that the Government had spent for the year ending 1996-97 a sum of \$3.2b on works and \$2.8b on goods and services. Once again, it seems the trend is that at least 50 per cent of the state budget is allocated to expenditure on goods and services. Obviously there is a very high level of public sector involvement in these commercial transactions and activities. In view of that, one would expect that the Office of the Auditor General might be sufficiently well resourced in order to carry out proper audit functions across the public sector and to play a larger role in monitoring the way government agencies conduct their business with the private sector to ensure there is accountability in the system. I think that becomes even more important in view of the fact that, under this Government, we have seen the State Supply Commission kneecapped, and I think from the last count there are 11 FTE people working at the State Supply Commission. When one is talking about an expenditure on goods, services and works in the order of \$6b, to have a regulator with 11 FTEs is pretty shabby indeed - in fact it is woeful. I do not know what it boils down to, whether it is pure ideology that there should be self-regulation within government or whether there is a power play between the Department of Contract and Management Services and the State Supply Commission. I am not sure what it is but I do know that we have a situation that is totally unacceptable, because the State Supply Commission has the legislative responsibility for regulation of procurement throughout the public sector, yet, in practice, it is doing virtually nothing because it does not have the resources to get on with the job and to do what it is legislatively responsible for.

In view of that, there can be only one alternative and that is for the Auditor General to play a greater role. I am sure that in the absence of a proper regulator for government purchasing and contracting it is a role which, in the short term, might be filled by the Auditor General if he were adequately resourced to perform that function. The Auditor General has not escaped untouched by the downsizing of public sector agencies by this Government. When I looked at the profile of the Western Australian State Government workforce, which was only released earlier this week or late last week, I found it very interesting to see that the Office of the Auditor General was one of those offices which had suffered substantial cuts in FTEs from 1993 to 1998. In June 1993 it had 130 FTEs, compared with 102 in June 1998, which is a reduction of about 21 per cent. That is not a very good reflection of the Government's priorities and I do not think that reduction in staff enables the Auditor General to carry out his role and legislative responsibility as effectively as otherwise he might. One could argue that it does not really matter because the Office of Auditor General can subcontract some of its officers' functions and therefore there is not necessarily a problem. I hold the view that every time one brings in contractors, unless they are particularly familiar with the operations of the office, there is usually a learning curve, which means that in some cases it is not a very cost-effective proposition because it simply takes the contractors too long to get a handle on the issues and the operations of the office, so their employment is problematic.

Quite clearly the Office of the Auditor General is under resourced because the figures for higher duties allowances and overtime paid to employees in the office are quite high. On average, the higher duties allowance per FTE is about \$1 172; overtime is \$93; and penalty payments and other allowances amount to \$884. This is important because one would expect that overtime, higher duties and allowances would be paid only if staff were needed to work extra hours in order to get the job done. Unless the world has changed a great deal and I have missed the point here, I think it follows logically that this indicates that an insufficient number of staff work in the Office of the Auditor General. As a result, I do not believe we are capitalising as a community on the services which the Office of the Auditor General has the potential to deliver,

particularly services provided by the rapidly changing public sector relating to the whole question of government spending, contracting and the like.

I now want to spend a little time on the question of the Joondalup Health Campus. Once again, a contribution to the health fund is sought under Health, the total appropriation sought from the consolidated fund being \$66.12m; again, a very substantial sum. I could go through every one of these but it is not my intention to do that as I do not want to take up too much of the House's time.

Before I refer to Health, I want to refer to the issue that the Attorney General kept raising by way of interjection while Hon Nick Griffiths was making his presentation. That was in relation to the area of Justice, which, under this appropriation, seeks a sum of \$21.516m, part of which is additional funding for legal aid assistance, including those affected by the Dietrich ruling. I am not familiar with the Dietrich ruling. However, the Attorney General, by way of interjection, indicated that the State makes a fairly good contribution to legal aid funding per capita and that we have been let down by a reduction in commonwealth funding. I do not know whether legal aid is like Health, Education or Employment and Training; however, often the amount of money that a State will get from the Commonwealth is determined as part of a commonwealth-state agreement. The success of a State in getting a good deal from the Commonwealth will largely depend on the case put forward by the State. If the minister has returned from Canberra empty handed, he must accept responsibility for that.

Hon Peter Foss: We got an extra \$2.29m.

Hon LJILJANNA RAVLICH: If we are not getting as much from the Commonwealth compared with other States, the minister must ask himself a pretty fundamental question: Why are we not getting as much as the other States?

Hon Peter Foss: It is because of the formula.

Hon LJILJANNA RAVLICH: Is the formula so rigid that there is no room for negotiation?

Hon Peter Foss: Yes, that is the problem.

Hon LJILJANNA RAVLICH: I am surprised at that as it must be the exception rather than the rule.

Hon Peter Foss: The federal formula has screwed this State regularly.

Hon LJILJANNA RAVLICH: If it is the case that the federal formula constantly disadvantages this State across a wide range of areas, I assume, then, it follows that the Government should not be so stupid as to sign off on a goods and services tax which is likely to do exactly the same thing. This State has never fared well with the Commonwealth; we do dip out compared with the other States. Whoever went to Canberra to negotiate the GST should have known, irrespective of the promises made by the Commonwealth, the bottom line is that we would not be better off with an allocation from the Commonwealth Grants Commission. However, that is another issue.

I return to the issue of the appropriation under Health and the increased contribution towards the operating costs of the Joondalup Health Service. Sums of \$13.9m and \$2m are earmarked for the Joondalup and Peel Health Services respectively. It has been some time since the Auditor General undertook a review of private care for public patients and his report No 9 was tabled in November 1997. At the time I thought it was a very good report when I skimmed through it, as I did not have much time to go through it. However, what struck me was that the arrangement the Government entered into with the private sector had not been particularly well thought out. I get a feeling about this particular contractual arrangement like the feeling I got with the Matrix vehicle fleet deal. I get a feeling that if one scratched the surface a little bit one would be amazed at what one would find underneath. I do not know why I get that feeling but I get it in relation to this contract. I probably get that feeling because there appears to be a bottomless pit when it comes to pouring good money -

Hon E.R.J. Dermer: There is a common factor between the two: A lack of forethought and perhaps a rushed decision.

Hon LJILJANNA RAVLICH: Probably a lack of forethought and probably public servants not having the appropriate expertise. It could be a wide range of factors. However, one must worry about the number of times the Government has poured good funding into this arrangement at the expense of other areas where it is needed more.

Hon E.R.J. Dermer: It is a poor sense of priority on the Government's part.

Hon LJILJANNA RAVLICH: It is a poor sense of priority because the Government appears to be continually bailing out this arrangement. We would have to look at the contract to know the exact details about it; however, on the face of it, I am concerned.

I will refer to a few areas on which the Auditor General reported. He went to some length to try to explain these kinds of arrangements with the private-public sector interface. He spent some time outlining the way in which the facilities and services at the Joondalup Health Campus were set up and of what they consisted. I do not live out in Joondalup but I am told that they consist of a medical centre, a private patient facility, an emergency department, some shared facilities, public patient facilities and a power plant. Under the contract, apparently, the State pays a service charge to the operator at intervals for the term of the contract. That service charge is for the treatment of public patients to reflect the prices and volumes agreed to each year. I am reading from page 11 of the Auditor General's report No 9 of 1997 on private care for public patients. Under the contract the State pays the operator for a service charge and an availability charge. The availability charge is a fixed sum for making the facility available for the treatment of public patients.

The Auditor General reported that a number of risks had been transferred to the operator. At that time Mayne Nickless Ltd was the operator and had been since April 1996. I understand Health Care of Australia now has the contract. I find it amazing that the Auditor General reported that the risks were transferred to the private operator. However, when one examines closely the contractual arrangement, the bulk of the risks which had been transferred were not the operational aspects of running the hospital but risks in relation to the actual building of the hospital. They are two different things. Maybe the private contractor took the risks associated with the building process, which is fine, but those were short-term risks over a couple of years. All the risks associated with the hospital's operation on a day-to-day basis are incurred by the Government. The Auditor General outlined a number of risks to the State compared to those with public provision of services and facilities. Among them he outlined reduced flexibility and lack of competition of the new services and facilities; no doubt, the operator has monopoly control. The Auditor General outlined limited contractual control over the quality of the service, which is a real problem. Ultimately, this hospital has said, "We have financial problems, so we will close 60 beds." Unless the Government is prepared to shell out more money, the contractor has it over a barrel. It closes down beds - it is as simple as that. The Auditor General outlined fixed availability charges, with limited control over the service quality. These are all factors which are very much subject to good management. If management is inefficient, the Government bears the responsibility despite the operator, not the Government, having management control. Some of the costs associated with the appropriation sought under the health contribution to hospitals fund - some of the \$13 900 000 - can be directly attributed to inefficient administration and problems at the hospital level.

I now refer to some press releases to highlight my case. I am not an expert on health, in case you have not realised, Mr President! However, contracting is a subject I like. Much of what the Government has done in contracting, whether in Health or other areas, is largely ideologically driven. It does not necessarily make good economic sense. If it makes economic sense in the short term, it usually does not in the long term. We are stuck with this contract for 20 good years, which is a long time. If we are starting to pour buckets of money into the facility four years down the track - as we were in 1997-98 for which the appropriation is sought - we will be pouring in money for a long time. One finds a common thread through all the Auditor General's reports.

On 15 March 2000 an article by Wendy Pryer referred to the Labor spokesperson for Health, Sheila McHale, advising the Legislative Assembly that the private company Health Care Australia, which had a 20-year contract with the Government to manage the Joondalup hospital, had moved to the eastern States. That is a long way from Joondalup. That move, I am sure, led to problems at a management and operational level. The State could do nothing to keep Health Care Australia based here, which highlights the lack of control over the contractual arrangement. A control provision probably should have been written into the contract early in the piece. Ultimately, the contractor moved to the eastern States, and the State can do nothing about it.

On 1 April 1999, an article in *The West Australian* outlined that the State Government refused to reveal how much money it provides to the privately run Joondalup Health Campus to provide health services to public patients. A spokesman for Health Minister, Hon John Day, said that the amount of money given to Health Care Australia for public services could not be revealed because of commercial confidentiality. I have heard that argument about commercial confidentiality so many times that it is beyond a joke.

Hon E.R.J. Dermer: So it is secretive as well.

Hon LJILJANNA RAVLICH: Indeed. The hospital said it had no money left to run its public services and blamed the Government for underfunding, and the Government blamed the Joondalup Health Campus for bad management. Probably somewhere between the two lies the truth. The bottom line is that the Government has been very secretive about the amount of money poured into this strange arrangement at Joondalup.

On 31 March 2000, *The West Australian* reported that the Joondalup health crisis had deepened on the previous day when the health campus said it would have to close medical beds to public patients because of budget problems. The Joondalup hospital chief executive said that the hospital normally had 60 medical beds open, but that this would be capped at 45 beds until 1 July. He said that he expected elective surgery to be cancelled. Western Australian taxpayers have ploughed a lot of money into this facility, and we were told that the contractual arrangement would be good for the State. This situation is getting out of control as it is just chewing up money. It is a badly structured contract, as is evident in the fact that the Government seeks an appropriation for expenditure in 1997-98 of \$13.9m in increased contribution to operate the Joondalup Health Service. Something is clearly wrong. I could not find out how much money has been poured into the Joondalup Health Service since then, but I am sure it is a substantial amount.

On 22 September 1999, *The West Australian* reported that the Australian Medical Association and the State Opposition criticised the Government's decision to give the privately run Joondalup hospital a big increase in funding while other public hospitals had real cuts. The Health Minister, John Day, told the Legislative Assembly at the time that the Joondalup Health Campus would get a \$14m increase. It will receive \$52m this financial year, compared to \$38.7m in the last financial year. The article outlined that the Peel Health Campus, which is a line item in the Bill before us as it seeks an appropriation of \$2m, received an approximate 40 per cent increase from \$15.9m in the previous year to \$23.9m in this financial year. If these are such great financial contractual arrangements, why do we have such problems and millions of dollars poured repeatedly into something which is supposedly a financial benefit to the State? I certainly have my concerns. While that is going on, at King Edward Memorial Hospital for Women, for example, there are enormous problems. When looking down this schedule of appropriations, one sees the cost of legal settlement. I do not know whether that concerns specifically King Edward Memorial Hospital. Perhaps somebody could advise me whether it is for that hospital or hospitals generally. The appropriation being sought is \$2 474 000.

Hon Simon O'Brien: You are not very good with figures.

Hon LJILJANNA RAVLICH: It was missing a comma.

Debate adjourned, pursuant to standing orders.

House adjourned at 10.00 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

WESTRAIL, FREIGHT DIVISION DEBT

1685. Hon KIM CHANCE to the Minister for Transport:

- (1) Can the Minister advise the level of Westrail's freight division debt in -
 - (a) 1992; and
 - (b) 1999?
- (2) Broadly, will the Minister table a list of the items contributed to this increase in debt and what has been the cost of each item?

Hon M.J. CRIDDLE replied:

- (1)
 - (a) As at 30 June 1993* \$427 million.
 - (b) As at 30 June 1999* \$617 million.

* Westrail's recording of unaudited Freight Division debt including finance leases using Westrail's internal allocation method, commenced from 30 June 1993 therefore the figure for 30 June 1992 is not available.
- (2) The \$190 million increase in debt is attributable to the funding of the freight division capital expenditure of \$493 million between 1 July 1993 and 30 June 1999 offset by profit and depreciation as follows:

	\$m
# Capital Expenditure	493
^ Miscellaneous items	16
	<u>509</u>
Less profit	134
Less depreciation	185
Debt increase	190

Broadly, the main items of capital expenditure were - sleeper replacement, track upgrading and rectification, acquisition of rolling stock, motor vehicles and workshop relocation.

^ Movements in working capital, dividend payments to Treasury, etc.

GOVERNMENT DEPARTMENTS AND AGENCIES, TELECOMMUNICATIONS EXPENDITURE

1739. Hon E.R.J. DERMER to the Minister for Transport representing the Minister for Women's Interests:

For each of the Government agencies for which the Minister for Women's Interests has Ministerial responsibility -

- (1) What was the total recurrent expenditure on telecommunications in the 1998/99 financial year?
- (2) What was the total capital expenditure on telecommunications in the 1998/99 financial year?
- (3) What is the total estimated recurrent expenditure on telecommunications in the 1999/2000 financial year?
- (4) What is the total estimated capital expenditure on telecommunications in the 1999/2000 financial year?
- (5) What was the total recurrent expenditure on information technology in the 1998/99 financial year?
- (6) What was the total capital expenditure on information technology in the 1998/99 financial year?
- (7) What is the total estimated recurrent expenditure on information technology in the 1999/2000 financial year?
- (8) What is the total estimated capital expenditure on information technology in the 1999/2000 financial year?

Hon M.J. CRIDDLE replied:

Please refer to Question on Notice 1729

ABORIGINAL HEALTH UNIT, BUDGET

1839. Hon TOM STEPHENS to the Attorney General representing the Minister for Health:

- (1) What was the Aboriginal Health Unit's budget for 1998/99, and what is it for 1999/2000?
- (2) How much of the Aboriginal Health Unit's budget for each of these financial years was allocated to the Kimberley region?
- (3) On what specific programs has the Kimberley allocation been spent?

Hon PETER FOSS replied:

- (1) In 1998/99 the budget allocation for the Office of Aboriginal Health and the Aboriginal health program, was \$19 875 500. In 1999/00 the budget allocation is \$20 880 100.
- (2)

1998/99	\$3 739 258
1999/00	\$2 803 677
- (3) In 1998/99 and 1999/2000 these funds were allocated to the following programs:
 Aboriginal environmental health services, including employment of Aboriginal environmental health workers.
 Aboriginal alcohol and substance misuse education and counselling services.
 Aboriginal sexual health education and treatment programs.
 General health promotion and education programs through local media.
 Road safety programs.
 First aid training in remote communities.
 Remote area primary health services.
 Expansion of doctor services to remote communities.
 Family based sentinel health events pilot program.
 Aboriginal health worker training and employment.

ROADS, EAST OF WANNEROO TOWNSITE

1932. Hon KEN TRAVERS to the Minister for Transport:

- (1) Is the Department of Transport and the Main Roads Department involved in the current review of the Metropolitan Road Scheme called "Future Perth"?
- (2) As part of this review, has either of these agencies identified the possible options for road networks in the area east of Wanneroo town-site?
- (3) If yes, will the Minister table copies of the options identified?
- (4) If not, why not?

Hon M.J. CRIDDLE replied:

- (1) Yes.
- (2) No.
- (3)-(4) Not applicable.

ROADS, ACCESS WITHIN ABORIGINAL RESERVES OR COMMUNITIES

1961. Hon HELEN HODGSON to the Minister for Transport:

- (1) Does Main Roads have a policy regarding the manner in which they access roads they wish to repair that are located within Aboriginal Reserves or communities?
- (2) If so, what is that policy and does it involve obtaining the consent of the relevant Aboriginal community?
- (3) Has Main Roads ever utilised Division K of Part 2, Division 3 of the *Native Title Act (CW)* in respect of road reserves located within Aboriginal Reserves or communities?
- (4) Has Main Roads ever utilised Division K of Part 2, Division 3 of the *Native Title Act (CW)* to access road reserves within Aboriginal Reserves to set up accommodation facilities for workers repairing or building roads?
- (5) If yes to (3) or (4), has the Government obtained the formal consent from the Native Titleholders or claimants to act in these instances?

Hon M.J. CRIDDLE replied:

- (1) No. Main Roads has no roads located within Aboriginal Reserves or communities.
- (2) Not applicable.
- (3)-(4) No. There has been no need to - refer answer (1).
- (5) Not applicable.

RAILWAYS, KALGOORLIE, KOOLYANOBING AND ESPERANCE LINES

1963. Hon TOM STEPHENS to the Minister for Transport:

I refer to your announcements in February and March 2000 that Westrail will spend \$80m upgrading railway lines in the Kalgoorlie, Koolyanobbing and Esperance areas -

- (1) What total funds will be provided by the Federal Government through the Australian Rail Track Corporation for the upgrades?

- (2) What is the source of the State Government contribution?
- (3) Are these figures included in the 1999/2000 Westrail Budget?
- (4) If not, when was the decision to spend this money made and why was the decision made?

Hon M.J. CRIDDLE replied:

Expenditure on \$88.2 million by Westrail on upgrading railway lines between Kalgoorlie, Koolyanobbing and Esperance will be apportioned as follows:

\$41.6 million on the Kalgoorlie - Esperance railway
 \$46.6 million on the Koolyanobbing - Kalgoorlie railway

Responses to your specific questions are as follows:

- (1) \$18 million.
- (2) Borrowings through the Western Australian Treasury Corporation.
- (3) Funds have been/will be sourced from Westrail's Capital Works budgets as follows:

1999/2000	2000/2001	2001/2002	Total
\$11.1 million	\$70.4 million*	\$6.7 million	\$88.2 million

* Includes \$18 million Commonwealth Grant.

- (4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2002. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Disability Services:

- (1) Have any Agencies under the Minister for Disability Services' control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of the Question.

- (1) No. The Disability Services Commission has recently *established* an office in Carnarvon to provide support and co-ordinate services to people with disabilities and their families living in the Carnarvon, Exmouth and Shark Bay areas. Prior to 2000, support to people with disabilities living in these areas was provided by staff based in the Commission's Geraldton office. In 1999, the Disability Services Commission also opened a new office in Newman. The establishment of the new Commission offices in Carnarvon and Newman will increase the Commission's responsiveness to the needs of people with disabilities in these areas of the State. This is a further demonstration of the Government's commitment to ensure that people living in rural and remote areas have access to appropriate services.
- (2)-(5) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, RELOCATION OF OFFICES FROM CARNARVON

2006. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

- (1) Have any Agencies under the Minister for Local Government's control relocated their offices from Carnarvon to other major town centres since 1993?
- (2) If yes, which agency has relocated?
- (3) To which town has the agency relocated?
- (4) What was the cost of the relocation?
- (5) What was the basis for the decision to relocate?

Hon M.J. CRIDDLE replied:

- (1) No.
- (2)-(5) Not applicable

QUESTIONS WITHOUT NOTICE

DRABBLE, MR ROSS, EMPLOYING BODY

1205. Hon TOM STEPHENS to the Minister for Transport:

On 30 March 2000 the minister advised the House that Mr Ross Drabble was employed by the Ministry of the Premier and Cabinet and not the Department of Transport, and so he had no knowledge of what Mr Drabble was being paid. Today the Premier advised that Mr Drabble was working under the Director General of Transport on special projects. Is the Premier correct; and, if so, how does the minister reconcile his answer with the Premier's statement today?

Hon M.J. CRIDDLE replied:

Mr Ross Drabble is employed through the Ministry of the Premier and Cabinet. He is working on special projects, it is true, in the Department of Transport.

Hon Tom Stephens: When did that happen?

Hon M.J. CRIDDLE: I cannot remember off the top of my head; I would have to confirm the date.

GUNNING INQUIRY, CONDUCT OF MINISTERS

1206. Hon TOM STEPHENS to the Attorney General representing the Minister for Public Sector Management:

Can the minister confirm that the Gunning inquiry cannot make findings or recommendations about the conduct of ministers because it was established under the Public Sector Management Act; and, if not, can the minister point to any other inquiry under the Public Sector Management Act which made specific findings in relation to the conduct of ministers of the Crown? Before the Attorney General rises, I understand that this is a question for which an answer has been provided by the minister to the Attorney General in his capacity as the minister's representative.

Hon PETER FOSS replied:

I believe that both parts of this question seek a legal opinion. I do not think it is appropriate that it be answered.

Several members interjected.

The PRESIDENT: Order! Will the Leader of the Opposition please give me a copy of that question and will the Attorney General explain to me why this question seeks a legal opinion.

Hon PETER FOSS: The answer can only be given by giving an interpretation of the provisions of the Public Sector Management Act. I can have any opinion I like, but the fact is that it will be eventually determined by whether the law is as the commission says it is. What he is actually asking me to say is what is in the Public Sector Management Act.

The PRESIDENT: The member is asking for the minister to confirm that the Gunning inquiry cannot make findings or recommendations about the conduct of ministers in respect of inquiries established under the Public Sector Management Act. The Attorney General can either confirm or not confirm. I do not think that the Leader of the Opposition is asking for an opinion. The second part of the question asks, "if not, can the minister point to any other inquiry under the Public Sector Management Act which made specific findings in relation to the conduct of ministers of the Crown?" That does not ask for an opinion.

Hon PETER FOSS: The only way I can answer the question is to get the Public Sector Management Act, read it, form a legal opinion as to what it says and give that legal opinion. What I am being asked to say is what does the Public Sector Management Act provide legally. If the Gunning commission decides it is prohibited by the Act, and it forms that legal opinion, I may have a different legal opinion.

The PRESIDENT: I will not waste the whole of question time arguing over one question. I will put it to one side so that I can look at it later. I can assure the Attorney General that if it does not ask for a legal opinion, I will be asking him for an answer. Whether he gives the answer is entirely up to him, but I will not waste the balance of question time arguing over a technicality.

[See page 7417.]

PYRTON PRISON, TIMETABLE

1207. Hon N.D. GRIFFITHS to the Minister for Justice:

- (1) What is the current timetable for the Pyrtton prison to come into operation?
- (2) What plans does the minister have for a minimum security pre-release facility for female prisoners in the event that his Pyrtton prison proposal does not finally get the go ahead, or is it the case that he has always operated on the basis that he was always going to get what he wanted in respect of Pyrtton?

Hon PETER FOSS replied:

- (1) It is intended that we start bringing prisoners in at the end of June. That has been made quite public.

- (2) I am not quite sure what the go ahead is to which the member is referring. As far as I am concerned there is no legal obstacle to the prison. The land is owned by the Minister for Works for the purposes of a prison. It has all the appropriate permissions to go ahead. I am sure that all sorts of people may try all sorts of shenanigans to prevent it going ahead, but as far as I know there is no legal obstacle to it.

NORTHBRIDGE TUNNEL, DAMAGE TO HOUSES IN MOIR STREET-BROOKMAN STREET PRECINCT

1208. Hon J.A. SCOTT to the Minister for Transport:

In relation to the structural damage which has appeared in houses in the Moir Street-Brookman Street precinct during the construction of the Northbridge tunnel -

- (1) Has Main Roads Western Australia recently made a new offer to compensate home owners in the precinct for structural damage?
- (2) What was the overall cost of the -
- (a) original offer; and
- (b) most recent offer?
- (3) How does this new offer differ from previous offers made to home owners and does it include compensation to home owners for inconvenience and stress; and, if not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No. In accordance with the contract with Main Roads, the responsibility for dealing with any damage arising out of the construction of the Northbridge tunnel lies with the Baulderstone Clough Joint Venture. To date 41 owners have lodged complaints alleging damage as a result of the contractor's activities. The contractor and his insurer have reached agreement with 30 property owners. Main Roads recently wrote to the owners of 11 properties in the Moir Street-Brookman Street precinct offering to assist in resolving their claims when the process has stalled. Main Roads has not made any offer to compensate owners.
- (2) (a) In respect of the outstanding claims, the contractor made individual offers in 1999 to 10 residents totalling \$39 800. In the case of one resident the complaint was lodged after the contractor made the original offers.
- (b) No new offers have been made at this stage.
- (3) Not applicable.

COUNT ME IN SURVEY

1209. Hon NORM KELLY to the Leader of the House representing the Minister for Youth:

In reference to the recently conducted Count Me In survey -

- (1) How many completed surveys were received?
- (2) Of these, how many participants provided their name and address for inclusion in the prize draw?
- (3) Will the minister guarantee that the database of names and addresses will be destroyed when the prize draw is completed?
- (4) Who has responsibility of this database?
- (5) Will the minister guarantee that this database of names and addresses will not be used for any purposes other than for the prize draw?

Hon N.F. MOORE replied:

- (1) Approximately 13 000.
- (2) Approximately 8 000.
- (3) There is no database of names. There is no way of connecting the survey responses and those who decided to enter the prize draw.
- (4) All name and address details are held by the Office of Youth Affairs and will be destroyed.
- (5) Yes.

NORTHERN SUBURBS RAILWAY, CAR PARKS

1210. Hon RAY HALLIGAN to the Minister for Transport:

Have any of the car parks linked to the northern suburbs railway line reached full capacity; and, if so, has any consideration been given to expanding the number of bays available?

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! I am getting a bit sick and tired of Hon Ljiljanna Ravlich giving us a running commentary or passing snide comments on other members' questions. If that is to be the order of the day, it will be the order of the day for everyone, including when Hon Ljiljanna Ravlich asks questions. Why do members not just get on with asking their questions and letting as many members as possible get a question in during question time?

Hon M.J. CRIDDLE replied:

Yes, approximately half of the car parks associated with the railway stations on the northern suburbs transit system regularly reach full capacity on weekdays. The other stations generally reach between 70 and 90 per cent capacity. A demand for further Park 'n' Ride capacity was identified around the Warwick and Whitfords stations. A proposed Greenwood station with approximately 660 Park 'n' Ride bays has been developed to meet most of this demand. An extension to the Park 'n' Ride at Whitfords station of approximately 275 bays has been planned to meet the balance of the demand.

DEPARTMENT OF ENVIRONMENTAL PROTECTION, NORTHBRIDGE TUNNEL ENVIRONMENTAL MANAGEMENT PLAN

1211. Hon J.A. COWDELL to the Attorney General representing the Minister for the Environment:

- (1) When was the Department of Environmental Protection first advised that the tunnel contractor was seeking to make alterations to the original environmental management plan that formed part of the construction contract for the Northbridge tunnel?
- (2) Will the minister table the document that contained that information?
- (3) What steps did the DEP take to consider the proposed changes?
- (4) How many officers in the DEP commented on the proposed changes?
- (5) Was any report prepared of the proposed changes and will the minister table this; and, if not, why not?

Hon PETER FOSS replied:

It will come as no surprise, given the length and breadth of that question, that providing the information in the time required has not been possible. I request that the member place the question on notice.

CONVENTION CENTRE SITE, COMMUNITY INPUT

1212. Hon KEN TRAVERS to the Minister for Tourism:

- (1) Is the minister aware of increasing community concern about community input prior to the final selection of the central business district site that includes a proposal for a convention, exhibition and performing arts centre, a soccer stadium and a banquet facility?
- (2) Given the size and impact of the project and the \$110m of taxpayers' funds being provided, what opportunity will the minister give to the Western Australia public, particularly the people of Perth, for effective input before a final selection of and commitment to the design and location of the proposed Perth convention centre?

Hon N.F. MOORE replied:

(1)-(2) I am not aware of any public concern.

Hon Tom Stephens: Read the newspaper.

Hon N.F. MOORE: I read the newspaper every day from front to back and the only thing in it that makes any sense is the obituary column.

Hon Peter Foss: It is the only thing that might be accurate.

Hon N.F. MOORE: That is what I meant. It is the only part of the newspaper that we can seriously regard as being accurate.

Hon Kim Chance: What about the story about Carlton - that has to be true?

Hon N.F. MOORE: Yes. Forgive me for being distracted, Mr President.

I cannot recall my office receiving letters from people demanding significant public consultation about the issues the member raised in his question. However, I am aware of the need for consultation and that is why we have put in place a complicated and detailed process to ascertain, firstly, where the convention-exhibition centre and soccer stadium should be located and, secondly, what it should look like when it is built.

Part of the process is for the task force to undertake an enormous amount of detailed analysis of the issues raised in the member's question, and it has done that. We have also established an architectural advisory committee of eminent Western Australian architects to advise us on the architectural merits of the proposal being put forward.

Hon Ken Travers: I take it then that Cabinet will not make the decision.

Hon N.F. MOORE: If Hon Ken Travers is really interested in this - I suspect he is - I will send him a copy of the expression of interest document, which outlines the original request of the private sector. I will also send him the request for proposal document, which describes in detail what must be done. He will see all the processes we have gone through to find out the best location and the best way of building this facility and of getting the best commercial deal.

As members opposite and I know, the architectural merit of buildings is very much in the eye of the beholder. Whatever we build, some people will like it and some will not like it. That is a fact of life. Some people did not like the Sydney Opera House when it was being built, and some people still do not like it. It was an extraordinarily controversial building. The same goes for the Eiffel Tower. Most icon buildings in the world were subjected to incredible criticism by people in the community.

Hon Ljiljana Ravlich interjected.

Hon N.F. MOORE: The same goes for the belltower. I suspect that at the end of the day, when most people see them in the context in which they are built, they have a change of attitude. People have come to regard the Opera House and the Eiffel Tower as wonderful icons and I suspect the same will apply to the belltower.

We have established an architectural committee chaired by a professor of architecture from the University of Western Australia, whose name momentarily escapes me. A number of eminent architects from both Western Australia and the eastern States are involved, together with a community representative, Bill Warnock. They were asked to make a professional judgment and to give their opinion about the architectural merits of the various proposals. They have done that and the Government has taken all views into account. Once the process has been completed and a proposition is put forward to Cabinet, it will make the ultimate decision whether to proceed with the proposal.

It is very sad that the Opposition continues to be negative about this project. It has the capacity to give 4 000 Western Australians employment in the construction phase and 600 or 800 people permanent jobs once it has been built. It will be a magnificent facility that will enable conventions and exhibitions to be held in Western Australia that previously could not be held here. The bonus will be that we will get a soccer stadium for far less money than if it were not part of this process. I can only imagine that the Labor Party in office would have to spend many tens of millions of dollars to build a separate soccer stadium. I do now know where members opposite are coming from. I am sad that they are still so negative about it.

WYNDHAM PORT, SAFETY

1213. Hon TOM HELM to the Minister for Mines:

On 18 March 1998 the minister replied to a question from the member for Maylands, Dr Judy Edwards, regarding the Port of Wyndham, stating that, in addition to AS4326-1995, additional separation is provided for large stores such as at Wyndham, quoting NFPA Standard 490, "Storage of Ammonium Nitrate", which requires specific consideration of fire and explosion hazards.

- (1) Is the minister aware that these standards are not being adhered to?
- (2) Have these emergency procedures been published? If they have, when will they be distributed to residents, police and emergency services?
- (3) If they have not been published, why not?
- (4) Is the minister aware that there are no bund walls around the area where ammonium nitrate is being stored and that the area is not completely fenced?
- (5) Does the minister stand by his comments in his letter that, overall, he is satisfied that appropriate measures are in place at this facility to maintain public safety and that investigation or assessment is not warranted?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) I am informed that they are being adhered to.
- (2) Emergency procedures have been developed but not published. I want to know why that is the case. Police and emergency services are aware of them through informal communication with the licensee.
- (3) Emergency plans are not usually published because there is no legal obligation to do so. Again I want to find out why that is the case. The plan for the ammonium nitrate store in Wyndham is in this category. To ensure the plan is effective, it has been discussed with the key parties, the police and volunteer fire brigade in Wyndham.
- (4) I am informed that bunding is not required for solid ammonium nitrate. A section of fencing has been temporarily removed while building extensions take place.
- (5) Yes.

DEPARTMENT OF CONSERVATION AND LAND MANAGEMENT, BLUE GUMS

1214. Hon CHRISTINE SHARP to the Attorney General representing the Minister for Forest Products:

- (1) Has the minister allocated the processing of the approximately 4 000 hectares of Department of Conservation and Land Management-owned blue gums which are the subject of share farming agreements?
- (2) If so, by whom will the wood fibre be chipped or processed, and in what approximate quantities respectively?
- (3) If relevant, can the minister table a map or otherwise indicate where the blue gums are growing which will be supplied to -
 - (a) Blueleaf Corporation Pty Ltd-Whittakers Ltd;
 - (b) Sotico Pty Ltd;
 - (c) Wesfi Ltd; and
 - (d) other companies?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes. As a result of a 1997 public expression of interest, four companies have either purchased the log resources from these plantations or purchased CALM's interest in the plantations.
- (2) Sotico Pty Ltd - formerly Bunnings Forest Products Pty Ltd - 270 000 cubic metres; Blueleaf Corporation Pty Ltd, 260 000 cubic metres; and Wesfi Ltd, 240 000 cubic metres.

The Albany Plantation Forest Company of Australia Pty Ltd has purchased CALM's interest in a number of plantations in the Albany area. An agreement in principle has been conducted for APFL to purchase the timber from the remaining plantations at Albany.

- (3) (a)-(b) Contracts with Blueleaf and Sotico do not allocate wood from specific plantations.
- (c) Wesfi was allocated resource from the following plantations: Pinjarra, Argyle, McLarty, Myalup, Hadfield, Gervasse, Lakes and Karnup.
- (d) All blue gum plantations in CALM's south coast region.

"TOWARDS A VISION FOR PERTH IN 2029" AND "FUTURE PERTH", COST

1215. Hon TOM STEPHENS to the minister representing the Minister for Planning:

- (1) What is the budgeted cost of the launch, scheduled for 5 June, of the "Towards a Vision for Perth in 2029" and the associated public relations, glossy publications, advertising, etc?
- (2) What is the budgeted cost of the current consultation, focus groups, marketing, etc involved with "Future Perth" that were outsourced and conducted internally by the Ministry for Planning?
- (3) Given the expense and expertise involved in "Future Perth" and "Towards a Vision for Perth in 2029", why will the mayors, planners, architects, futurists and citizens not be consulted on the best option for the people of Perth from the competing tenders for a Perth convention centre?
- (4) Why will the Government not consult with the people of Perth on where best to locate a major convention centre, exhibition centre, performing arts centre, banquet hall and soccer stadium to suit and meet the needs of the people of Perth?

Hon PETER FOSS replied:

I thank the member for some notice of this question. Parts (1) and (2) of the question can be answered. However, as the information requested could not be provided in time for question time today, I ask that the questions be placed on notice. Parts (3) and (4) should be redirected to the Minister for Tourism.

MANDATORY SENTENCING LAWS, LETTER FROM FEDERAL ATTORNEY GENERAL

1216. Hon HELEN HODGSON to the Leader of the House representing the Premier:

- (1) Has the Premier received a letter from the federal Attorney General regarding mandatory sentencing laws in Western Australia?
- (2) If so, when was the letter received and will the Premier table a copy?
- (3) Has the Premier or any other Western Australian minister replied to the letter?
- (4) If so, when was the reply sent and will the Premier table a copy of the reply?
- (5) If not, why has the Government ignored the letter from the federal Attorney General?

Hon N.F. MOORE replied:

- (1) No.
- (2)-(5) Not applicable.

KALGOORLIE PIPELINE, WATER QUALITY

1217. Hon B.K. DONALDSON to the minister representing the Minister for Water Resources:

- (1) Can the minister provide details of the water quality that is being provided to users of the Kalgoorlie pipeline?
- (2) From where is the water being drawn?
- (3) What are the medium to long-term projections of the salinity levels of this source?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) The Kalgoorlie pipeline is supplied with water from the Mundaring Weir. The total dissolved solids ranged between 350 and 420 milligrams per litre over the past 12 months. Salinity is affected by seasonal and climatic influences, but no significant change is expected at Mundaring Weir over the medium to long-term.

O'NEIL, DR GEORGE, SUBIACO CLINIC

1218. Hon KIM CHANCE to the Attorney General representing the Minister for Health:

- (1) Is the minister aware that Dr George O'Neil says that his Subiaco clinic is in substantial debt and that he may have to turn away candidates for the naltrexone program?
- (2) Is the Government doing anything to assist Dr O'Neil; and, if so, what is it doing?
- (3) If it is not doing anything to assist Dr O'Neil, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The minister has previously been advised of Dr O'Neil's concern about the number of his private patients who cannot afford the full cost of his private treatment program.
- (2) The Government has recently expanded the range of treatment options, including naltrexone and other pharmacotherapies and has implemented a range of measures to ensure access to affordable treatment, including support to Dr O'Neil. Additional funding of \$1.37m was provided to the Next Step Specialist Drug and Alcohol Services to purchase clinical and research services for opiate-dependent people. That will enable all patients unable to afford treatment in the private sector to access free naltrexone and treatment via the public system. In addition, over \$1.2m will be allocated to a formal research proposal in relation to Dr O'Neil's patients being oversighted by Professor Jablensky of the University of Western Australia in 2000-01 and 2001-02. Of this amount, over \$300 000 may be allocated to Dr O'Neil for the treatment of his patients.
- (3) Not applicable.

Mr President, I have some documents to table in response to a question by Hon Tom Helm. They form quite a thick bundle, and I would like to table them if I may.

The PRESIDENT: When Hon Tom Helm has an opportunity to ask a second question today, the Attorney General can do that. However, a lot of members still have not asked a first question.

ACTS AMENDMENT (SEXUALITY DISCRIMINATION) BILL 1997, DEBATE

1219. Hon TOM STEPHENS to the Leader of the House:

When will the Government bring forward the Acts Amendment (Sexuality Discrimination) Bill 1997 for debate in this House?

Hon N.F. MOORE replied:

I think this is the Bill which the House defeated and which was saved by a technicality.

Hon Ken Travers: We did not defeat it.

Hon N.F. MOORE: Members opposite knew that, to all intents and purposes, it was lost. The Australian Democrats continue to want to be in charge of the agenda of the House. They want to debate that Bill, euthanasia, reconciliation and every issue which they think is important. I understand that; it is what Parliament is for. However, other members of this House have different priorities. The Government also has its priorities. We have already had about three attempts at this Bill. In my view, it was defeated, but it was saved by a technicality and went to a committee. We now have a committee report on that Bill. I am happy to deal with that some time down the track when I have requests from members to deal with it. I add for the benefit of the Leader of the Opposition that he has never raised the matter with me.

REID HIGHWAY EXTENSION, BUFFER ZONE

1220. Hon GIZ WATSON to the Minister for Transport:

In regard to the buffer zone which will be implemented in the proposal to extend the Reid Highway past Lake Carine, I ask -

- (1) Will the minister invite the Water and Rivers Commission to comment on the proposal to extend the Reid Highway past Lake Carine?
- (2) If not, why not?
- (3) Will the stormwater sumps which are proposed to be constructed alongside the highway filter all toxic waste and heavy metals that will run off the highway?
- (4) If not, how will the construction of these sumps meet best management practice?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) No.
- (2) As previously indicated, Main Roads WA submitted its proposals for the extension of the Reid Highway to the Environmental Protection Authority. It is the responsibility of the EPA to determine whether there is a requirement to make a submission to the Water and Rivers Commission. In view of its environmental assessment and subsequent acceptance of the proposal, the EPA did not make a submission to the Water and Rivers Commission.
- (3) The retention basins^{02 June 2000}/sumps adjacent to Big Carine Swamp comprise two types: The initial smaller basins are clay lined. These will trap the pollutants by sedimentation and, in the event of a spill of toxic material into the drainage system, are large enough to store the toxic material until it can be removed. These initial basins connect to the larger stormwater infiltration basin via a siphon. The infiltration basin will reduce flood velocities and enhance water quality through filtration and the absorption of soluble pollutants onto soil particles covered by the water in the basin. Heavy metals will settle in the infiltration basin and will also be absorbed onto soil particles. The soil particles in the infiltration basin will be removed regularly as part of the maintenance of the basin.
- (4) Not applicable.

BLACK-SPOT FUNDING

1221. Hon CHERYL DAVENPORT to the Minister for Transport:

The intersection of Broome Road, Hamersley Street and Frederick Street scores highest in Main Roads' table of the worst crash sites north of Perth. Main Roads' figures detail that 51 serious recent accidents at that intersection have cost the community \$1.04m. The Government's budget indicates no funding for that intersection. In view of the Government's cut of \$24m to local roads, when will the minister be allocating funding for this worst crash site north of Perth?

Hon M.J. CRIDDLE replied:

That would obviously be a minor works program, and I would need to look at the budget papers to find out whether that intersection was covered, because the budget papers often contain an allowance for a great deal of work but do not specify which intersections are covered. I will need to see whether work is to be done on that intersection. The issue of black spots, which has been raised quite consistently, does not cover the fact that Main Roads' budget has been increased extensively since we came into office. We have taken the opportunity of looking at many of the black spots throughout the State, and I gave some figures recently for the amount of funding that we have put towards those initiatives, and it ranges up to \$80m a year. That does not cover the fact that we are doing quite a deal of work on gravel roads to bring them up to sealed standard. Not all the black spots are in the city. As I mentioned yesterday, about 50 per cent of the black-spot funding goes to regional Western Australia. There are an enormous number of intersections in Perth, and the member could not expect me to be able to identify the particular one to which she referred.

ROSS, MR STEVE, TAXI DRIVERS LICENCE

1222. Hon E.R.J. DERMER to the Minister for Transport:

- (1) On 28 March 2000 did Mr Darren Hutchins from the Department of Transport contact the solicitor for taxi driver Mr Steve Ross?
- (2) Did Mr Hutchins advise the solicitor that the Department of Transport had reviewed the status of Mr Ross' taxi licence and had resolved not to take any further action against Mr Ross?
- (3) If not, what was the information or advice provided by Mr Hutchins to the solicitor?
- (4) Will the minister review the decision made by one of his departmental officers to withdraw Mr Ross' right to drive a taxi - which has been his sole occupation for the past 20 years?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) On or around 28 March, Mr Hutchins held several discussions with the solicitors who were then representing Mr Ross.
- (2) I am advised that he did not.
- (3) Mr Ross' solicitor was advised that Mr Ross would be required to undertake a taxi driver aptitude assessment and complete the customer service training module of the taxi driver training course. The decision to require Mr Ross to undertake additional training and assessment resulted from a recent conviction against Mr Ross for his conduct as a taxi driver. Mr Ross has failed to comply with this requirement, which has resulted in the Department of Transport suspending him from driving a taxi.
- (4) Mr Ross has, however, been advised that this action will be reviewed when he has complied with the department's direction.

GUNNING INQUIRY, CONDUCT OF MINISTERS

Question 1206 from Hon Tom Stephens - Ruling by the President

The PRESIDENT: Order! Before we resume the business of the House, I have had an opportunity to consider the question asked by the Leader of the Opposition to the Attorney General representing the Minister for Public Sector Management. In my view, the question in its present form does not seek a legal opinion. Cast another way, it could have said, "Which section of the Public Sector Management Act provides authority for the Gunning inquiry to make recommendations about the conduct of ministers?", and that would not require a legal opinion. Therefore, I am ruling that the question in its present form does not seek a legal opinion, given the practice and custom of this House, and it is up to the Attorney General whether he wishes to provide an answer.

Hon PETER FOSS:

I have an answer provided to me by the Minister for Public Sector Management, but I have not verified for myself whether the view expressed in the answer is correct, and I would not do so without checking the Act. The answer is as follows -

It is well established that special inquiries under the Public Sector Management Act 1994 cannot make findings or recommendations about the conduct of ministers. The Gunning inquiry was set up to examine the effectiveness and efficiency of the boards and committees in the Fair Trading portfolio and to make recommendations for any improvement to the administration and enforcement of relevant legislation. Furthermore, it is required to recommend a mechanism for the reporting of allegations of criminal, corrupt or improper conduct. Evidence is still being heard and it would be inappropriate to speculate at this time on the outcome of the inquiry.
