



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE COUNCIL

Tuesday, 26 October 1999

Legislative Council

Tuesday, 26 October 1999

THE PRESIDENT (Hon George Cash) took the Chair at 3.30 pm, and read prayers.

VOLUNTARY EUTHANASIA

Petition

Hon Norm Kelly presented the following petition bearing the signatures of 2 005 persons -

To the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia, respectfully request that because Criminal Code law in Western Australia is such that suffering people have no legal right to be actively helped to die, no matter what their degree of suffering nor the urgency of their pleas for release by death, the Legislative Council, in Parliament assembled, shall pass a properly regulated Bill that would make the right to be thus helped to die a legal option on the request of adults who are hopelessly suffering more than they wish to bear; and that other persons participating in the fulfilment of such a legal option shall do so only if willing, and shall not be subject to legal or professional action.

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

[See paper No 293.]

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills

Hon Simon O'Brien presented the forty-fourth report of the Joint Standing Committee on Delegated Legislation on the Seventh Australasian and Pacific Conference on Delegated Legislation and Fourth Australasian and Pacific Conference on the Scrutiny of Bills, July 21, 22 and 23 1999, Sydney, New South Wales, and on his motion it was resolved -

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

[See paper No 294.]

SCARBOROUGH SENIOR HIGH SCHOOL

Urgency Motion

THE PRESIDENT (Hon George Cash): I have received the following letter addressed to me and dated 26 October 1999 -

Dear Mr President

At today's sitting it is my intention to move under SO72 that the House at its rising adjourn until 9am on 25 December 1999 for the purpose of discussing the failure by the Minister for Education to honour his commitment that the gymnasium, swimming pool and an area of public open space from the Scarborough Senior High School site would be retained for general community use.

Yours sincerely

Hon Ed Dermer MLC
Member for North Metropolitan Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON E.R.J. DERMER (North Metropolitan) [3.37 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December.

I believe that the failure of the Minister for Education to honour his commitment that the gymnasium, the pool and an area of open space from the Scarborough Senior High School site would be retained for general community use, requires the urgent attention of this House. The people of Scarborough and the suburbs surrounding Scarborough need access to that pool, to that gymnasium and to public space provided on the school site. Of course, those people continue to have an ongoing need for a senior high school, and any further residential development in the area will increase that need. It is not for the first time that I call upon the minister, through his representative in this Chamber, to realise the error of his decision of last June to close the school, to reverse that decision and to reopen the school. However, that is not the subject before us today. The subject before us today is the minister's failure to stand by his commitment, and I have mentioned the needs of the people of Scarborough and the surrounding areas.

The people of Western Australia need a Minister for Education in whose word they can have confidence. Sadly, the people of Western Australia can clearly have no confidence in the word of the member for Cottesloe. The minister's failure to stand by his commitment to retain the gymnasium, the pool and areas of open space on the school site for public use removes any last residual skerrick of confidence that the people of Western Australia can have in the word of the minister. The responsibility lies with the Premier to speak to this minister to ensure that the minister stands by his commitments and does not further break his word. To have one minister who has so clearly and unambiguously broken his word reflects on the entire Court Government and Court Cabinet. The Premier has a responsibility to call his ministers into line to ensure they follow a standard of integrity that will allow them to have the confidence of the people of Western Australia. If he were to make that call, the word of ministers in the Court Government could slowly start to be restored. I call on the Premier to take that step, and I hope he will do so.

I now illustrate how clearly the Minister for Education has broken his word on this matter. I quote from a media statement made by the minister on 24 June 1998 which announced his poor decision to discontinue the operation of Scarborough Senior High School. The minister understood that the people of the area would be very angry and, in an inadequate way, he attempted to lessen their anger by making the following commitment -

In recognition of the value of some of the school's facilities to the community, however, some of the buildings and facilities on the site would be retained for general community use, such as the gymnasium, swimming pool and an area of public open space.

The minister's media release is available for all to see. I believed at that time that this offer of facilities was a totally inadequate attempt by the minister to diminish the anger of people of the area. The commitment was made. I defy anyone to look at those words and see anything other than a commitment to keep the gymnasium, pool and an area of public open space at the school site available for community use.

The minister went further. He made the commitment not only in a media statement, but also in a letter he wrote to the Mayor of the City of Stirling. I have a copy of a letter directed to the Mayor of Stirling, Mr Vallelonga, signed by the Minister for Education on 22 October 1998, which reads -

Thank you for your letter dated 14 September 1998 regarding Scarborough Senior High School closure and the resultant use of the land comprising the school site.

In order to begin those negotiations between the Education Department and the City of Stirling on the community use of land and some facilities at Scarborough Senior High School, I detail below the key points:

the land for community use will include that land containing the hall/gymnasium and swimming pool;

The hall and the gymnasium are the same building. Further -

adjacent land for public open space and parking will also be made available;

the Education Department will complete any necessary maintenance work to the pool and hall/gymnasium before any handover;

Interestingly, at this stage the commitment was to not only make the gymnasium and pool available for public use, but also for the Education Department, by the minister's words in his letter, complete any necessary maintenance work. The minister's more recent excuse was that the extent of maintenance work required for the pool and gymnasium justified not abiding by his commitment of last June, and repeated in the letter to the Mayor of Stirling in October of last year. The letter continues -

the site, through the Department of Land Administration, will be reserved for specific community use under a Certificate of Crown Land Title; and

under this title, the City of Stirling will have "Care, Control and Management" of the land and facilities.

I request your City officers contact the Education Department's Director of Facilities and Services, Mr Stephen Harvey, on 9264 4893 to begin discussions on the details of this project.

Thank you for raising the matter with me.

Yours Sincerely

COLIN J. BARNETT
MINISTER OF EDUCATION.

A commitment was given by the Minister for Education not once, but twice. The minister, without any sign of embarrassment, reneged on his commitment made last year. The people of the Scarborough area were very angry at the decision to close the school. If the minister, for some purpose I will never understand, was thinking of a plan to most anger the people of that area, this plan achieved that purpose. The people were angry when the school closed. However, the minister further enraged people by reneging on the commitment given last June. Sadly, the minister has such little regard for his own word - as indicated on the public record - that one can understand why the people of Western Australia have no confidence in his word.

It was reported that the minister offered \$1.3m for recreational facilities in the area as compensation for not honouring his commitment of last year to keep the gym, pool and public open space available for the community. That allocation is not

sufficient to build a pool and gymnasium; therefore, the \$1.3m will not provide equivalent facilities to the people of Scarborough and its surrounding areas.

I was very surprised when a constituent first suggested that the Minister for Education would not live by his promise of last year. On 7 September I asked the minister to affirm his commitment to retain the Scarborough Senior High School gymnasium for general community use, to which the minister responded as follows -

Further detailed discussions with the City of Stirling revealed that the Scarborough Senior High School facilities did not meet the needs of the community and therefore there was no requirement to retain facilities on the school site.

Arrangements are being finalised to assist the City of Stirling with additional community facilities.

This was a very curt and dismissive answer by which the minister announced to the Western Australian community, through this House, that he had reneged on his promise. That is totally unacceptable. The minister disposes of schools and community assets; however, his attitude appears to be that he disposes of his own assets. The minister forgets, at the peril of this Government, that these are the people's assets, not the minister's. The taxpayers of Western Australia provided the resources for those schools. The hall-gymnasium and pool, I understand, were largely funded by the Scarborough Senior High School Parents and Citizens Association, the fundraising activities of which naturally drew off the local community. The minister has no right to deprive the people of that community of assets for which they worked and to which they contributed. He strips the community of these important assets after giving his word last year to maintain community access.

The facilities in question at Scarborough Senior High School are currently available to community groups. For example, the local basketball club is now concerned that the facilities it uses will be taken away from it. The minister, unfortunately, has a history of being very tricky with his application of words. I recall that the process of local area education planning for the western suburbs started with the minister announcing in September 1997 that he would begin what he regarded as a consultative process. He used a trick in his first statement to achieve his objective of the closure of the Scarborough Senior High School. Before the minister's so-called consultative process began, he said that Scarborough Senior High School should probably close. As a direct result of that statement, the enrolment in the following year dropped by about 25 per cent. The minister then said that, lo and behold, the school had a low enrolment and it must be closed. He ignored the fact that the neighbouring high school to the north in Carine was clearly overcrowded and that to the south in Churchlands was, in any reasonable person's assessment, filled to capacity.

The minister has shown in the past that he is happy to manipulate his words to achieve his objectives to the cost of the local community. However, in this instance, disregarding his commitment of last June, he has shown no regard for his own word and he can expect Western Australians correspondingly to also show no regard for his word. There are two types of consultation: One is the type which the minister clearly prefers, when he consults by telling people what he will do to them. The second is a real discussion of the needs and the resources to be made available to meet those needs, and reaching a considered final decision. I expect the minister to understand this, realise the error of his ways and ensure that the consultation with the people of Scarborough is followed through in an open and honest way. Sadly the minister's track record suggests that he may not open those consultations with such honest intent. I remind the minister and the Government that any metropolitan region scheme amendment that will alter the status of the Scarborough Senior High School site to allow for residential development needs first to meet the approval of this House. I hope that the understanding of that simple fact will for the first time ensure honest and real consultation by the Government on this matter.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.52 pm]: I continue to be confused by the Labor Party's attitude to the use of educational assets in this State. I am very well aware than when last in government, it commissioned Hon John Halden to do a report into a better management of the assets of the education system. Out of that came a document called "School Renewal", which was another name for school closure. Clearly the Labor Government acknowledged the difficulties that would be faced by closing schools. It seems that everyone thinks that the better use of school assets is a good thing provided it is not his school, in his backyard or in his electorate. Scarborough had 300 students, which is not enough for a school to have viable educational programs from year 8 through to year 12.

Hon E.R.J. Dermer: That was after the minister sliced out the students.

Hon N.F. MOORE: That is not right. There were exactly 317 students the day the announcement was made to close the school.

Hon E.R.J. Dermer interjected.

The PRESIDENT: Order! Let us get the rules straight. Hon Ed Dermer has spoken. He has the right of reply if there is an opportunity at the end of debate. That means he does not interject in the meantime.

Hon N.F. MOORE: A decision was made to close the school on the basis that it was not a viable educational institution with the number of students it had or it was projected to have. The Government has gone through this process openly without any suggestion that it should not be part of the management of the education system's assets. Western Australia has some 1 000 empty classrooms because they are all in the wrong place. There is a demand in some suburbs for new schools. That is the nature of the Western Australian educational demographics which need to be addressed.

In respect of Scarborough Senior High School, as I understand it, the minister made a commitment that the hall- gymnasium and the pool would be made available to the community and retained for community use. He gave an undertaking that the Education Department would pay for a certain amount of maintenance; I do not think he gave an undertaking that it would

pay for the maintenance forever, because the Education Department's job is not to maintain community facilities, but schools. He made the commitment in writing, as we have heard. As I understand it, the City of Stirling determined that in order to make the facility more useable for the public, it would need to undertake quite a significant upgrading of the two facilities at the cost of about \$1.5m, which it decided was more than it was prepared to spend on that facility. The Minister for Education made a cash compensation offer, as it were, to the City of Stirling of \$1.3m and suggested that it might like to use that to provide community facilities within the general vicinity of the Scarborough Senior High School. To the best of my knowledge, the council has accepted that as a fair and reasonable offer. It is at present deciding where and how to spend the money. That is something for the City of Stirling to contemplate. I am told it has a number of ideas in mind, one of which may be to build something on the Scarborough Senior High School site. It may or may not be the best thing to do; I really do not know.

The minister has met his commitment. It would be ridiculous to keep a pool and hall going and being run by the Education Department, consuming educational dollars, if they were not up to scratch and could not be used by the community. If the member thinks that the Education Department should be providing community sports and recreational facilities, the member had better say that and suggest that is how he would rather spend the money than on educating children.

Hon Ken Travers interjected.

Hon N.F. MOORE: I have only 10 minutes. I have a fair bit to say yet, so I will not respond. It is not because I do not want to but because I do not intend to.

Public open space is mentioned in the motion. I do not know what form of commitment the minister made to open space. However, he is required at the moment to provide 10 per cent of public open space by virtue of our planning laws. Many other ideas are being looked at in the context of how the land is utilised in the future. It may well be that considerably more than 10 per cent public open space is provided as we decide how to use the land. A decision on the future of the land and how it might relate to Newborough Primary School, which is basically on the same site, is yet to be determined. Of course the Government wishes to maximise the return it gets from the site, because every cent from the sale of land on that site will go into the education system.

Hon Ken Travers: You might as well sell off Kings Park.

Hon N.F. MOORE: What an absolutely stupid statement to make. The member seems to think that a high school is okay but if we do not have a high school, it must be public open space. That is Neanderthal thinking. The bottom line is that it is very expensive land which could provide a very substantial return to the education system to be spent on schools. As a matter of interest, the Government has already spent \$10.5m on Churchlands Senior High School, where Scarborough students now attend, and \$2m on Carine Senior High School. That is a substantial commitment to those schools which are taking Scarborough students. Members will also know about the \$23m Shenton High School project to be built. These dollars do not come from nowhere. It is imperative for the Government to maximise its assets so that it can use resources from that maximisation to produce better facilities down the track.

It needs to be said that use of the site for a residential development will require an amendment to the metropolitan region scheme. The member has threatened that he will seek to have this House disallow the amendment. That is the only way I can understand what he said. It will be interesting to see if it happens. If he succeeded, he would deprive the Western Australian Government and the education system of Western Australia of many millions of dollars by virtue of some political stunt that he is carrying out in that part of the State. Members opposite need to bear in mind, just as they needed to bear in mind last week when they were trying to take money off the Rottnest Island Authority, that when they disallow these things, they take money away from Governments which would enable them to do the jobs they must do. If the money does not come from those sources, Governments must get it from somewhere else - that is, out of someone else's pockets, because that is where Governments get their money.

Hon John Halden interjected.

Hon N.F. MOORE: The Opposition has already spent that 15 times. As I said the other day, we built 27 new schools with that money.

The bottom line is simply this: The sale of the land is important in the context of the education capital works budget. If members opposite seek to deny the Government access to that fund, they must bear the consequences, because one day they will be the Government. They might even drag out Hon John Halden's book called "School Renewal" and also realise that they have a problem to deal with, which they have put aside for the past seven and a half years.

Hon John Halden: It is such a good book.

Hon N.F. MOORE: It is a good book; I have read it. In fact, I thought it was a good idea. However, I added one feature; that is, I gave the parents a vote. As a result of the voting process, we closed 25 schools, but that is another story. That was a provision the Government included in the school rationalisation that Hon John Halden did not even contemplate.

Hon John Halden: It was part of the whole rationalisation process.

Hon N.F. MOORE: That is correct. However, the then Government made the final decision, and that is what the current minister believes is the correct process. That decision is common to both sides of the argument. However, I did something slightly different.

The situation is yet to be resolved. This is a substantial piece of land in a magnificent location. It is the Government's

intention, having made the decision to close the school, that that land will be utilised to provide funding to expand and assist the education system of this State. As I said, the Government has already spent \$12.5m on Churchlands and Carine Senior High Schools, which are now enrolling ex-Scarborough students. That is not a small amount.

The public open space process is yet to be finalised. As we have heard, the MRS amendment must be agreed to in this place, and any subdivision applications must be approved by the local authority. That process will include public consultation. I have no doubt that this process will go on for a long time. There is plenty of opportunity for the community to have its say about what proposals are approved. Once the plan is drawn up and the amount of public open space has been decided by the Education Department, it will be subject to the various approval processes.

This motion is very premature because the Government intends to take community views into account. The member for Innaloo, who is a great supporter of the Scarborough Senior High School, is ensuring that the Government is well aware of his views. He is putting them forward very sensibly - not by moving motions such as this but by working through the processes and putting forward good proposals. I have no doubt that the Minister for Education will take them into account before the final decision is made. I repeat: The final decision has not been made and the motion is very premature.

HON HELEN HODGSON (North Metropolitan) [4.06 pm]: Most of the major issues have been raised by Hon Ed Dermer, but I will expand on them. The main problem is that the community feels that it has not been consulted. This issue arose when we witnessed the local area planning debacle and the decision to close the Scarborough Senior High School, which generated much heat. I recognise that the issues facing western suburbs schools are different from those facing schools in other parts of the State. Without necessarily supporting the closure of the school, I recognise that it was a difficult decision. However, the issue is that the parents do not feel they had a fair say in the process.

When he announced the commencement of the process, the Minister for Education said that he believed Scarborough Senior High School probably should be closed. That encouraged parents to move their children prior to the commencement of the new school year, which hastened the school's demise. The minister created a self-fulfilling prophesy.

This situation follows the Government's usual sad pattern of dealing with land issues in the past couple of years. We have seen a number of instances of land swaps or change of usage without adequate community consultation. Two examples that come to mind are the ongoing Leighton Beach issue and the Greenwood land swap, which created much local dissent. Questions still linger about whether people are happy with the outcomes.

In a media statement dated 24 June 1998, the minister stated -

In recognition of the value of some of the school's facilities to the community, however, some of the buildings and facilities on the site would be retained for general community use, such as the gymnasium, swimming pool and an area of public open space. . . . "I am confident that the general community will support the retention of some of the most valuable assets on the Scarborough site."

That was followed by a letter to the mayor of the City of Stirling. The Leader of the House has indicated he does not know what commitments were made in respect of public open space. This letter dated 22 October, details some key points about the community's use of land and facilities at Scarborough Senior High School, and states -

- the land for community use will include that land containing the hall/gymnasium and swimming pool;
- adjacent land for public open space and parking will also be made available;
- the Education Department will complete any necessary maintenance work to the pool and hall/gymnasium before any handover;
- the site, through the Department of Land Administration, will be reserved for specific community use under a Certificate of Crown Land Title; and
- under this title, the City of Stirling will have "Care, Control and Management" of the land and facilities.

They are specific commitments about what will happen with the land. It is clear that subsequent discussions have moved away from the principles established in that letter.

The specific issues raised relate to public open space, the use of the gymnasium and the money involved. It has been clear from the start that the minister is aware that the gymnasium is a very important community facility. The *Stirling Times* has detailed some of the ways in which the gymnasium has been used. A key user group is the local basketball community. Apparently about 260 people use the facility five nights a week. A June 1998 article in *The West Australian* refers to the basketball club's training five nights a week in the Scarborough Senior High School gymnasium. In the process, it keeps 260 young western suburbs teenagers off the streets. That activity has been subsidised by the school's charging a low rent, and as a result children from all socioeconomic backgrounds can take part. The article concerned appeared at about the time of the original announcement.

That was followed by a letter from the minister to the basketball club in September 1999, when the information about the changes became available. The minister stated -

Last year the Education Department and the City of Stirling commissioned a report on the feasibility of using the existing Hall/Gymnasium for community use. This report indicated that it was more practical to build a new facility for community use rather than spending significant amounts of funds upgrading the existing facilities . . .

The problem is that no-one knows yet when and where that will happen. An article in the *Stirling Times* states that the

council is not yet convinced that it will build a new gymnasium because it does not believe it will be necessary. On the one hand we have the minister's saying that a commitment has been made to ensure that these facilities will continue to be available - the Government has provided \$1.3m to that end - but on the other hand the council is saying it is not sure how it will use the money. It is very shortsighted to say that the facilities will continue to be made available unless the council makes a commitment to do so. The council has said that it is still assessing the options. It has indicated that it will make the site available for housing if it is rezoned. The motion also refers to the provision of adequate public open space. We have yet to see what the council considers adequate. I am concerned at the way the responsibility is being shifted from a commitment made by the Minister for Education to the local council, which is not prepared to make public its intentions.

At the same time, 60 per cent of the Sunset Hospital site is earmarked for public open space for the people in Dalkeith. I understand that more public open space is available in the Dalkeith area than in the Scarborough area. What makes the people of Dalkeith more worthy of receiving extra public open space than the people in Scarborough?

Reference has been made to a clump of tuart trees planted at the school as a war memorial, and I believe a plaque attached to the school commemorates a community volunteer contribution to the school.

Hon Ken Travers: Jack Boardman.

Hon HELEN HODGSON: I thank the member. How will these memorials to events connected with the school be preserved? The community should be reassured about their future. The facilities at Scarborough Senior High School are used extensively by the community. It is one of the few areas in which people can meet to walk their dogs and indulge in other such social activities after work. It is also one of the few facilities at which people can be involved in organised sporting activities away from the street. No commitment has been given by the City of Stirling as to whether it will replace these facilities, nor has there been any consultation with the community. It is important that the residents of the western suburbs near the Scarborough high school site be considered. That point should be understood very clearly by the Government.

HON KEN TRAVERS (North Metropolitan) [4.12 pm]: The Leader of the House said that the recent closure of schools occurred after the communities had voted to do so. I have not heard of a vote regarding the closure of the Scarborough Senior High School. We need only see the petitions and recall the community outcry that occurred when the Government closed the school to know that the community did not support the closure. If time allows I will refer later to the long-term damage that will result from the closure of the school.

The one thing that became very clear in the comments made by the Leader of the House this afternoon was that this Government's motivation is money; it has nothing to do with good planning policy. If we take the Government's view to the extreme, we may as well sell all our public open space because it is valuable land which should not be retained simply because it is useful.

The Minister for Education has said that the role of the Education Department is not to provide community and sporting facilities, but to provide schools and education. The minister is wrong. Throughout Perth, school ovals and other facilities are regularly used by communities. They are provided for more than specific school purposes.

I refer to the general issues of planning. As members know, the basic structure of Perth -

The **PRESIDENT**: Order! This motion is very specifically about the commitment by the Minister for Education on the gymnasium, swimming pool and an area of public open space on the Scarborough Senior High School site. If Hon Ken Travers intends to talk about planning, he should relate it to those specific areas. If he refers to Scarborough Senior High School occasionally, I will know he is talking about the motion.

Hon **KEN TRAVERS**: I appreciate your advice, Mr President. It is my intention to refer regularly to good planning in the context of the removal of sporting facilities and public open space from the Scarborough Senior High School site. In that context we must consider the general planning of high schools and how they relate to their local area. We must also consider the flow-on effects of a school's closure.

The 1955 Stevenson Hepburn report entitled "Plan for the Metropolitan Region, Perth and Fremantle" on which Western Australian planning is based refers frequently to the standards of development and the way communities should be created. It also refers to secondary school sites, their importance to local districts and how they clearly provide part of the public open space within local districts.

Hon **E.R.J. Dermer**: They are community institutions.

Hon **KEN TRAVERS**: Very much so. The report was prescriptive on the size of school sites. It refers to the need for each high school to be on a site of 20 acres, of which 16.5 acres should be used as playing fields. The report repeatedly refers to schools being part of the total public open space within a district. There is a direct link between schools, particularly secondary schools, and the provision of public open space. What will be the net effect on the residents of the Scarborough area if we sell all the high school land for housing without making adequate provision for those community facilities and open space? Concerns about that were clearly expressed at the public meeting held at the school last Sunday. That is why people are concerned about this Government reneging on its commitment.

The minister said that before a decision was made processes must be undertaken. High school sites in the metropolitan region scheme, including the Scarborough Senior High School site, have their own specific zoning. That is why an MRS amendment is required for the school site to be used for urban purposes. Unfortunately that is no longer applicable in outer areas. In Alexander Heights the Government wants to rezone a site set aside for a secondary school. School sites are in the

MRS scheme for a purpose. At the public meeting the member for Innaloo said he did not understand why they were placed within the MRS. The reason is that they form an integral part of the planning for and the provision of public open space and facilities within our community.

The minister said that when the school was closed its eventual use would be determined after a proper public consultation process was undertaken. People within proximity of the high school learnt of its rezoning only through a conversation I had with Robin Murphy, the head of the action group formed to save the school facilities and public open space, during which I pointed out that an MRS amendment was to be debated in Parliament to rezone the area. Until that point the local community had not been made aware of that process.

The use of the site will be then determined through a process to be undertaken by the City of Stirling. Since this Government changed the planning laws a couple of years ago, time and again, particularly in the Cities of Joondalup and Wanneroo, it has over-ruled decisions made by councils after the proper planning process had been undertaken and the community had been consulted. We need look no further than the former Greenwood Primary School site to see that that occurred when this Government sold off the former school for the purpose of raising dollars, without any regard for the local community. Therefore, the community in Scarborough has every right to be concerned that if this Government sells off the whole of that school site, at best the community will see 10 per cent come back as public open space, when, as I speak today, around 80 per cent of that school site is part of that community's public open space.

If we allow this site to be sold off, rezoned, and all the public open space done away with - which, based on the Government's track record, is the direction in which it is heading - in five to 10 years there will be a desperate need for a new high school in that area. That area is going through a gentrification. Blocks are being subdivided, and families are moving back into the area and living in higher density conditions. Therefore, not only will there be a greater demand in the short term for public open space because people do not have their own backyards, but also there will be the need for another high school in that district in the not too distant future. If the Government does flog off the land, I am concerned that it will be at a cost to future generations, because I do not know where in that area the Government will build a new high school once that last remaining spot is gone.

Hon E.R.J. Dermer: It would be very expensive to buy the real estate.

Hon KEN TRAVERS: Yes, and almost impossible to find a decent sized area for a school site.

It is important to put this issue in the context of good planning. I realise that at the moment the community is concerned about the oval. However, the view that I gained from the public meeting was that the community is looking for more good planning, because that community relates to the parks and the reserves around that school as part of its public open space. That is what planning in this State has been based on for a long time. This Government must once again realise that. It must wipe the dollar signs out of its eyes and start thinking about good planning.

HON GIZ WATSON (North Metropolitan) [4.22 pm]: This motion concerns the failure by the Minister for Education to honour his commitment that the gymnasium, swimming pool and an area of public open space from the Scarborough Senior High School site would be retained for general community use. It has been said a number of times this afternoon that the emphasis of this Government is very much on making an immediate profit by selling off these community assets. We see it with the Leighton marshalling yards and again here with the Scarborough Senior High School. This area of open space contains facilities which are valued by the local community.

One thing I want to discuss in the short time I have is the proposal to build a gymnasium to replace the one that will be removed from the Scarborough Senior High School site. I understand that the proposal is for a new gymnasium to be built near Lake Gwelup. I particularly want to bring that proposal to members' attention, because the site proposed for the building of the new gymnasium is listed as Bushplan site No 212, as identified in the State Government's document, "Perth's Bushplan", on page 287, volume 2, part B. Therefore, it has been identified as an important conservation reserve, and it is needed to protect regionally significant bushland. Another issue is that Lake Gwelup comes under the Swan coastal plain environmental protection policy. Therefore, if the proposal is to build a gymnasium elsewhere, that site would be strongly opposed. It would also be a reneging on the Government's commitment to Perth's Bushplan. I suggest that a better option is to keep the gymnasium where it is currently located.

Another issue that has been identified is that this area in Scarborough has been subject to a fairly rapid increase in population, and therefore people value even more those areas of open space that are left. From what I have seen, Scarborough does not have a great deal of public open space. I wonder if there is not a more creative solution that would see perhaps some of the site redeveloped for urban residential purposes, while still allowing a community asset to remain.

Those are the only comments I wish to make. The Greens (WA) share the concerns of members on this side of the House that this site should remain for the public benefit. We encourage the Government to rethink this matter and to look to a longer-term retention of community assets rather than the immediate cash return that could be gained from selling this site.

HON E.R.J. DERMER (North Metropolitan) [4.26 pm]: I will address a number of points made by the Leader of the House which I believe need further attention. I fail to understand how the leader could say that this debate is in any way premature, because the substance of the debate concerns a commitment given by the Minister for Education last year. However, this year, in response to a question I asked in the House, the minister has shown that he is not prepared to stand by that commitment. In that sense, the motion deals with an issue retrospectively. The message needs to get through to this Government that this matter is urgent, and for that reason I have moved this urgency motion.

A number of matters were raised by the Leader of the House. I will address as many as I can in the limited time available.

He referred to the role of the member for Innaloo. The member for Innaloo, despite being a former teacher at the Scarborough Senior High School, demonstrated zero support for the retention of the school last year. He made statements which facilitated the closure of the school, rather than supporting the school as an important community institution in his electorate. I described that last year as negligence, and I still hold that view.

The Leader of the House misunderstood the minister's undertaking on the maintenance of the facilities, despite the fact that I read the letter from the minister and it was subsequently reread by Hon Helen Hodgson. The minister undertook to maintain the facilities until such time as they were handed over to the City of Stirling. The words were read verbatim from the letter; therefore, there was no reason that the Leader of the House should have misunderstood what was being said.

Most importantly, I will again deal with the issue of consultation. There has so far been no realistic consultation on the future of the school with the people of the area. The recommendations that were considered under the local area education planning process were drafted by officers of the Education Department. The people of Scarborough and the surrounding area did an excellent job in articulating their position in petitions - there were well in excess of 1 000 signatures - which were presented to this House last year. However, the minister did not listen.

I am concerned because there is no public confidence in the integrity of the minister following his failure to stand by the commitment he made in June last year. It is difficult for parties to consult in a real way when there is no confidence in the integrity of the other party. It is for this reason that the people of Scarborough and their representatives, at least Hon Ken Travers, myself and others on this side of the House, will give support to ensure this round of consultation is real consultation. We will ensure it is not like it has been to date where the minister has told people what will happen, has dictated the terms and called it consultation. The House has authority over metropolitan region scheme amendments for a good reason. The House has a responsibility to ensure that whatever proposal is put forward is consistent with the needs of the people in the community who will be impacted upon.

Motion lapsed, pursuant to standing orders.

COURT SECURITY AND CUSTODIAL SERVICES BILL 1998

Committee

Resumed from 21 October. The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clause 4: Interpretation of "hospital" and "person apprehended under the Mental Health Act" -

Progress was reported after the clause had been partly considered.

Clause put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Court security services -

Hon JOHN HALDEN: My first question is about subclause (2), which reads -

The CEO is responsible for -

- (a) providing for the protection of -
 - (i) people who work at court premises;
 - (ii) people who are required to attend court premises as a witness or juror or in the course of work; and
 - (iii) other people in a courtroom.

Does that catch-all subclause include people who may not be attending as witnesses or jurors or who do not work in the court; that is, lawyers not attending court, people working for a lawyer - in any capacity - or other people who have business there but are not in the courtroom?

Hon Peter Foss: Does the member mean are other people protected by the subclause?

Hon JOHN HALDEN: Yes.

Hon PETER FOSS: My reading of the subclause is that it covers other people while they are in a courtroom, but not on the premises. People who work at the court or who are required to attend for some purpose of the courts are covered while on the premises, as opposed to a member of the general public who attends to see what is happening.

Hon JOHN HALDEN: My concern is that people who are required to attend in the course of general work -

Hon Peter Foss: They would be covered.

Hon JOHN HALDEN: What if someone wanted to file some documents in the court?

Hon Peter Foss: That would be so.

Hon JOHN HALDEN: I am not sure what the Attorney General means.

Hon PETER FOSS: If a person is required by his employer to attend the courts in the course of his work, I believe he will be covered by paragraph (a)(ii). However, a member of the public who turns up to watch a court case will be covered only under paragraph (a)(iii).

Hon JOHN HALDEN: Under subclause (2)(a)(iii), what happens if the person turns up to attend court, but is not in the courtroom? There is a responsibility to secure the whole building under the security, good order or management clause. I am not sure subclause (2) encompasses all the options that may exist in providing for good order and management. I cannot see why the chief executive officer would not be responsible for everything within the defined area of the court when clause 5 has provided for security, good order or management. There is an opportunity for something to fall down between the cracks.

Hon PETER FOSS: We must deal with the difference between the liability the chief executive officer has to a person because he is on the property, which is a general liability to anybody on the property, and the active obligation to protect a person's safety. A person wandering through the court's premises is merely a visitor to a government building. He has the same protection any visitor to a government building has by virtue of civil law. Anybody who works in the building or has to go there in the course of his work, whether he is a court employee or employed by someone whose work deals with the courts, is picked up under subclause (2)(a)(i) and (ii). However, members of the general public do not come under the specific protection provision until they are inside a courtroom. They are seen as visitors anywhere else in the building. The laws relating to visitors protect them from harm. The active obligation to keep an eye on people and protect them from harm relates to people who are there in the course of their work, whether they are jurors, witnesses or from a solicitor's office. Those people are protected within the legislation because they are called to be there. Anybody else is a visitor under a normal law. It is the same as if one visited the Capita Building or any government department. Security people do not have an active protection role for those people. They are there to look after the people who work in the building, rather than visitors. The exception, and where the protection role is extended, is that once those visitors enter the courtroom they come within the purview and control of the judge.

Hon JOHN HALDEN: What is the relationship between the responsibilities of the CEO and those of the chief judicial officer of a court, depending on whether it is the District Court, the Supreme Court or the Local Court?

Hon PETER FOSS: Clause 34 provides that nothing in the Bill limits any entitlement that a court has under a law to issue directions or to make rules in relation to court security and court custodial services affecting the court. That is catch-all clause so that whatever right the court currently has is not impinged by reason of clause 34.

Hon JOHN HALDEN: I see some problems. If as in clause 34 the court has powers to do certain things, what will be the impact of clauses 22 to 25 upon the clarity of the roles of the CEO and the head of the court? In clauses 22, 23 and 24 certain people can be appointed to become judicial officers who have other roles within the court, so a bailiff or bailiff's assistant can have one role and can also take up these judicial officer functions. Some confusion exists because the bailiff and bailiff's assistant, who have a direct line of responsibility within the court system currently, can be asked to take on other roles under this Bill which are different from those that exist. A further set of rules is being outlined here so that the court can also issue orders or directions or make rules in relation to court security. The Attorney General has said that this was a process of simplification of tasks and roles. However, it seems there will now be a significant blurring of responsibilities and roles and people can be all over the place and not quite sure to whom they are responsible.

Hon PETER FOSS: First, some doubt exists whether these people have the power to act at present, particularly with courts that are not courts of record, for instance, the Magistrate's Court. We have tried to overcome that. No-one was certain what could be done on the order of a magistrate in the Magistrate's Court unless an officer acts on the specific directions of a judicial officer. If a judicial officer said, "Take that person into custody", presumably they could, and as the court will decide whether they were validly apprehended they have a pretty good chance of getting away with it. However, there were some doubts, apart from the judicial officer, as to what independent right they had to act. This is particularly useful in the Court of Petty Sessions, where there was some concern about what powers magistrates have, and Hon John Halden may guess who specifically requested clause 34. It was to try to ensure there was no detracting from the power of the court. We have not defined the power of the court, because no doubt the court will tell us what that power is, and that will be drawn in accordance with the usual rules. I cannot tell the member how it will operate, because that will be determined by the court. The clause says that nothing in the Bill will limit any entitlement of a court under law to issue orders or directions and to make rules in relation to court security. The clause says that it does not matter what else is in the Bill, if there is a power at law for the court to issue a direction that direction must be followed because nothing in the Bill says otherwise. The problem is that, even before we got to this point, some of it was uncertain. Part of the Bill is to try to make that certain. That is important not only for the people carrying out those tasks but also for some of the courts whose position is not clear. On the other hand, we do not want to specifically say what the court can do, because it is up to the court to interpret that. Clause 34 allows the court to say what is the law - not just on a whim, but in accordance with appropriate legal precedence and laws interpreted by the court - and how the two powers will work together. If there is any dispute, clause 34 says that provided the court has the power to make a direction, nothing in this Bill will overcome the right of the judicial officer to say what can happen in that court. To some extent that is unsatisfactory, particularly for the Magistrate's Court, because there is some query as to what magistrates can do now. However, so far as the Supreme Court and the District Court are concerned, in due course they will determine that and we will be told what that means.

Hon JOHN HALDEN: It seems perplexing that this is not about simplification and being clear as to who has responsibility for what. I understand that could be problematic and difficult. Subclause (2)(a)(i) provides that the CEO is responsible for the protection of people who work at court premises. The two parties involved could get themselves into conflicting positions under occupational safety and health legislation. For example, how will a situation be resolved if the CEO says

that an area is unsafe and someone cannot go into that area, but a judicial officer says that there may be a security risk in an area that has been cordoned off and directs an officers to go into that area? I refer to the requirements of the CEO and the chief judicial officer, both legitimate concerns, on matters of occupation health and safety and security.

Hon PETER FOSS: It would be very nice to know that now! The chief executive officer obviously has responsibility for occupational health and safety because such people are employed by the Ministry of Justice. I refer to people currently working in the court, as they are not employed by the judiciary. A bit of a stir would arise if anyone suggested that the judiciary be responsible for their occupation health and safety. We have not defined what the court can do, probably for the same reasons that one never tries to define what Parliament can do. The court makes the decision. Perhaps it would be simpler to make the CEO totally responsible, as a logic and justification would be involved. However, that notion was not acceptable to certain people. An override was provided, but only to the extent that the override currently operates; that is, to the extent that judicial officers can already state something which impinges on occupational health and safety requirements.

Judicial officers do not usually make orders out of court. It is not usual for judicial officers, acting as judicial officers, to do employment-type things. Some personal staff of judges are not employed under normal circumstances. It is very much a matter of the person with employment responsibility giving directions. Many people at the court are employees of the Ministry of Justice and do as they are told by the senior ministry person on site or, if necessary, by the director general of the ministry. That may lead to disputes with judicial officers, but that is normally avoided through proper management processes to ensure that disputes do not arise as a result of directions given by judicial officers in normal employment. Although not completely confined to this circumstance, judges are only judges when in court, and they give judicial orders only when in court. Other responsibilities are involved. Contempt of court can arise for behaviour on the court's premises. Possibilities extend beyond the courtroom, but most judicial officers' directions occur in court.

The Government has not resolved that matter in the legislation, as I do not think it can do so. Even if it tried to resolve it, ultimately the interpretation will be made by some people, and not others. It will be resolved in the courts anyway.

I have no big problem with the meaning of clause 34 being interpreted by the court. I assure the member that the courts will do so in accordance with the law, not through some whimsical behaviour. They will work out a practical solution. It refers to something which is currently judge-made law and will not be in this legislation. It states that clause 34 will not affect judge-made law concerning a judge's right to give directions within his or her purview. A judge, in his personal capacity, cannot say to the member, "Get out of your house." He can do so in a judicial capacity if it is a proper course of action, and someone can show why the member should leave his house. A limit applies at law to what a judge can tell one to do. A member of Parliament cannot tell people what to do. Members can collectively pass a law which tells people what to do, but cannot give such instruction individually. It is only when functioning in our position as members of Parliament, in cooperation with other members of Parliament, following our processes, that we can tell people what to do.

Hon John Halden: I refer to my example about security. I have worked in a court and seen a judge request that an area be made secure believing that it was not secure at the time.

Hon PETER FOSS: The judge was entitled to ask that that be done. Clause 35 sets down the protocol to ensure that such things can happen. The Government recognises that different people have different responsibilities, but the intent of clause 35 is to avoid drawing a different conclusion. Many requirements are listed in that provision. Administrative procedures will apply also, as everything need not be in the Statute. The intent is to provide a better service, which can be done. We are doing that in part by giving statutory powers to areas where, at the moment, it is extremely unclear what some of these people can do. The only reason that a problem has not arisen before is that nobody has challenged it. From time to time a little concern arises: Could we do this? Do we have the powers? Can we search people? Can we take people into custody? What can we do? Those powers will be put into Statute and surrounded by appropriate protections. The Government is being careful not to impinge on the judicial right to override those requirements. I cannot give a definitive answer. We are going only so far in regulating the area, and we have not totally codified it. We certainly have not codified the judges' powers.

Clause put and passed.

Clause 8: Management etc. of court custody centres -

Hon JOHN HALDEN: This provision reads -

The CEO is responsible for the management, control and security of custody centres.

Clause 5 is the interpretation of "security, good order or management". Why has a change been made between the two provisions? If we talk about "security, good order or management", why not be consistent in clause 8?

Hon PETER FOSS: This is rather interesting. If a person is in custody in a court custody centre, he or she is in my custody as Minister for Justice. The only way the person can be dealt with is in accordance with an order of the court or through warrants under my hand. This provision states that the happenings within the physical premise are in the "management, control and security" of the CEO, whereas the reference in clause 5 is to the physical place itself, which is under the CEO's "security, good order and management".

Clause put and passed.

Clauses 9 and 10 put and passed.

[Questions without notice taken.]

Clause 11: Management etc. of lock-ups -

Hon JOHN HALDEN: I seek the Attorney General's clarification. I understand the definition of "lock-up" in this Bill. What will be the process in describing what lockups will come under the auspices of this Bill? I ask that question because I am wondering about duplication of responsibilities.

Hon PETER FOSS: On the Supplementary Notice Paper is an amendment dealing with non-prescribed lockups. The reason for that is that there are a number of lockups which certainly in the near future, and most probably even in the distant future, will not be taken over under this Bill. I am talking of those in remote regions. The intent is, first of all, for a progressive takeover, starting with those in the metropolitan area and then perhaps moving out. However, it would not be practical to deal with some lockups under this process. It would not be sensible to manage the lockup at Halls Creek under this contract because it would take half a full-time equivalent once a week to run it, and to have somebody permanently employed to do that would not make sense. Therefore, we recognise that there will be places in which the lockups will not be taken over because it is easier for the police to run them as part of their duties. We have talked about a similar thing with police prosecutions. Obviously, there are places where there is an occasional prosecution - maybe once a week - and to have a permanent prosecutor from the office of the Director of Public Prosecutions in those places would not make sense.

The major difference between prescribed lockups and non-prescribed lockups is that the prescribed lockups come under this clause and become the responsibility of the chief executive officer. The reason that we now have the addition of non-prescribed lockups is that whether they are prescribed lockups or non-prescribed lockups, they will end up under the inspector provisions. Therefore, they will all be subject to inspection, but only the prescribed lockups will be run by the chief executive officer as opposed to being run by the people by whom they are currently run, which is normally the police.

Hon JOHN HALDEN: To further clarify what the Attorney General said, will a prescribed lockup be staffed full time by contracted workers?

Hon PETER FOSS: Yes.

Clause put and passed.**Clauses 12 to 14 put and passed.****Clause 15: Moving persons in custody and intoxicated detainees between custodial places -**

Hon JOHN HALDEN: Will the Attorney General give me some idea of the training that these contracted officers will have to ensure that they can undertake this task with safety to the person who is being moved and to themselves?

Hon PETER FOSS: A six-week preliminary course is conducted by the Corrections Corporation of Australia, followed by two weeks of shadowing, and then a two-week compulsory in-service course annually.

Hon JOHN HALDEN: I suggest to the Attorney General that clearly the experiences in both the United Kingdom and Victoria have been that these contracts are at their most difficult stage in the early phase of the implementation or the changeover from public to private sector workers. I guess I am making an assumption, but we may well find on day one that there will be workers dealing with intoxicated people, and the sum total of the experience of these workers may well be six weeks' training not dealing purely with this issue, and two weeks' shadowing, to use the Attorney General's words, not dealing specifically with this issue. It seems that handling intoxicated people - I am not thinking so much of people intoxicated by alcohol but by drug use or abuse - can be problematic and difficult. Experience is gained over time in these matters, but the community would be concerned, particularly in the initial stages, if six weeks of training - clearly not only on this one issue, but an array of issues - had the potential to put a variety of people at risk for a period. I do not want to overstate the risk in the longer term. However, in the shorter term there may be a problem with the ability of these new people to cope with some difficult situations.

The second point is whether other services can be called on for a more protracted period of shadowing in these difficult circumstances than perhaps is necessarily embodied in the words of the legislation.

Hon PETER FOSS: The current training for a police officer in these matters is three, 40-minute sessions in a total training period of 26 weeks. These people will have six weeks' training off the job, two weeks' training on the job, and two weeks every year thereafter. Furthermore, it will be their principal job, their dedicated job. That word has been misused occasionally. Some people have suggested that policemen are not dedicated, whereas we have tried to indicate that if this is someone's only job it becomes a more important and significant part of their day-to-day life. We see an advantage in having people who see this as their job as opposed to people who see it as being not part of their job, but they must do it anyway. Secondly, shadowing will occur for two weeks, which is more than police officers receive. If it were necessary that could be extended, although the Government does not believe it should be necessary.

Probably the major area in which this issue needs to be dealt with is in relation to lockups. That matter is not addressed in the first stage of the takeover, but in the second stage. By the time of the takeover the personnel will have had considerable on-the-job experience with other aspects of custody. Members must keep in mind that most of the lockups are situated in police stations, so police will be available and even though it is not their job they can be brought in to assist if necessary. However, the Government does not believe that will be necessary because these people will have more training than policemen have under current circumstances. The only point that may be different from the current situation is that these people will all be coming onto the job and there will be a wider range of people in the early stages of their employment. That is something for Corrections Corporation of Australia to manage. It has people with this experience in other areas of Australia, as this is not its first contract of this nature, and who is to know what its employment practices may be? CCA may

seek to employ people who have had police experience and so forth. I would expect it would employ some people from that area. We must keep that under review, but all the protections are in place should what has been planned not be adequate to give the person sufficient training. However, by comparison, it is considerably more than a policeman receives.

Hon JOHN HALDEN: I am still concerned about this issue. I find it difficult to accept the Attorney General's answer that CCA may employ people with previous police training, prisoner officer training or even paramilitary training. Having read the debate from the other place it is probably arguable, and I do not think the Attorney General will confirm this, that these people will probably be paid less than people in the occupations that the Attorney General has outlined. I do not know that we can be guaranteed that people with great experience will be employed in these positions. One would have to ask if they have great experience why would they want to work in this area for what may be considerably less money. Although the Attorney General said that police officers get three 40-minute training periods we do not know what CCA will provide in this six-week training period. We do know that one of the things that do assist people in dealing with this - be they prison officers or police - is having had the experience of knowing the sorts of unpredictable behaviour that people who are intoxicated can exhibit and how that can be controlled to protect both the workers and the person intoxicated. Does the Attorney General have any indication of the level of training that CCA will provide in this area?

Hon PETER FOSS: The training by CCA is based on a certificate III custodial officers program, which is a nationally accredited program. The most important issue is that they get six weeks of training instead of three, 40-minute sessions. Although the pay is less than that of a police officer it is not gigantically less. It recognises that what is asked of a police officer is far broader and significant than what is asked of these people. One of the difficulties we have had is that police officers see themselves, quite rightly, as doing battle with the baddies and exercising a wide range of skills that they have been taught, yet in many ways providing custodial services and acting as orderlies and other functions in court is not seen as the epitome of why they joined the force. We are trying to employ people who see providing custodial services as a career, and instead of being dissatisfied with that and having a small part of their training directed towards this function - three, 40-minute sessions in a six month course is a small part of that course - these people have six weeks' pre-training, two weeks on the job, and then two weeks every year. That training will be in accordance with a nationally accredited program. I postulated in the same way that Hon John Halden postulated that CCA will get some people with experience. I will be surprised if it did not bring people across from the eastern States who have experience or engaged people who have had experience. Those people will bring not only their knowledge but their experience, and that is how a lot of on-the-job training takes place. One works alongside people who have that experience and they provide one with the training. An awful lot of people must learn the job that way now. Police officers receive three, 40-minute lessons on this aspect. Being put into transport, court security or lockup is not regarded as major police work. It certainly does not get the sort of enthusiasm we hope it will receive under the new arrangement. It is not seen as a plum job by police, and is hardly handed out to people who are heading to the top of the police promotion tree. It is generally considered to be one of the less desirable jobs. Therefore, it is hard to ask a police officer to perform this job, as they did not join the force to undertake such work. No matter how good or junior an officer may be, to some extent this work is not seen as the best work. A reason for this change is that the Government hopes to get people into this work who want the job; that is, they will apply enthusiasm and diligence to the job because it is the job they want.

Hon JOHN HALDEN: To what extent can these contract workers use restraint? Is there any limit on the type of force they can use in restraining an intoxicated person?

Hon PETER FOSS: One has court security services and custodial services. The powers applying to court security services are outlined in schedule 1, and the powers relating to custodial services are outlined in schedule 2.

Hon JOHN HALDEN: Can the Attorney General explain how the powers of restraint differ from those for police or prison officers?

Hon PETER FOSS: The problem is that we have some concerns about whether people have some of those powers at the moment. The general powers are more akin to those of prison officers than those of police officers.

Clause put and passed.

Clause 16 put and passed.

Clause 17: Contracts with private sector -

Hon JOHN HALDEN: I commented during the second reading debate about the ideology behind this provision. Clause 17(1) exemplifies this point as follows -

For the purpose of providing any court security or custodial services the CEO may, for and on behalf of the State, enter into a contract with a person other than -

- (a) the Commissioner of Police; or
- (b) a member of the Public Sector as defined in the *Public Sector Management Act 1994*.

It appears to be the Government's choice in policy and management to go down this path. We used the word "choice" extensively in another debate in this place. By legislating, the Government will limit another Government's ability to make that choice. The reference to "other than" (a) and (b) is not required. The Government will make a policy decision and let a contract, as is its right as the Government of the day. Except for philosophical reasons, why add paragraphs (a) and (b)?

Hon PETER FOSS: The answer can be found on the next page in clause 18 as one need not contract with the Commissioner of Police or a person under the Public Sector Management Act. An arrangement is made and one does not need a contract.

Hon JOHN HALDEN: We had this debate before and found some commonality. I see some benefit in contracting with the public sector for the very reason the Attorney General sees benefits in contracting with the private sector; that is, one can have an array of requirements, such as benchmarking and quality assurance.

The CHAIRMAN: I need to give the call before members speak because of the requirements of television; I must call members so the television camera operators know upon whom to focus.

Hon PETER FOSS: I agree entirely with Hon John Halden. However, one cannot contract with oneself. The State cannot contract with the State, but it can contract with someone else. Government can enter into what one would call a contract - namely, something which has all the appearance of a contract - but which cannot be enforced in the way of a contract. The method of enforcement will be different. However, the arrangement referred to in clause 18 could be applied in what looks like a contract, whereby all the things one requires in this Bill can be done. The provision takes into account the appropriate legal background. One contracts with a third party, and that could be somebody other than the Commissioner of Police and someone under the Public Sector Management Act. Arrangements are made with people in government which for all intents and purposes can look like a contract. We have done that in government before. The concept of funder-purchaser-provider is based on that notion. I agree with Hon John Halden: A good thing to arise from contracting is applying the same methods of achieving performance from government departments as can be achieved through external contracts. However, they cannot be arranged in the form of a legal contract.

Hon John Halden: How can arrangements be made?

Hon PETER FOSS: It is under clause 18.

Hon John Halden: Is that even though it does not say contract?

Hon PETER FOSS: It will not be a contract in the strict legal term, but one will set up the arrangement stating the performance required. We have done that in the Ministry of Justice. We have an executive director of offender management, a general manager of prison services and a purchaser-provider arrangement. An arrangement is made between the executive director of offender management and the general manager of prison services similar to the one with Corrections Corporation of Australia. The Government will run the two prisons in exactly the same way with the executive director of offender management contracting under strictly legal contractual terms for Acacia, but contracting in non-legal terms with prison management people for every other prison. We hope to have that arrangement in place across the system. That is the means by which we should place pressure on the prison system to perform to match the private system. Undoubtedly, the public system does not perform until it competes with the private system.

Hon JOHN HALDEN: The Attorney General stated before that this process will save money for the taxpayers of Western Australia. Roughly, how much money will be saved?

Sitting suspended from 6.01 to 7.30 pm

Hon PETER FOSS: I have been at pains from the beginning to indicate that this is not a cost-cutting or cost-saving exercise; it is an efficiency exercise. Although some money will become available to the Government, it will cost more to provide the service because we have said we intend to keep those people who are currently working in this area in the prison and police services; we do not intend to reduce the numbers in either service but rather to return those people to other duties - what we see as core duties. This has been called a core function exercise because it is intended to return those people who have a wider role, which is slightly more directed to other things, to that service. There is no saving. In fact, the measure will result in the Government spending more money because it will provide for this service separately to the services provided previously.

Secondly, the intent has always been to provide a more efficient service; that has also been a core part of this exercise. The Opposition has acknowledged that it supports the concept of what it calls the "third service" as being a better way of delivering that set of services. The Government agrees with the Opposition on that; the contracting out is a separate issue from that of a better method of providing the service. We believe there will be savings in due course but that is not the driving force nor is it a prerequisite for the letting of the contract. The essential thing is to ensure we release those people to the services in which they are engaged and we will have that many extra people available. We did this when we civilianised a large number of clerical jobs within the prison service. The Government did that with the express intention of maintaining the police who had been released from those jobs as officers on the force performing as police officers as opposed to clerical assistants.

The actual contract will not be signed until such time as the legislation has been passed, assuming it is passed. We are hopeful that with a better service we will get better cost efficiency in time. However, the main thing the Government is doing is improving the service. It intends to provide a better service than at present and not to merely substitute the service.

Hon JOHN HALDEN: I note that in the debate in the other place it was suggested that the cost of delivery of the variety of services covered by this Bill was in the order of \$23.2m. I also note that it was then said that the Government has \$30m to spend in this area. Bearing in mind all the things the Attorney General has said about extra police and prison officers performing their core duties, can I extrapolate that we are likely to be up for additional expenditure of \$6.8m?

Hon PETER FOSS: I am not sure what the \$30m is. The Government is upgrading all the lockups as part of this contract. There is a substantial capital improvement cost in there which is over and above the day-to-day running costs. I am not sure where the member gets the \$6.8m from. It is not a figure which rings any bells with me or my advisers. Our understanding is that the estimated cost of the current service is about \$24m. Part of the problem has been quantifying the service.

Hon John Halden: What is it likely to cost?

Hon PETER FOSS: Under contract? We will not know until such time as we sign the contract but we are working on the basis that that is the current cost of providing that service. However, we will be asking the contractor to do more than that. About \$1.6m worth of improvements is to be done on lockups in addition to the cost of service.

Hon JOHN HALDEN: I have the view from the comments made that the Attorney General is suggesting that the Government knows the current cost, it knows the capital improvement cost but it does not know what the cost of the contract will be. That is nonsense.

Hon Peter Foss: We haven't signed it yet.

Hon JOHN HALDEN: Of course the Government has not signed the contract yet, but it is not blind. Surely it is not dithering into this without any foresight.

Hon Peter Foss: No, we are not.

Hon JOHN HALDEN: It is, if that is what the nodding is about. The Government cannot possibly say that it does not know what it thinks the cost is likely to be at this moment.

Hon Peter Foss: It certainly won't be any more than we are currently paying.

Hon JOHN HALDEN: Hang on, comments were made during the debate in the other place on about page 6925 of *Hansard* that the Government was likely to pay more. Either the Government does or does not know but I suggest that it does. I suggest the Government knows this will cost more. All I want to know is how much more.

Hon PETER FOSS: We believe that if we signed up today, it would be about \$3m less than we are currently paying for the service.

Hon John Halden: An amount of \$3m cheaper?

Hon PETER FOSS: Cheaper. We cannot tell the Chamber how much it will be until such time as we sign the contract. We have also phased it that if we did all of what we are currently doing, we estimate it would be about \$3m cheaper. However, we cannot say definitely that that is what it will be until such time as we can sign up. Until such time as this legislation is passed, we cannot tell the Chamber what the exact figure will be.

Hon JOHN HALDEN: The Attorney General said in the past seven or eight minutes that this was not a cost-saving exercise, that there would be extra cost, that the Government would be spending more. I am quoting what I wrote down the Attorney General said. They may not be the exact words, but now the Attorney General is saying it will be \$3m cheaper.

Hon Peter Foss: We are also keeping the police and prison officers. We will be spending around \$43m instead of \$23m because we are keeping the police and prison officers.

Hon JOHN HALDEN: The Attorney General is now saying that the totality of this package will cost \$43m?

Hon PETER FOSS: No. I made it clear that we will not be saving money because the police and prison officers who will be relieved from their duties will not be replaced; they will stay. The cost of those officers will continue because they will return to being police and prison officers. It will therefore cost more money because, in addition to paying for police and prison officers who have returned to being police and prison officers, we will engage new people who will perform this new task. We have not signed the contract. However, we believe that, aside from the \$1.6m of capital improvements, the current estimate of the actual running costs will be about \$3m less than the current cost of performing this task. However, we will not save \$3m because we will spend \$20m more. I make it clear that this is not about saving money; this is about releasing police and prison officers back to doing their jobs and performing the current job in a more efficient manner. However, we expect to have to spend \$20m more because we will be performing a totally new job with new people. If we were to get rid of all the police and prison officers, there would be a cost saving, but that is not the intent. I keep trying to make the point that we are not going into this as a cost-saving exercise but, rather, to improve efficiency and to release officers back to core functions. If we saved money on the cost of the service that we were previously providing, that would be lovely. However, we will not be saving \$3m because we will be spending \$20m more, and also paying for a \$1.6m upgrade to the lockups. However, were we to substitute them, there would be a saving, but that is not our intent; our intent is to improve services.

Hon JOHN HALDEN: I understand clearly what the Attorney General has said but this is like extracting teeth. I clearly understand that this will cost more.

Hon Peter Foss: Good.

Hon JOHN HALDEN: The question the Opposition has been trying to have answered is: What is the cost saving between that which the private sector will provide and that which was provided by the public sector?

Hon Peter Foss: We would do this anyway, even if there is no saving because the intent - as I keep making the point - is not to save money. It just happens that we have been offered a cheaper solution. However, even if it were not cheaper, our intention would be to do it in this way because it is a more efficient way of providing the service and it releases police and prison officers to other duties.

Hon JOHN HALDEN: The Attorney General is saying that we will save \$3m between the current public sector arrangements and what will be provided by the private sector under the contract.

Hon Peter Foss: We will also have a better service.

Hon JOHN HALDEN: I concede it may well be a better service. I agree with all the other comments made by the Attorney General and do not wish, nor am I in a position, to disagree with them. What is the major component of that \$3m saving suggested by the Attorney General?

Hon PETER FOSS: Obviously, we expect to get a contract price and it is up to the contractor to decide what it can provide for that price. If we go to Myer or Aherns department stores and see the same item cheaper in one store, we do not question why that store can provide it cheaper than the other; we accept that it is prepared to provide it at that price. Our main concern is that we buy good quality and we buy it if it can be bought at a good price. I continue to return to the fact that, no matter how many times the Opposition tries to suggest this is a saving exercise, it will be an additional bonus if we save money because the real saving to the State of Western Australia is a more efficient provision of services and the releasing of both policemen and prison officers back to their jobs. The Opposition continues to try to suggest that the Government is claiming savings. We have never claimed savings and I do not even put the claim on that basis. We have made it clear that that is not in our interests. As it happens, it appears that the contractor has offered to perform the contract for \$3m less than the Public Service. We would expect that to some degree, because the method of providing it is more efficient than the current method. The other reason, I imagine, is we do not need people who are trained as highly specialised police officers to be court orderlies or lockup custodians. People who are trained for that job, and paid accordingly, can do that job. The problem with using police as court orderlies or lockup custodians is that we are paying for people with a higher rate of training, a higher rate of pay because of that training, and trained for a different job than the one they are currently carrying out. We would expect there to be some savings with only those changes. However, we are not asking people where they will make the savings. We expect there will be savings and we expect there will be future savings as, with time, the process is made even more efficient. As the contractor becomes used to and settled into the job, it should be capable of making greater savings than at the commencement of the job. I emphasise that we will spend about \$20m more and that is with the intent, not to save money but, rather, of having a better service and to release police and prison officers to do their job. It will be a bonus if that service is provided cheaper than it could be provided by the Public Service.

Hon Ljiljanna Ravlich: Have any costings been done?

Hon PETER FOSS: Welcome to the debate.

Hon LJILJANNA RAVLICH: The Attorney General is right, I have not been here for the bulk of this debate. My colleague has done a very good job indeed.

Hon Peter Foss: He has.

Hon LJILJANNA RAVLICH: However, I have listened to part of the debate and, in particular, the information just conveyed by the Attorney General relating to the Government's awareness of the cost of this project. I refer to an attachment which is part of a package of correspondence from Mr K. Porter, the Deputy Commissioner (Administration) of the Police Service. It is relatively recent information dated 4 November 1998 and addressed to the Minister for Police. Point 5 on attachment A states -

Assuming there is no increase in the services required over time savings in the order of 2% will accrue to Government over the life of the contract . . .

I understand that the Attorney General indicated the contract has not been signed. I do not understand how one can get 2 per cent savings over the life of the contract if one does not know the contract period. Point 5 continues -

. . . as start up and financing costs are amortised.

Can the Attorney General provide some detailed information on the start up and financing costs and how the savings figure of 2 per cent was arrived at if the other critical costs were unknown? Will the Attorney General table some of the costings of this project prepared by the Police Service or the Ministry of Justice?

Hon PETER FOSS: So as not to be accused of tedious repetition, I will explain that I am trying to satisfy Hon Ljiljanna Ravlich who would like to hear everything all over again. First of all, I do not know whether Mr Kingsley Porter is involved. He may be referring to savings to the Police Department, which could be the case. I have tried to say all along that the intent of this has always been to improve the service rather than to save money, because the police officers, the prison officers and the other people involved in this will not have their services disposed of; they will return to the Police Service and the prison service respectively. They will continue to be employed and the costs involved in that will continue to be incurred. The costs of providing this contract are additional costs. We have always made it quite clear that it will be a cost on top of the current cost to government. The intent was to provide a more efficient way of doing it, which does not have duplication and which will return greatly needed staff to both those services. However, as I also said to Hon John Halden, we will not know the final contract price until such time as the legislation is passed and we can enter into a final contract. I indicated that the current cost of providing these services has been estimated at between \$23.5m and \$24m. On current indications, if we were to enter into both stages of the contract - bearing in mind we will be entering into two stages and we cannot enter into the contract until the legislation is passed - we would expect to be entering into a contract at about \$20m. Depending on the estimated costs, and to some extent it is a matter of estimation, that would mean a saving of between \$3.5m and \$4m. However, I emphasise that it is not entered into with the intent of saving money. That will follow for a number of reasons: First, the duplication of effort will be avoided, which is one of the reasons we are doing it. Nobody likes to duplicate effort and waste time. Secondly, we will be using people who are specifically trained for this job rather than trained for a much broader and more specialised job, which requires that they be paid more because they are trained for a wider range of duties.

I also mentioned to Hon John Halden that, as well as performing the current job, we are taking the opportunity to make some improvements; that is, we will do more than we do currently. One of the things we will do is upgrade the lockups to the standard required by the Royal Commission into Aboriginal Deaths in Custody. That is one of the issues we had to address, and we have addressed it at the same time. As well as improving the way in which we do this, which I understand the Opposition supports as a concept, we intend to deal with some matters of a capital nature that should be dealt with at the same time.

I keep saying that neither I nor the Government has ever claimed we will make a saving. We have always said that, even if we do not save a cent, it is worth doing this for the benefits that will flow in terms of quality and efficiency of service, the reduction of duplication and the releasing of police officers and prison officers to other duties. We believe we will make a saving in the region of \$3.5m to \$4m, but that is not the claim we are making. I know people keep trying to force us into making that claim. I am not making that claim; I am responding to the request by Hon John Halden, who seems to want me to make the claim that we will save money, but I have never made that the justification for what we are doing. If that follows, I am sure everyone will welcome it. However, I hope members understand that the basis on which we are doing it is not dependent in any way on saving money.

Hon JOHN HALDEN: I am starting to get a clearer picture of the financial issue. Much more detail has been given in this place than was given in the other place, and I appreciate that frankness.

Hon Peter Foss: I have also made it clear that, until we sign the contract, it is very much a provision.

Hon JOHN HALDEN: In regard to the same clause, an issue was raised with me, and perhaps it is best to say that this is a hypothetical matter. I understand what the Attorney General is saying about benefits; that is, people who have worked in this area will be redirected to what they are trained for. I understand that some people got these jobs because they had experiences in their other jobs which traumatised them, and they had significant difficulty in dealing with the environment in which they were employed to work. Now those people have found that they are faced with these prospects. If they were forced to go back to their core jobs or functions, they could not possibly cope. They accept that they have found a niche which probably ends their promotional opportunities and is a dead end, and they can survive in the work they are doing, but they could not possibly survive in their original environment. I understand what the Attorney General is saying at a theoretical level, but there is also a practical level. I am indicating to the Attorney General that if such people were to exist, they must be given other opportunities rather than just be put back into the working environment from which they have come, and in which they had unpleasant, traumatising experiences. These people need some security about what the Government will do.

Hon PETER FOSS: The member is quite right. However, the numbers are reasonably small, and not as high as they used to be. I used to practice in the courts, and one would not in 100 years put those court orderlies on a police job. However, that has changed, and both services are managing those issues better. It is not appropriate merely to park people in jobs because they are incapable of doing the jobs for which they were hired. It is important that we address that issue because there are a number of possibilities. First, some of these people may take work with Corrections Corporation of Australia. If they see their jobs as jobs they wish to continue to do, the possibility of employment with CCA may be desirable and certainly would be open to them.

Hon John Halden: That is the problem. It is likely to result in a pay cut and there is no guarantee that they would actually get jobs.

Hon PETER FOSS: Some people will need retraining and some may choose to retire on the grounds of ill health. I do not think it is appropriate within either the Police Force or the prison service that we park the problem, because we can ignore it while people are given that particular role to play. They are not necessarily doing it well. If there were an emergency in a court, would a policeman who has been traumatised by some event in his work as a policeman be a very good security person? I suspect that the answer would be that he would not be too good at all. These people are very good from the point of view of providing a uniformed decoration to the court, but in terms of real security, they would probably be of little benefit at all, especially now that the chances of some sort of incident in court are greater than they used to be. That is true around the world. How rapidly that will increase in Western Australia, I do not know. However, it is appropriate that we have a professional force of people in the courts who are trained and who will be able to respond.

The essential point is that we may very well have ignored or parked these problems for some time, but we must now address them. If those people can be given a police job, they will be retrained for that job. Otherwise, it may very well be that they will retire through ill health or, if it is believed they are able to discharge the job with CCA, they can get a job with CCA. It should not be assumed that they will necessarily be paid significantly less, because the big savings will be in efficiency rather than cost cutting on salaries. The member has assumed things that are not correct. The numbers are not enormous, but the Government will make sure they are made available to both police and prison services.

Hon JOHN HALDEN: I go back to the realms of the hypothetical. I understand and appreciate what the Attorney General said. I must be more specific. It may well be necessary for a small number of people to seek voluntary retrenchment. The hypothetical situation is that the Government will take on board the need to be compassionate, and recognise that people have been parked in these jobs. Some of them have enjoyed these jobs, but I agree with the assessment made that if a difficulty arose, they may not be the best people for the job. In this process there must be some guarantees - I will not dictate the circumstances or conditions - that these people will have some life security because their problems are probably a result of their working environment. I want on the record a clear commitment that voluntary retrenchment will be an option under the circumstances I have outlined tonight.

Hon PETER FOSS: This involves two different situations; one under the prison service and one under the Police Service. The police are normally rotated through the job, and it is not a permanent parking job. The police believe they can still rotate those people in other jobs where they can perform a useful police function. In the prison service these people can be case managed. The problem is understood and will be dealt with. I cannot say that definitely everyone will be offered voluntary retrenchment, but people are conscious of the problem and it is intended to manage it. If people have concerns, they should take them up with the appropriate human resources person in the prison service or the Police Service. I can ask the officers to tell the member with whom these concerns should be raised.

Hon JOHN HALDEN: I thank the Attorney General for that advice and, hypothetically, I am sure I can use it. I now go to the issue of contract variations. I have seen, but have misplaced, a table which laid out certain types of, and reasons for, contract variations. Will the Attorney General briefly go through them? I am interested in the areas in which the Government is vulnerable to increases in costs.

Hon PETER FOSS: We think that table will be in the requests for proposals. An example that happened this year is that we opened four new courts in the May Holman Centre. It was the Government's decision, and that would require four more courts to be serviced under the contract. The company would have to show the extra cost of servicing those courts in order to justify an increased charge. Similarly, if the Government closed four courts, it would be able to recoup savings as well.

Hon John Halden: All of the costs?

Hon PETER FOSS: All the direct costs associated with it. That would be based on the actual resource hours needed to provide that, vehicle costs and so forth. It would go up if additional courts were opened, and go down if courts were closed.

Another example is that some changes were made to video remands, which I have spoken about in this Chamber. That would result in some savings in the number of prisoners handled, the number of journeys taken and the people dealt with in the District Court. There would be a saving under those circumstances because the Government had changed its practices and it would be able to claim back part of the costs.

Hon JOHN HALDEN: I accept everything the Attorney General has said and I am pleased to hear it. What will happen if the contractor decides additional resources are needed to perform a particular task, either in the short term or the long term? What mechanism ensures that it is not an open-ended process, in which the contractor can make a demand, have it met and then continue making other demands?

Hon PETER FOSS: The contractor is required to report on all inputs for the provision of a particular service. In order to get an increase, he must show that a demand made by the service required extra inputs in order to perform it. He will not be paid in the year in which it occurs in any event; but only in the following year. If it is due to bad management, the contractor is not entitled to receive it. It must be demonstrated that there is a need for extra inputs as a result of something we have done.

Hon JOHN HALDEN: If the contractor requires additional inputs on the basis of concerns about public safety, how long will the envisaged processes of approval take for the cost of the additional inputs?

Hon PETER FOSS: First of all, irrespective of arguments, the contractor has an outcome obligation to perform if there is a safety requirement. The contractor would have to perform it and argue that he is entitled to be paid. There is no deferral of the work on the basis of who will pay for it. Let us say we had a trial, such as the Fremantle riot trial. Quite plainly, there would be an unusual requirement. Let us take the case of an Indonesian terrorist outbreak in Perth. That would be a demonstrable change in the current circumstances. Whether we were doing the work or whether the contractor was doing it, there would need to be a change in the type of service being provided. Under those circumstances, the contractor would be entitled to show there had been an increase. I do not know what the contract policies of government are. I can remember that when I was in private practice we also did not screw the contractor down too hard, because it is important to be fair. We never get a good deal from contractors or employees when they are screwed down too hard and when we make it obvious that that is what is happening. Among other things, I hope there will be a reasonable and understanding attitude to these things. I do not know whether that is the way these things are done now. When I was a lawyer in private practice, I always advised my clients that they would not do anybody any good by screwing people down too hard in some circumstances.

Hon JOHN HALDEN: I again refer to the contract management. If the contractor, not necessarily through perhaps bad management, but maybe -

Hon Peter Foss: Misunderstanding the problem.

Hon JOHN HALDEN: Yes; that is an excellent description. If that were to happen, what are the provisions the Government might be prepared to look at to assist the contractor and, secondly, how far might it go down that road? If the contract were to collapse, what alternatives would be in place to reinstate the necessary security in this area?

Hon PETER FOSS: First of all, at this stage we believe the contract has been overestimated rather than underspecified. If we have overestimated what must be done, there is a claw-back provision. If it has been underestimated, there is an opportunity to pick it up in the next year, not in the same year. That is the contractual situation. The reality is that if there has been a very serious underestimation by both us and the contractor which would affect the viability of the contract, I hope and expect that there would be a reasonable treatment of the contract; that is, what is written in the contract and how it is administered. We believe that, if anything, we have overestimated, rather than underestimated; that there will be an overprovision in the contract, rather than an underprovision; and that we may claw back some of that.

Hon JOHN HALDEN: I appreciate the answers the Attorney General has given in response to those questions. The issue

of the effectiveness of contracts has always been a thorny one. We can all argue about car leasing and the privatisation of this, that or the other.

Hon Peter Foss: And government departments.

Hon JOHN HALDEN: Exactly. What provisions are there for the barest amount of public scrutiny in regard to this contract?

Hon PETER FOSS: We will table the contract. There will be annual reports and reports on any variations of contracts, and scrutiny by the inspector, the Ombudsman and the Auditor General. It will get a fairly thorough look-over.

Clause put and passed.

Clause 18: Arrangements with Commissioner of Police and public sector -

Hon JOHN HALDEN: I might be jumping the gun by bringing up the issue now, given the provisions in the next few clauses. Clearly, these two subclauses relate to the chief executive officer of the Ministry of Justice making arrangements with the Commissioner of Police or the public sector, presumably through the CEO. My concern is that it may be easier to use a public servant to perform some tasks as a justice officer than to use the police or - I will go a little further - a prison officer. It seems to me that if there is a need to rationalise services - I agree there is - it might be a cheaper and better option, as perceived by the chief executive officer, to use a public servant who is authorised in some other capacity. If that were done, there may well be an element of risk in a number of quarters from such a decision.

Hon PETER FOSS: If I recall correctly, we are close to finalising a memorandum of understanding about this. It is for remote areas and regions. As I have said on a few occasions, there are places where it just does not make sense for this service to be taken over from the police, in particular, because we are saving fractions of the establishment of one person in isolated places. We need to keep in mind that the CEO will remain responsible. We are trying to put the whole department on the basis that we are talking about, where we expect a standard performance from people, similar to that which is contained in contracts; therefore, if there were a risk in it, it would be a risk to the CEO. I hope that a sensible CEO - and given that the CEO is the Director General of the Ministry of Justice - would not engage in an exercise of substituting justice officers for police officers. We intend the people under this contract to substitute for both prison and police officers, and it would be only in those places where there was already someone on the spot who would give a fraction of his time to it that we would not do it. It would entirely defeat the idea of what we were trying to achieve if we were to do it in any other instance.

Hon JOHN HALDEN: I can imagine that in a remote locality in the Kimberley which had a lockup and where the task of looking after that lockup was a minor part of the role of the police officer, if due to whatever variables and circumstances might arise the police officer was not there, it might be convenient to appoint a part-time public servant, and there would not be many of those in small communities -

Hon Peter Foss: If there was no police officer, there would be no-one to arrest people.

Hon JOHN HALDEN: I am saying that if a person was in the lockup and the police officer had to leave because of a disturbance somewhere else, and a public servant -

Hon Peter Foss: The clerk of courts -

Hon JOHN HALDEN: Call it whatever one likes - was left to administer the lockup -

Hon Peter Foss: That would be a fairly rare occasion, because generally speaking we do not leave lockups unattended, but that is a possibility. Let us take Halls Creek. It has a lockup which is a single room, and I do not think it is used, but let us say a policeman arrests someone and puts him in the lockup and has to go off somewhere else. That is probably a fairly extreme example, but there is a possibility that we would train someone to be a lockup manager, in the same way that we train prison officers to be in charge of those places.

Hon JOHN HALDEN: A component of training will be necessary?

Hon Peter Foss: I think it will be. We are now dealing with management rather than legislation, but in police stations we have given various jobs, such as clerical jobs, to civilians, and there are now a large number of civilians in police stations whereas previously there were only police officers. If there were enough occasions when there was someone in the lockup and there were no police officers around, we could train a civil servant to be the jailer, but as a matter of management we would not put that person in charge unless he had been trained because that would be risky, in the same way that we would not swear in a prison officer and send him into a prison without any training. Theoretically we could do that, but I do not think we would.

Clause and passed.

Clauses 19 and 20 put and passed.

Clause 21: Powers of contract workers -

Hon JOHN HALDEN: Subclause (1) states-

Subject to subsection (3), a contract worker who holds a permit may exercise the powers set out in Schedules 1 and 3 for the purposes of providing court security services under a contract.

For how long will be the life of a permit? I presume it will be held by an individual?

Hon PETER FOSS: The permit will be valid for the period for which the person is a contract worker. A person must be a contract worker to have a permit, and a person who is no longer a contract worker will not be entitled to the permit and it will cease at law. A permit can also be refused or terminated. Clause 55(1) states -

The CEO may, at any time, suspend or revoke a permit held by a contract worker if, in the opinion of the CEO -

- (a) the permit ought not to have been issued to the contract worker . . .
- (b) the contract worker has failed to comply with -
 - (i) this Act or the CEO's rules;
 - (ii) a direction given to the contract worker under this Act or the relevant contract or by a court;
 - (iii) an order, direction, warrant or other instrument under any law concerning the charge of a person in custody or intoxicated detainee at a custodial place or the movement of a person in custody or intoxicated detainee between custodial places;
 - (iv) a code of ethics or conduct provided for under the relevant contract; or
 - (vi) a requirement under section 54(2) or (4).

Clause 54(2) states that the CEO may, at any time, require the contract worker or the relevant contractor to provide information about any offence.

Clause 55(2) states that the CEO may suspend or revoke any permit held by a contract worker if the CEO intervenes in the relevant contract, or the relevant contract is terminated or suspended under the terms of the contract. Most importantly - I know there will be a query about this - subclause (3) states -

The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to the suspension or revocation of a permit under subsection (2).

That is fairly important if we are to ensure that permits are not held by people for one moment after they have ceased to have the confidence of the CEO.

Hon JOHN HALDEN: This question may arise from my lack of legal skill. Is the permit given to the contract worker for the length for the contract?

Hon Peter Foss: Yes, subject to termination.

Hon JOHN HALDEN: Termination of the contract or termination of the worker's permit?

Hon Peter Foss: It ends as of law once the person's employment is terminated, because he is no longer a contract worker.

Hon JOHN HALDEN: A contract worker who left the job for a period of time and came back to work under the contract as a contract worker would need a new permit?

Hon Peter Foss: Yes.

Clause put and passed.

Clause 22: Powers of police officers -

Hon JOHN HALDEN: Subclause (3) states -

The powers that a police officer may exercise under this section are in addition to, and do not derogate from, the powers that the police officer has under any other law.

It seems to me that if one is providing additional powers, one may well be providing additional responsibilities and it is like asking someone to ask for a pay rise.

Hon PETER FOSS: It applies only if the officers concerned do the duties. The officers have been doing the job for some time but there has been considerable doubt as to whether they had the powers to do it. The pay is dependant upon the job done. If anything, the fact that it can be done and not be challenged on whether there is the power to do it should make the job easier rather than harder.

Clause put and passed.

Clause 23: Powers of certain court officers -

Hon JOHN HALDEN: The definition given here of "court officer" comes, as I understand it, from the District Court Act of Western Australia 1969.

Hon Peter Foss: It is due to different names.

Hon JOHN HALDEN: In terms of the powers detailed here, is it the result of wishing to confer powers or are they additional powers?

Hon PETER FOSS: There have been serious doubts as to the powers these officers have except when they have been directed by the court to do something. That may be argued about, but once this is passed it cannot be argued about.

It goes a little further than that because the sheriff has an overall responsibility, which is set in clause 36. The clause gives the sheriff a much wider role than he currently has; this applies also to the bailiff and the marshal, which happen to be the same person. A Bill in the pipeline will take all those distinctions away and the sheriff will be the one person responsible. The reality is that we have one person but we appoint the person to a number of different jobs with different names. It is the same person every time. The Bill in the system will subsume all those into one position across all the courts, rather similar to what has happened here, with one name, that of sheriff.

Hon JOHN HALDEN: Are we likely to have some conflict between officers of the court subject to court direction and those providing custodial service under an arrangement with the CEO? I want to be sure that we will not have an officer of the court placed in a position of conflict between the CEO and a judicial officer.

Hon PETER FOSS: That potential already exists because some of these people are employees of the Ministry of Justice and therefore have some day-to-day responsibilities to the ministry, but they still have obligations as an officer of the court to do what the court tells them to do. That is a potential conflict that did occur to some people and one person in particular. That is one of the reasons that some of the provisions in the Bill require the consultation to take place so that hopefully there will not be a different view in the minds of the CEO and a judicial officer as to what should be happening. The section referred to earlier states that whatever power the court has it still has and takes precedence over this Bill. It does not preclude the possibility of disputes or differences of opinion of greater or lesser degree, but we have tried under the law to provide a regime which will avoid that. I do not give any guarantees though, because it is a matter of people.

Clause put and passed.

Clause 24: CEO may authorize certain other persons to exercise powers -

Hon JOHN HALDEN: I have some concerns regarding this clause. In terms of authorising officers to do activities under schedules 1, 2 and 3, it seems strange that the CEO can authorise someone to do something under the schedules, yet other people must be vetted to assess their suitability for the job and there are stringent safeguards to be applied in regards to who can have the job. It seems here that the same degree of vetting may not be in place. By way of example, a public service officer working in the department is given the power to use reasonable force. If an assistant bailiff or public servant is allowed to use reasonable force in the course of the powers under schedules 1, 2 and 3, I have no confidence that such people appointed by the CEO will be in any position to exercise the powers for their own safety, someone else's protection or for the control of a prisoner.

Hon PETER FOSS: Of the people referred to in paragraphs (a) to (e), they would have undergone public service procedures appropriate to the positions they hold. The member should keep in mind that these are the court security services and not the custodial services provisions. I think that this is a catch-all provision and is not intended to be the standard way of doing things. The clause is, generally speaking, to deal with an emergency but is not confined exclusively to emergencies. It is not for the average situation; it is for the unusual situation. All the people here would either be public servants or people who would be around the court for another purpose, such as a bailiff, an assistant bailiff, a person helping the marshal of the court in the marshal's function, an officer of the sheriff, a person appointed under section 11 of the Young Offenders Act, a prison officer, any person engaged or appointed to work in or for the department, which is the Ministry of Justice, or a public service officer working in the department. I agree that it is probably a bit vague but the intent is to have the capacity, where necessary, to allow a person to be authorised to be a justice officer to perform these functions. It would not be the usual one.

Hon JOHN HALDEN: The issue here is more that this list is too extensive. I would have thought that no-one would object to a justice officer being a prison officer or someone appointed under section 11 of the Young Offenders Act. However, "any other person engaged or appointed to work in or for the Department" could be the cleaning person or tea person. I use those examples flippantly, but this clause gives too much scope to allow someone to be appointed as a justice officer who realistically does not need to be appointed as a justice officer. Some of these appointments give scope for enough flexibility to meet the requirements under this clause. I understand why there would be such requirements, but I do not understand why the clause is so broad if it is to be used only in cases of emergency.

Hon Peter Foss: Not only cases of emergency.

Hon JOHN HALDEN: I accept that, but it is so broad. The Attorney General has a significant number of options available to him. Why must this be so broad? Why not be a little more specific and circumspect with the people who are used for this function, if called upon at all?

Hon PETER FOSS: I understand that one of the reasons is to enable something that currently happens to continue. Apart from any police orderlies there may be, apparently some court orderlies are not policemen. I believe that many of them used to work for Transperth. They will probably be replaced. In the event that another Government did not want to continue to contract Corrections Corporation of Australia, this will enable it to go back to the current situation where court orderlies can be appointed. They would fit within this legislation. Another Government would be able to continue with court orderlies but it would have the capacity, where necessary, to do the other things allowed under schedules 1 and 3. Those court orderlies are there already but probably not all that well-trained. They will go under this Bill and be replaced by CCA which will take over all those responsibilities. However, should a future Government wish to return to the current situation whereby the functions are performed by government in-court services but not by police, this clause would allow that to happen. The alternative is that in an emergency, this would allow people to be appointed to take over. It could also possibly occur in

remote circumstances. There may not be a policeman there but somebody in the court may need to appoint somebody who would then be able to exercise these powers.

Clause put and passed.

Clauses 25 and 26 put and passed.

Clause 27: Minister may give directions -

Hon JOHN HALDEN: The minister must consult with the chief judicial officer of a court before giving directions to the CEO. There is no similar obligation on the CEO prior to any arrangement between the CEO and court officers or an officer of the sheriff or assistant bailiff for such consultation.

Hon PETER FOSS: Clause 35 does that and is probably stricter. It says that he is to consult, whereas the minister where practicable is to consult.

Clause put and passed.

Clauses 28 to 33 put and passed.

Clause 34: Court powers not affected by this Act -

Hon PETER FOSS: I move -

Page 22, lines 17 and 18 - To delete the words "entitlement that a court, under a law," and substitute "power that a court".

This suggestion was made to us for the better wording of the clause.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 35 and 36 put and passed.

Clause 37: Minimum matters to be included in contracts -

Hon JOHN HALDEN: Paragraph (e) refers to the submission of reports in relation to the contractor's obligations under the contract. I understand that the Victorian private prisons legislation suggests that the submission of reports be on a periodic basis rather than what could be a whenever basis. I will not be so presumptuous as to suggest the period, but it seems that greater confidence would be given if there were a regularity about reporting in these matters which was legislatively stipulated rather than in some other way that we do not know of.

Hon PETER FOSS: The contract provides for monthly reports and reports triggered by happenings. Obviously I hope the monthly reports are the more frequent reports.

Hon JOHN HALDEN: I take it that paragraph (l) makes it sufficiently clear that these Acts - the Anti-Corruption Commission Act, the Freedom of Information Act and the Parliamentary Commissioner Act - will apply to the contractor.

Hon PETER FOSS: The consequential provisions provide that the contractor is subject to those Acts. This simply requires the contractor to say who will perform the functions.

Clause put and passed.

Clause 38: Minimum standards -

Hon JOHN HALDEN: What benchmarks will apply to the process of setting minimum standards? What will they cover? Will they be required to touch on certain matters? The second reading speech makes no reference to them. There should be, or could be, a list of minimum standards and they should be in legislation.

Hon PETER FOSS: The standards relate to those jobs currently being performed and the level at which they are being performed by members of the Police Service and officers of the Ministry of Justice. That performance has been improved by 50 per cent. Under the heading "safety and security", reference is made to the number of escapes; loss of control; unlawful releases; assaults upon judicial officers; assaults upon client agency staff; rates of assault on a member of the public; assaults on a person in custody by a person in custody; assaults upon persons in custody; traffic accidents; loss of property of a person in custody; deaths in custody; incidents of self-harm; and other substantiated complaints. Under the heading "service quality", reference is made to untimely prisoner movements; disruption to court proceedings; breach of a service requirement; other substantiated complaints; breaches of legislation; inappropriate use of powers; and so on. It takes all the things we do and the current level of performance and sets a higher standard.

Clause put and passed.

Clauses 39 and 40 put and passed.

Clause 41: Minister, CEO etc. may have access to certain places, persons, vehicles and documents -

Hon PETER FOSS: I move -

Page 28, line 3 - To insert after the word "contract" the words ", or any part of such a place".

Page 28, line 6 - To delete the words "who works in" and substitute "whose work is concerned with".

It is self-evident that these are drafting changes.

Amendments put and passed.**Clause, as amended, put and passed.****Clause 42 put and passed.****Clause 43: CEO may set up inquiry -**

Hon JOHN HALDEN: This clause provides for the chief executive officer to instigate an inquiry. We are running the risk of huge duplication given that the Inspector of Custodial Services and the Ombudsman can also undertake inquiries. Inquiries can also be undertaken under the Anti-Corruption Commission Act. I am unsure why the CEO needs this power to set up an inquiry.

Hon PETER FOSS: The inspector has a slightly different role. The strong advice from the Queensland Government is that if we wish to manage the contract, we need this power. If it is a systemic problem, the inspector might well be asked to undertake an inquiry. This clause provides the ability to get the information the contractor needs to administer the contract.

Hon JOHN HALDEN: am still not convinced. The minister has referred to systemic problems and individual problems. Why not use the inspector? I do not know why we need more powers to employ more people. The inspector could carry out the inquiries.

Hon PETER FOSS: The inspector has a systemic role. He can consider the number of complaints to indicate the nature of a problem. The inspector's role is to carry out a systematic review. He will not investigate particular complaints but consider them as an indication of an overall systemic problem. The Ombudsman investigates problems on behalf of a person complaining about a service. This clause will enable the Government to investigate particular incidents of a contract not being carried out.

It may be nothing to do with something in which the Inspector of Custodial Services is interested. It may be a one-off incident. It may be that no person has complained to the Ombudsman about it. This clause is to provide a fairly powerful mechanism for investigating. That does not mean it will be used a lot. We hope that with this power he will ask for information and receive it.

I thought the Opposition would have been happy with this clause because it provides the ability to acquire information that has been described as hidden behind a contract, unlike information on employees, which can be easily obtained. This provides certain access to information regardless of whether someone is employed or contracted. We think it is a very important power.

Hon JOHN HALDEN: I support the proposal to appoint an Inspector of Custodial Services. The Attorney General used the word "independent". Surely the inspector will be independent.

Hon Peter Foss: When did I use that word?

Hon JOHN HALDEN: I thought the Attorney General said that. I presume that the investigator referred to in this clause will be a non-public servant.

Hon Peter Foss: He could be a police officer.

Hon JOHN HALDEN: He would not be employed under the Public Sector Management Act.

Hon Peter Foss: Why not?

Hon JOHN HALDEN: He would be a police officer.

Hon Peter Foss: It could be the internal investigations branch of the prison service, for instance.

Hon JOHN HALDEN: It could indeed. Why is this power needed when surely the function of the inspector is to do that? I presumed that was the role of the inspector.

Hon PETER FOSS: The real concern of the inspector will be to see that the service is maintained to a standard. Obviously it will be relevant if that standard is not maintained. However, he will not be a contracts administrator. He will monitor standards that he sets. He will not be worried about contracts. He may not be interested in whether there has been a breach of contract.

Hon John Halden: He could well be.

Hon PETER FOSS: He may not be. The inspector will not be bound by contracts. He will be able to say that he does not care what is in a contract; certain actions are not good enough. He could say that it is nice that something is included in a contract; it has increased the standard he set. The Ministry of Justice might complain because it paid for more than that. The inspector will have a role quite independent of the contract. Obviously the ministry will have an interest in ensuring that the person performs the contract so that the inspector's standards can be met. However, that is a contracts administration issue. The ministry may want to ask what happened; whereas the inspector may say that the contractor did not perform. The interest of the inspector will be much more general. They are different roles.

I move -

Page 29, line 20 - To insert after the word "contract" the following -
other than whether or not an offence has been committed

Page 30, lines 5 to 13 - To delete the subclauses.

Page 30, after line 28 - To insert the following subclauses -

- (8) Before an investigator requests a person to give information or asks a person a question for the purposes of an inquiry the investigator must advise the person -
 - (a) that the person does not have to give the information or answer the question unless the investigator requires the person to do so;
 - (b) that if the person gives the information or answers the question on the request of the investigator but without having been required by the investigator to do so, the information or answer may be admissible in evidence against the person in any proceedings;
 - (c) of the effect of giving the information or answering the question in response to a requirement of the investigator to do so, as mentioned in subsection (6); and
 - (d) of the offences and the penalty as mentioned in subsection (7).
- (9) A requirement of an investigator to give information or answer a question for the purposes of an inquiry must be clearly distinguishable from a request to give the information or answer the question.

These amendments arose from discussions in another place. Amendments were moved, but they were to be examined further by parliamentary counsel to see whether they required rephrasing. I understand this is the rephrasing. They are intended to give better effect to what was intended in another place.

Amendments put and passed.

Clause, as amended, put and passed.

Clause 44: Annual reports -

Hon PETER FOSS: I move -

Page 31, after line 13 - To insert the following subclauses -

- (4) The Minister is to ensure that a contract, as amended from time to time, is laid before each House of Parliament within 30 days of such House next following the execution of the contract or the amendment.
- (5) If neither House of Parliament is sitting on the day when the 30 day period referred to in subsection (4) expires -
 - (a) immediately on the expiration of that period the Minister is to send a copy of the contract or the contract as amended, as is relevant to the case, to the Clerk of the Legislative Assembly and the Clerk of the Legislative Council; and
 - (b) the Clerks are to jointly ensure that the contract or the contract as amended is published as soon as practicable in a manner prescribed.

These amendments were requested by Hon Helen Hodgson.

Hon HELEN HODGSON: I hope this clause will form the model for other legislation as issues such as this come before this place. We have intended to ensure that the full contract is tabled in this place and is fully open to public scrutiny. Thirty days seems to be the best time within which to ensure the contract is made available. Thirty calendar days rather than sitting days were deliberately chosen to ensure that if neither House of Parliament is sitting on the day that tabling of the contract is due, a publication method will be adopted.

I note that subclause (b) refers to a prescribed manner for publication. It is intended that the process be similar to that incorporated in the standing orders of the Legislative Council to ensure that if a committee report is tabled when the House is not sitting, it is made available to the public. However, we had to take account of the fact that in the Legislative Assembly no such standing order exists. That meant we had to word the proposed subclause so that the Clerks would jointly take the necessary steps for publication. This is a step forward in accountability. It will give the public an opportunity to examine the contract within a reasonable time frame.

We have already examined the clauses that give the public an opportunity to check the minimum requirements. It will give this place an opportunity for full scrutiny of a contract in a way that is not available with many contracts in the public domain. Therefore I support the amendment.

Hon JOHN HALDEN: Proposed subclause (4) reads -

The minister is to ensure that a contract, as amended from time to time, is laid before each House of Parliament . . .

Will that guarantee that the original contract will be tabled?

Hon PETER FOSS: Yes. I assume I will table the original contract and I can table amendments separately.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 45 to 52 put and passed.

Clause 53: Refusal to issue permits -

Hon JOHN HALDEN: I refer specifically to subclause (2), which states -

The rules known as the rules of natural justice (including any duty of procedural fairness) do not apply to or in relation to the issue of, or refusal to issue, a permit.

For the record, will the Attorney General detail why this is necessary?

Hon PETER FOSS: The reason for this is that because we are handing over powers, which some people might say should be within government, to people who not only are contracted to the Government but also are employed by persons contracted to government, it is important that there be an absolute right, if there is any concern as to the appropriateness of a person being involved in this work, to terminate that person's involvement. The member will understand why that could be important when one looks at the fact that these people are involved in the security of our courts. There may be a concern that a person may have, for instance, infiltrated the system. One may not absolutely know that but may have reason to believe that to be the case, and the police may have said that they have reason to believe that a notorious criminal had arranged for a person to join the staff of the people responsible for custodial services, and it is a contentious trial. Therefore, as a matter of precaution, we need to terminate that person's involvement in that high-level security work. Because of the nature of the risks with which we are dealing, it is most important, if there is any concern whatsoever, that the chief executive officer have the ability to say that that person will not be involved in that particular work, because we would not want that person performing that work on behalf of the Crown.

Clause put and passed.

Clauses 54 to 89 put and passed.

Clause 90: Confidentiality -

Hon PETER FOSS: I move -

Page 52, line 22 - To insert after the word "Act" the words "other than Part 5,".

The advice of parliamentary counsel is that the provision relating to offences should be excluded from this.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 91 to 93 put and passed.

New clause 6 -

Hon PETER FOSS: I move -

Page 8, after line 22 - To insert after clause 5 the following new clause to stand as clause 6 -

- 6. Application of certain provisions to lock-ups that are not prescribed as lock-ups for the purposes of this Act**
 - (1) In this section —

"non-prescribed lock-up" means a lock-up other than a place that is prescribed by the regulations to be a lock-up for the purposes of this Act.
 - (2) A reference in section 15 or 71 or in Schedule 2 clause 2(2), 3(2), 5, 10 or 13 to a custodial place includes a reference to a non-prescribed lock-up.
 - (3) A reference in section 80(a)(ii) to a lock-up includes a reference to a non-prescribed lock-up.
 - (4) A reference in section 86 or in Schedule 2 clause 7, 8, 9, 11, 12, 14 or 15 or in Schedule 3 clause 1(1)(b) to a person being moved between custodial places includes a reference to a person being moved to or from a non-prescribed lock-up.

This again is at the request of the Australian Democrats, because although our intention is to take over certain lockups in a progressive way, we do not intend to take over other lockups. Therefore, the prescribed lockup definition is to deal with those that we will or will not be taking over. However, we wish the Inspector of Custodial Services to have the capacity to deal with these other lockups which are not prescribed lockups. This new clause will permit that to occur.

Hon HELEN HODGSON: For the record, will the Attorney General indicate the time frame under which it is likely that lockups that are not prescribed lockups will come under the supervision, in a sense, and jurisdiction of the Inspector of Custodial Services?

Hon PETER FOSS: They will be brought within the purview of the inspector within five years.

New clause put and passed.

New part 5 -

Hon PETER FOSS: I move -

Page 48, line 1 - To insert the following new part -

Part 5 — Inspector of Custodial Services

83. Definition

In this Part —

"CSCS Act inspection report" means an inspection report under section 84(1);

"Inspector" means the Inspector of Custodial Services under the *Prisons Act 1981*;

"person in custody" means a person in custody or an intoxicated detainee for whom the CEO is responsible under this Act;

"vehicle" means a vehicle used for moving persons for whom the CEO is responsible under section 15.

84. Functions of Inspector under this Act

- (1) The Inspector is to inspect each court custody centre and each lock-up at least once every 3 years and prepare a CSCS Act inspection report on his or her findings.
- (2) A CSCS Act inspection report may contain such advice or recommendations as the Inspector considers appropriate in relation to the findings.
- (3) The Inspector may —
 - (a) inspect a court custody centre or a lock-up at any time and on any number of occasions between the inspections of the court custody centre or lock-up referred to in subsection (1); or
 - (b) review a custodial service at any time, including any aspect of a custodial service.
- (4) The Inspector may, at any time —
 - (a) report to the Minister on any matter relating to an inspection of a court custodial centre or a lock-up or a review of a custodial service and give advice or make recommendations in relation to the matter; or
 - (b) deliver to the Minister or any other person having an interest in the subject matter of the document —
 - (i) a draft CSCS Act inspection report; or
 - (ii) a report prepared by the Inspector concerning an inspection or review under subsection (3).
- (5) The Inspector is to ensure that the performance of a function of the Inspector under this Act is not likely to delay, interfere with or duplicate an inquiry under section 43.

85. Inspector may have access to certain places, persons, vehicles and documents

- (1) The Inspector and any person authorized by the Inspector may, at any time (with any assistants and equipment that the Inspector or authorized person thinks are necessary), have free and unfettered access to a place, person, vehicle or document referred to in subsection (2) for the purpose of performing the Inspector's functions under this Act.
- (2) A person referred to in subsection (1) may have access to —
 - (a) a custodial place at which, or in respect of which, a custodial service is provided or any part of such a place;
 - (b) a person in custody in such a place;
 - (c) a person whose work is concerned with such a place;
 - (d) a vehicle;
 - (e) a person in custody in a vehicle;
 - (f) a person whose work is concerned with a vehicle;

- (g) all documents in the possession of —
 - (i) the Department in relation to a court custody centre or lock-up or a custodial service; and
 - (ii) a contractor or a subcontractor in relation to a court custody centre or lock-up or a custodial service that is a subject of a contract.
- (3) The Inspector may authorize a person for the purposes of subsection (1).
- (4) An authorization must be in writing and may be made subject to such conditions and limitations specified in the authorization as the Inspector thinks fit.
- (5) A person must not hinder or resist a person referred to in subsection (1) when the person is exercising or attempting to exercise a power under that subsection.
Penalty: \$20 000.
- (6) Nothing in this section limits any entitlement that a person, under a law, has to have access to a place, person, vehicle or document referred to in subsection (2).

86. Directions

- (1) The Minister may direct the Inspector to inspect a court custody centre or lock-up or to review a custodial service or an aspect of a custodial service and report on a specified matter of significance.
- (2) Section 109L of the *Prisons Act 1981* applies to a direction under subsection (1) as if it were a direction under section 109L(2) of that Act.

87. Inspector to notify and consult relevant chief judicial officer about certain matters

- (1) Despite section 109J(2) of the *Prisons Act 1981*, the Inspector is to give, within a reasonable time, the chief judicial officer of a court written notice of the Inspector's intention —
 - (a) to inspect a court custody centre that is part of the court premises; or
 - (b) to review a court custodial service, or any aspect of a court custodial service, affecting the court.
- (2) The Inspector is to consult the chief judicial officer of a court in relation to —
 - (a) an inspection of a court custody centre that is part of the court premises; and
 - (b) a review of a court custodial service, or any aspect of a court custodial service, affecting the court.

88. Reporting

- (1) The documents referred to in section 109N(2) of the *Prisons Act 1981* include —
 - (a) each CSCS Act inspection report prepared by the Inspector as a result of inspecting a court custody centre or lock-up in the period of 12 months ending on the preceding 30 June;
 - (b) a list of —
 - (i) the court custody centres and lock-ups that have been inspected since the preceding 30 June and the day on which the list was prepared; and
 - (ii) the court custody centres and lock-ups that are proposed to be inspected in the period up to the next 30 June; and
 - (c) any report prepared by the Inspector concerning an inspection or review under section (3) that the Inspector considers appropriate to be laid before the Houses of Parliament.
- (2) If, under section 109N(1)(a) of the *Prisons Act 1981*, the Inspector delivers to the Speaker of the Legislative Assembly and the President of the Legislative Council —
 - (a) a CSCS Act inspection report concerning a court custody centre; or
 - (b) a report prepared under section 84(3) concerning an inspection of a court custody centre or a review of a court custodial service,

the Inspector is to ensure that a copy of the report is delivered as soon as practicable to the chief judicial officer of the relevant court, who may prepare a response to the report.

This is a particularly good provision. It relates to the application of the provisions regarding the Inspector of Custodial Services and to the services provided under the Court Security and Custodial Services Act by way of custody. The principal provisions will be contained in amendments to the Prisons Act, which will form part of a Bill at some other stage. This is a substantial improvement to the general nature of both Acts.

Hon HELEN HODGSON: As the Attorney General has indicated, we have been engaged in detailed discussions on the

insertion of this new part. It is the inclusion of this new part that has ensured that sufficient mechanisms are in this legislation to provide proper protection for prisoners who may be in the care and custody of a contractor, rather than the present arrangements involving police officers in those situations. A few features should be commented upon specifically. I place on the record the requirement that the inspector is to inspect court custody centres and lockups at least once every three years. That will apply to prescribed lockups from the commencement date and to non-prescribed lockups within the five-year time frame that has already been discussed. There is no requirement for notice to be given to be able to undertake an inspection, because it says that inspections can take place at any time. The inspector, and any person authorised by the inspector, has free and unfettered access to places, persons, vehicles or documents for the purpose of performing the inspector's functions. The powers of access are very wide. They have been deliberately left wide to ensure that there are no limitations on the powers the inspector may have. Parliamentary counsel's advice was that by prescribing powers and methods, one would be limiting rather than extending the jurisdiction.

I also note that under proposed clause 87, the chief judicial officer will be consulted on access into the court facilities to ensure that there is no interference with the judicial operations and judicial functions of the court. However, it is clear that that will relate only to the chief judicial officer, and it is not in any way intended to require notice to be given to a person who is delivering the service in that place. This is a major improvement to the way in which custodial services are provided. It is important that not only will it cover the potential contracting out, but also it will apply if contracting out does not proceed in accordance with clause 18. It says that can be offered by the Ministry of Justice or the Commissioner of Police. It will also apply to the facilities that will be retained in the control of the police and lockup. The Australian Democrats support new part 5.

New part put and passed.

Schedules 1 to 3 put and passed.

Title put and passed.

Bill reported, with amendments.

COURT SECURITY AND CUSTODIAL SERVICES (CONSEQUENTIAL PROVISIONS) 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 to 6 put and passed.

Clause 7: Section 3 amended -

Hon PETER FOSS: I move -

Page 5, line 11 - To delete the words "means a lock-up as defined in" and substitute the following words -

includes a place prescribed as a lock-up for the purposes of

This is a necessary amendment to account for the fact that we have two kinds of lockups, a prescribed lockup and a non-prescribed lockup.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 28 put and passed.

Clause 29: Section 2 amended -

Hon PETER FOSS: This and the other amendments that I will move are all for the same reason - the fact that we now have two kinds of lockups. I move -

Page 18, line 11 - To delete the words "means a lock-up as defined in" and substitute the following words -

includes a place prescribed as a lock-up for the purposes of

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 30 to 32 put and passed.

Clause 33: Section 3 amended -

Hon PETER FOSS: I move -

Page 20, line 11 - To delete the words “means a lock-up as defined in” and substitute the following words -
includes a place prescribed as a lock-up for the purposes of

Amendment put and passed.

Clause, as amended, put and passed.

Clause 34 put and passed.

Clause 35: Section 16 amended -

Hon PETER FOSS: I move -

Page 21, line 16 to page 22, line 3 - To delete the lines and substitute the following -

(1) Section 16(5) is repealed and the following subsection is inserted instead —

“ (5) The chief executive officer may allow a prisoner to serve all or part of the prisoner’s sentence of imprisonment in a lock-up if approval to do so has been given —

(a) in the case of a place prescribed as a lock-up for the purposes of the *Court Security and Custodial Services Act 1998*, by the CEO as defined in that Act; or

(b) in the case of any other lock-up, by the Commissioner of Police. ”.

(2) Section 16(7) is repealed and the following subsection is inserted instead —

“ (7) The chief executive officer may allow a person required to serve a period of imprisonment in default of a payment of a fine or other monetary penalty to serve that period of imprisonment in a lock-up if approval to do so has been given —

(a) in the case of a place prescribed as a lock-up for the purposes of the *Court Security and Custodial Services Act 1998*, by the CEO as defined in that Act; or

(b) in the case of any other lock-up, by the Commissioner of Police. ”.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 36 to 46 put and passed.

Title put and passed.

Bill reported, with amendments.

SITTINGS OF THE HOUSE - EXTENDED AFTER 10.00 PM

Tuesday, 26 October

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.29 pm]: I move -

That the House continue to sit beyond 10.00 pm.

By way of explanation, I propose to move to Order of the Day No 18, which is the Midland Redevelopment Bill, and I ask that the House sit beyond 10 o'clock in the event that needs to happen. I also indicate that I do not wish to sit beyond 11 o'clock, so it is a question of whatever comes first - the completion of the Midland Redevelopment Bill or 11 o'clock, at which time the House will adjourn.

MIDLAND REDEVELOPMENT BILL*Second Reading*

Resumed from 8 September.

HON J.A. COWDELL (South West) [9.30 pm]: The Midland Redevelopment Bill is long overdue, and it is my pleasure to indicate that the Australian Labor Party will support this legislation. I note the support given by the member for Midland to the Midland Redevelopment Authority, her initiatives in this regard and her promotion of this cause. As I say, we are eager for the legislation to pass. Other areas have been catered for by having authorities redevelopment, and members will be aware of those other areas, particularly the East Perth and Subiaco redevelopment authorities, and the Joondalup Development Corporation. The Labor Party is particularly pleased to support this initiative, given our long history in setting up the regional development authorities, and also our instrumental role in setting up the East Perth Redevelopment Authority and our promotion of the Subiaco Redevelopment Authority. The Labor Party has been interested for some time in redeveloping the Midland area, particularly the government services in that area, and members will be aware of the tensions that were involved in the relocation of the Department of Land Administration to that area, and in the attempted relocation of other government instrumentalities or agencies. That was an initiative of the Labor Government to assist the Midland area.

This Bill follows extensive community consultation, as canvassed in the minister's second reading speech, and there appears to be considerable community consensus with regard to this initiative. Obviously it will provide a focus for the area that cannot be provided adequately by just one local government authority but requires a contribution by a coordinating body such as this. I notice that certain financial assistance will be provided to this redevelopment authority, and a loan facility of \$20m has been mentioned. We anticipate that in a fortnight, an announcement will be made about a loan facility of up to \$35m for the Mandurah marina alone. I would welcome any comments from the minister handling this legislation with regard to the adequacy of that loan facility. We would obviously need to be assured that this was not a mere Clayton's redevelopment authority; that is, it had the structure of a redevelopment authority but lacked the financial substance that was necessary. We would certainly need to be assured that it had more substance than the proposed university plan for the Midland Workshops, which was grandly announced but fell somewhat short in respect of the allocation by the State Government. There might have been some wishful thinking about attracting federal support, but that support was not forthcoming. We would need to be assured that the loan facility of \$20m would be adequate for the purpose at hand, and consider whether a grant should be made rather than just a loan facility. It is obvious that this redevelopment authority will not benefit from the federal funding that has been made available to previous redevelopment authorities, particularly the East Perth Redevelopment Authority. I hope the Government is genuine in this initiative, because it needs to make some atonement for its neglect of the Midland area and its closure of the Midland railway workshops, and also for its few previous initiatives in the Midland area compared with other areas. While those initiatives were very worthwhile in their own right, they were limited and not coordinated.

Certain amendments to this Bill were accepted in the other place, so this Bill is somewhat different from the Bill that was presented there. Amendments were made with regard to the emphasis on the heritage and historic significance of the Midland railway workshops. I hope that this redevelopment authority will not ignore the significance of the Midland railway workshops. There is a tendency for standard run of the mill redevelopment authorities to leave a couple of shells of industrial architecture and say they have served significantly the heritage of the area. The workshops are a unique piece of industrial history, and I fear that this redevelopment authority will follow the precedent of many others and simply gut those workshops so that rather than their being a unique project of worldwide significance, we will have a few shells that will be utilised for skating rinks or for one of the other purposes that has been suggested. We look forward to the redevelopment authority showing particular interest in the potential that exists in part of this area.

I acknowledge the acceptance in another place of those amendments to which I referred and I hope that some heed will be paid to the sentiment which lies behind them. Obviously some of my colleagues will wish to dwell upon other aspects of importance which need to be considered by the redevelopment authority. Certainly some attention needs to be paid to the provision of low-cost housing. I understand that when we get to the committee stage this Chamber will consider an amendment to highlight the significance of the environmental heritage of the area and to incorporate it so that the redevelopment authority takes account of not only the unique labour historical workplace but also the environmental features which must be adequately considered in any redevelopment. With those few words I indicate the support of the Australian Labor Party for this initiative and hope that the opportunities presented by it will be fully realised.

HON NORM KELLY (East Metropolitan) [9.41 pm]: The Australian Democrats also support the Midland Redevelopment Bill. We believe it has broad community support from the people of Midland and the Shire of Swan, being the local government authority responsible for the area. In looking at the recent history of redevelopment authorities - namely the East Perth and Subiaco redevelopment authorities - it is interesting to see what might be the likely outcome of a Midland Redevelopment Authority in its 15-year time frame. A sunset clause is included in the Bill and the authority will cease to exist at the end of 2014. The first priority for the authority has been identified as the redevelopment of the Midland Workshops area. The Democrats appreciate the amendments put forward by the Australian Labor Party in the other place to acknowledge the importance of the heritage significance of this area. The workshops cover about 70 hectares and it is interesting to consider, as Hon John Cowdell commented, how we can best preserve the cultural significance of these buildings. Sometimes the best way to preserve heritage buildings is to make them working buildings and make them pay for their upkeep in a sense.

Hon J.A. Cowdell: We tried to keep them as working buildings but I have to tell you that we failed.

Hon NORM KELLY: Unfortunately they are no longer working buildings but they have the potential to become so again in the future. A month or two ago I was looking at some heritage buildings of a different type in the Kalgoorlie-Boulder area. A number of the hotels in that area have significant heritage value and are very much in danger of becoming run down to the point of not being able to be restored. A problem in Kalgoorlie-Boulder is the inability of the hotel proprietors to sufficiently fund the upkeep of the buildings, especially given the present depressed trade which means it is very difficult to generate the necessary funds from within the business, let alone get any commitment from outside to maintain that cultural heritage. There is scope for some of the plans being put forward for the workshops to make them working buildings and at the same time maintain their heritage significance and value. Making the workshops working buildings also opens them up to becoming part of people's normal working lives and a part of the community. That way the workshops' heritage value will not only be maintained but also be more widely appreciated because they will be a productive part of the community.

The workshops area is physically separated from the main Midland area by the east-west railway line. It is proposed that the area will become more integrated with the Midland central business district through an integrated road network which includes overhead bridges. The removal of the saleyards in that area is also not before time. They are in a dilapidated state and on recent inspection I was told that there is asbestos roofing in the pig holding yards, one of the few yards which has roofing, not to mention the conditions the animals are kept in. There is a need to move those animals to newer, more modern accommodation in line with modern day animal welfare concerns and practices.

There is some question about whether the northern portion of the development area should have been included in this Bill at all. I understand it is of low priority in the minds of the redevelopment planners.

Hon Derrick Tomlinson: Better not tell that to the Chamber of Commerce and Industry.

Hon NORM KELLY: I am not saying the area does not warrant development but its inclusion has caused a good deal of concern among people in the community about the sort of development that may go into an area, 90 per cent of which is probably part of the Swan River flood plain. Any development in that area would require thorough environmental scrutiny before people made mistakes in utilising the area. It is also the site of former tips and is most likely heavily contaminated. I understand that in the scheme of things the site has a lower priority but, in the light of the overall environmental concerns about this Bill, it is a matter of concern which I will probably return to in greater detail at the committee stage.

If one looks at the map of the redevelopment area, one sees that there is an eastern wing in the southern portion of it. That wing is largely Westrail land which is excess to purposes and is part of the rationalisation of Westrail land which has taken place over the past couple of years. It will be interesting to see how this land is developed, given that it is largely surrounded by industrial areas. It is likely to be redeveloped for industrial purposes as it is also adjacent to the railway line. Recent redevelopments in East Perth and Subiaco have benefited from government funds through the sale of government land in those redevelopments. This Midland Redevelopment Bill will provide large areas of government land which will help to finance the overall redevelopment.

I would like to move on to the Gosnells town centre, another area in my region crying out for better redevelopment.

Hon Derrick Tomlinson: Let us talk about the whole of the south east.

Hon NORM KELLY: I will specifically talk about the Gosnells area because it has a very proactive local government authority which has employed very highly-skilled planners in the past couple of years who have developed a revitalisation plan for the town centre. From looking at the initial concept drawings for this plan, it is obvious that the Government should get behind Gosnells and support its plan for the future. The council is considering integrated planning so that the redesign will impact favourably on crime levels and the like, and integrated current transport planning so that railway stations and the like can also impact favourably on crime. The ideas of planners such as Stuart Jardine, and another gentleman whose name I cannot recall, are basically to integrate good planning principles to impact favourably on crime in the area. Unfortunately, in the Gosnells town centre there is no spare government land to fund such a redevelopment, but it is an area, like Armadale and the south east suburban corridor, that is crying out for a redevelopment authority, such as the proposed Midland Redevelopment Authority, to develop the area. With the appropriate funding, the spin-offs will be directed not only to improved land values and the generation of employment in the area, but also to all aspects of the lives of the people who live and work in the area.

I return to the Midland Redevelopment Authority. The Shire of Swan is very supportive of what is occurring in its area, as is most of the community. The shire's role is critical to the success of the authority, which is reflected in the fact that it will have two representatives out of the five on the authority board. It is important for the community to realise that these representatives will be the community's voice on the authority and that the elected local government represents the community's views on the redevelopment authority board.

I return to the concerns about the northern portion of the proposed authority area which are highlighted in a copy of a letter sent to me from Midland Friends Restoring Our Green Spaces Inc - or Midland FROGS. That letter states -

We are concerned for the future of the Blackadder Creek Wetland, the 100 Year Floodplain and the integrity of

the Swan River at Midland, included in the Bill and RDA. Various urban proposals including a highly dubious canal development which would involve infilling of the existing natural wetland on the floodplain, diversion of the Blackadder Creek and creation of pockets of housing and roads, and other commercial activities, are being put forward.

It is true that other proposals are being put forward and although these developments may not occur for many years to come, it is understandable that people are already concerned at those proposals. There may be a temptation to consider such redevelopments as bringing a more immediate monetary return to the authority than, for example, an industrial redevelopment of the workshops. I would like to think, given the comments by the minister in the second reading speech, that the Government will maintain its current priority of the redevelopment of the workshops. It is therefore important that people are assured that processes are available through this Bill to ensure that the environmental concerns are addressed and that any proposal must go through the Environmental Protection Act processes. However, it is important that the environmental concerns of my constituents be raised and addressed. As I said, the community largely supports this Bill, the establishment of the authority and the redevelopment of an area which, unfortunately, has been neglected in the past. The Australian Democrats support the Bill.

HON GIZ WATSON (North Metropolitan) [9.56 pm]: The Greens (WA) also support this Bill and accept that the urban renewal of Midland is probably long overdue. I appreciate the briefing on the Bill that I was given yesterday. I share the Australian Democrats' concerns about the preservation of heritage buildings, particularly the yards and the buildings in the workshops area. I appreciate that the Bill accommodates the conservation values of those heritage buildings. One of the issues which I raised when discussing this Bill yesterday was whether there would be a component of social housing associated with the redevelopment. I am aware that this is an issue with the Subiaco and East Perth redevelopment authorities. I understand that consideration has been given to building into the redevelopment scheme an affordable housing component, although it is not specifically spelt out in the Bill. The issue I raise - I foreshadow moving an amendment in the committee stage - concerns the Swan River 100-year flood plain and the Blackadder Creek wetlands.

Hon Derrick Tomlinson: What about the Helena at Guildford?

Hon GIZ WATSON: Yes, that is all connected. Hon Norm Kelly mentioned concerns that have been raised by the Midland FROGS group, which has also been in communication with me on this matter. I will raise some specific matters that the group has put before me so that members are aware of the significance of this area; that is, the area adjacent to the river in part of this redevelopment proposal is of considerable environmental significance. A number of people have recently submitted to the Perth Bushplan that the wetlands and the flood plain there should be included in that plan. I will provide some information from one of those submissions to the Perth Bushplan. The letter states that the submission -

"requests that the boundaries of the Bushplan site 305 are extended to include the Blackadder wetland on the Swan River floodplain in order to protect this significant area from future development. This request is based on the priorities of the BWCG, whereby the Talbot Road Reserve and the Swan River are linked as a significant wildlife corridor . . .

The letter goes on to list some of the significant characteristics of that flood plain. It continues -

1. The Wetlands impacts directly upon the foodchain of the Swan River which at this point is a breeding place for fish, reptiles, birds and insects.
2. We have already ascertained that the Wetlands is a habitat to at least 40 varieties of birds, excluding nocturnal birds not yet observed.
3. It is the natural floodplain of both the Swan River and Blackadder Creek and so is a) permanently inundated all year providing and maintaining an all year wetland condition,
and b) seasonally inundated to support a wide variety of migratory birds and fauna.

I will not read all of that letter, but it goes on to list a number of attributes.

Another organisation that has raised concerns about the proposed canal development proponent of this redevelopment Bill is the Conservation Council of Western Australia. It has also supplied me with copies of correspondence on the Midland Redevelopment Bill specifically. I will refer to a letter from the Conservation Council to the Minister for Planning, Hon Graham Kierath, which is dated 28 August. The letter states -

The Conservation Council notes that the proposal to develop the floodplain adjacent to the Swan River at Viveash, first flagged in the Ministry for Planning's Midland's Revitalisation Charrette has again been promoted in your Second Reading Speech on the above Bill.

The Council is most concerned that a proposal whose environmental acceptability is questionable is being supported by the Government. The issue of protecting foreshores has been discussed for many years and the Water and Rivers Commission is currently developing a Statewide Policy on this issue. The dominant theme which emerged from the 1996 and 1997 Workshops on developing a Statewide foreshore Policy was the need to put in

place best management practice, which involved a commitment to foreshore protection. The urban development of floodplains does not meet best management practice. The flooding of rivers onto floodplains is an irregular but natural event which provides vital opportunities for enhancement of the biodiversity of the wetland system. We assumed that the zoning of this land to Parks and Recreation recognised the need to allow flooding to occur naturally.

Nor is it sensible to build on land which is prone to flooding. Recent events at Moora and Busselton should be enough warning of this.

The Council does not oppose the creation of a Midland Redevelopment Authority, but does have strong concerns about environmentally unsound and socially irresponsible development proposals being promoted through the Authority.

The letter was signed by Dr Sue Graham Taylor. These concerns are the basis for the amendment I will move in the committee stage, which is simply to request that the Midland Redevelopment Bill also take into consideration environmental impacts. As I noted earlier, the Bill has accommodated the need to pay attention to heritage value. I seek to include environmental value in the intent of the Bill. I will speak further on this in the committee stage.

HON DERRICK TOMLINSON (East Metropolitan) [10.03 pm]: I am pleased to hear the support of the opposition parties - Labor major and Labor minor. I am also particularly pleased to hear the comments and the concerns about the environmental aspects of what has been referred to as the northern portion of the development area. They are very real concerns. Much of the land in that northern portion is in fact within a 100-year flood plain protected by the prohibition of filling any 100-year flood plains, and any development must take account of that. If Hon Giz Watson were to talk to some of the proponents of the development of that 100-year flood plain, she would be excited about some of the plans they have for the enhancement of those wetlands to marry the 100-year flood plain more directly to the river, and how important the Swan River is to the people of Midland. I was disappointed that the member was so neglectful of the Helena River. In fact there has been a Helena Valley regional park reservation for some considerable years. It would be hard to recognise it as a regional park because much of it is degraded grazing land from the abattoirs that used to exist in Midland; is dotted with former skin drying sheds which now house all manner of defunct paraphernalia; contains disused clay pits from the three brickyards which once existed in the area; and proceeds as far as the junction of the Helena River and Swan River at Guildford, taking in such historically important features as Kings Meadow. If the member were to talk about the environmental heritage of Midland, focus only on Marshall Park and ignore the very significant Helena Valley regional park, she would be doing Midland a great disservice. However, I suggest that if the member were to look only at the natural environment of the Midland area, she would be doing an even greater disservice to Midland. If she were to look closely at the built heritage of Midland, she would be looking at something which is very significant to Western Australia's history. Midland is in fact a proud industrial town. It is a workers' town. It is a Labor town. I can stand here quite proudly and say that the coalition Government, derided as a conservative Government, is investing in this proud industrial town when there is not a single vote in it. It is not motivated by electoral advantage, and I am proud of that.

Why is Midland such a proud industrial town? Members should look at the history of Midland. They should look at the diagram on page 54 of the Bill. That tells members the history of Midland. It was a town which was never intended. It was a town which, like Topsy, just grew. In fact, the town which was intended to be the railway town was Guildford, and Stirling Square was set out as the town centre based on the English industrial town model. The town was to be developed around Stirling Square with the harbour on the river where the West Swan bridge is located. The railway workshops were to be along James Street. That was the intention, which was thwarted by the Legislative Council in 1885 which voted to shift the railway workshops site from Guildford along James Street to a place which has become Midland, or was initially Midland Junction. It was C.Y. O'Connor who recommended to government that the government workshops on the railway connecting Fremantle and York be built in Midland. It was C.Y. O'Connor who built those workshops. Anybody who says that a Government or a government agency, such as the Midland Development Authority, would degrade those workshops, as was intimated by Hon John Cowdell, has no feeling whatsoever for Western Australia's history and has no understanding of the regard that the people of Midland hold for those workshops.

It was because of the decision of the Legislative Council in 1885 to build the workshops in Midland that the town of Midland grew. It grew from a tent village at the junction of the government railway to York and the private Midland railway to Geraldton. So large was the tent city in 1895 that the Government decided to gazette a town, and the town was gazetted as Midland Junction. The fascinating thing about it is that in 1895 it had one acre of public open space. That one acre of public open space is now occupied by the Midland Town Hall. One of the great challenges for the redevelopment authority is to give to Midland that which it never had; that is, community recreation. Where is the best possible site for that community recreation? I draw members' eyes to the Helena regional park. Let us consider what members opposite call the degraded railway workshops. They are very significant industrial buildings. Members should go there.

Hon Ken Travers: They should still be there.

Hon DERRICK TOMLINSON: My word they should be, and they should be living buildings; they should not be museums or hollow shells. They should be a living heritage, and that is what they will be.

Hon Ken Travers: If you had kept your promises in 1993, they would still be.

Hon DERRICK TOMLINSON: I will not respond to that, other than to suggest that the member read the speech I made in this House when I publicly exposed the intentions of the minister of the day, Mrs Pam Beggs, in October 1992, and the advice given to Mrs Pam Beggs in October 1992 and the decision she made to defer the decision on the closure of the railway workshops until after the election. The member should look at that and he will learn, because if he wants to start pointing the finger at any Government for deception and deceit, he should consider that decision. It was a disgusting and vile decision made for nothing more than electoral advantage. The Government made the decision -

Hon Ken Travers: We thought about it, and you did it.

Hon DERRICK TOMLINSON: Exactly, but members opposite think about a lot and do nothing. They are the do-nothing party. This Government made the decision and does not resile from it. I also acknowledge that the consequences of that decision are felt today.

In addition to the development of the Midland town centre or the Midland railway workshops, the butt welding site and the Co-operative Bulk Handling Ltd silo as part of the establishment of the Midland Redevelopment Authority, the Government is also undertaking the redevelopment of Midvale. I will tell members something about Midvale. Forty-three per cent of its residents are not in the work force, and it has an unemployment rate of 14.3 per cent. The percentage of its population over the age of 75 years is double the average percentage in the metropolitan area. The median income of its residents is approximately 60 per cent of the metropolitan average. I will not resile from the fact that a large proportion of that unemployment in Midvale stems from the decision back in 1993. This government is confronting that reality, and it is redeveloping Midvale and the Midland railway workshops land.

One of the priorities should not be to put more people onto that land in cheap housing for two reasons. The first is that it is within level 25 of the Australian noise exposure forecast contours zone of the parallel runway. Does the Opposition want workers to live in those circumstances? I would not treat workers that way. I would give them decent housing. The second reason that I would not put low-cost housing in that area is that the priority for Midland is to get jobs into the area. Therefore, we must be looking at a balance of commercial-industrial land, particularly in the railway workshops, the flash butt welding plant and the Co-operative Bulk Handling Ltd land. That is very important. It is not simply a question of where people will live; it is also a question of where they will work. People live in Midland. It is, as I said, a proud industrial town, but it does not have industry. If people live there and there is no work for them, we must take the opportunity to create jobs in this town. That is one of the priorities that the Midland Redevelopment Authority must have.

I welcome this Bill as an opportunity. A week after the decision was made to close the Midland railway workshops, I went to the then Minister for Planning, Hon Richard Lewis, and suggested that the Government should respond to its decision to close the railway workshops by appointing a development authority. I recommended that there should be a development authority similar to the Joondalup Development Corporation and the East Perth Redevelopment Authority. He said no, not at that time, because the Government was still bedding down the East Perth Redevelopment Authority. However, he said that he would appoint a task force to come up with a proposal for the redevelopment of the workshops land. That task force was appointed in that office while I was meeting with Hon Richard Lewis. The task force came up with a proposal, which included such things as a university and sporting grounds, and the eastern section of the workshops site to be commercial-industrial land. The problem was that when it was costed, we were dealing with land which had negative value, and some of the proposals were unrealistic.

I am regretful that the university has not progressed. However, as Hon John Cowdell pointed out, the university depended upon commonwealth tertiary funding. The Commonwealth responded to the State's request for funding for that university with these observations: First, that the priorities already established for universities in Western Australia at that time were Kalgoorlie and Mandurah. I will not go into the dispute between Kwinana, Rockingham and Mandurah. However, they were the priorities at the time. The Commonwealth asked where was Midland in those priorities, and it said that if it was third, it would not get into the 2001-2003 triennium for funding. Secondly, according to the estimates of the Commonwealth Department of Education, Training and Youth Affairs, there is already one university too many in Western Australia.

Hon J.A. Cowdell interjected.

Hon DERRICK TOMLINSON: We could solve that. We could turn one of them back into a college of advanced education and it could proudly do the job that those colleges were intended to do. We cannot turn back history. The Commonwealth made the observation that Western Australia has one university too many, so how could it justify another university. The third observation was that -

Hon J.A. Cowdell: There is no money and we will not give you any!

Hon DERRICK TOMLINSON: The Commonwealth would not put money into a tertiary institution at the Midland railway workshops location until the State Government invested some money as an earnest of its own intention. The State is now investing that money. I will be honest and say that I am not hopeful that there will be a university in Midland, but there will be a significant educational presence on that site. This is an exciting opportunity for Midland, and the Swan Shire Council supports it wholeheartedly, as do the chamber of commerce in Midland and the people there. As an indication of the earnest of the Swan Shire Council in this matter, I point out that for the duration of the Midland Redevelopment Authority, the council will surrender all authority over the authority land. It will have no planning authority over the development of that

land. All planning controls, all planning authority, will pass to the Midland Redevelopment Authority. The Premier put the question quite squarely to the councillors of Swan Shire Council and asked whether they were willing to surrender their authority over that land to the Midland Redevelopment Authority. Their response was a unanimous yes. They have surrendered their authority because they see the value and the opportunity of redeveloping Midland as a proud industrial town - I hope one day we will accept its name as "Midland Junction", not merely Midland - under the guidance of a state government agency.

Hon John Cowdell asked whether \$20m would be enough. Of course, it will not. We can keep pouring more and more money into a site like this one. One advantage of this site is that after an investment of \$12m, the most recent estimate is that as a redeveloped industrial, commercial, educational heritage precinct, the site will return a value of \$19m. I would not dare estimate what effect the investment of \$20m will have. The return will be a deferred return; hence, there is the need for a great deal of capital investment up front, and it will be a long-term return. It will not be an immediate return as happened in East Perth or in Subiaco, but a delayed financial return because it is primarily an industrial, commercial opportunity. That will not give the immediate return that was demonstrated in East Perth. While \$20m is not enough, it is a \$20m investment which, properly managed, will be a self-perpetuating investment. I commend the Bill to the House.

HON KEN TRAVERS (North Metropolitan) [10.25 pm]: I agree with Hon Derrick Tomlinson on one point; that is, the Midland Redevelopment Authority that the Bill will create will have a different role from that of the East Perth Redevelopment Authority and the Subiaco Redevelopment Authority. Its primary role will be to create jobs in the Midland area. That is significantly different from the role of the other two redevelopment authorities, although it will be similar to the role of the Joondalup Development Corporation, which also had a role to create jobs in a greenfields site. I will not move amendments to this legislation, because I acknowledge the different role of the Midland Redevelopment Authority.

I want to refer to redevelopment authorities and the importance of a holistic approach - for want of a better term - to the way in which they go about their functions. When they are engaged in urban renewal with government money it is important that they do not create enclaves purely for the wealthy. That would be a great disappointment. I hope that if an opportunity presents itself to the Midland Redevelopment Authority it will take it up and not miss the opportunity, as occurred in East Perth and Subiaco. I am specifically referring to the need to provide public equity housing and to ensure that areas of urban renewal contain a good cross-section and mix of housing for people with special needs and the like. If it were not for the fact that Midland is such a special case I would have argued strongly that the legislation include a requirement that the redevelopment authority ensure that a significant part of any urban renewal project include social equity housing. It is a great shame that East Perth has limited social equity housing and nowhere near as much as was originally promised, and that in Subiaco the commitment is almost non-existent. It is always hard for Governments to find the necessary funds to put into areas like public housing, but they should take up the opportunity when they are presented with an urban renewal project that has the likelihood of significant returns. However, I accept Hon Derrick Tomlinson's comments that Midland is slightly different because there will not be the same sort of instant returns the Government has received in East Perth and Subiaco. However, when the opportunity exists to make money from a particular area, that would be the obvious time to seek to return some of that money to that area by providing some form of social equity housing, particularly for people with special needs, because there is a drastic shortage. I accept that in the general Midland area that is not a problem and the area surrounding the redevelopment authority probably has too high a concentration of public housing. However, if the opportunity presents itself for some form of urban housing renewal within the area of the redevelopment authority, I hope that the board will take up the opportunity to ensure some social equity housing is included in the area.

Hon Derrick Tomlinson: The better opportunity would be at Midland Oval alongside Morrison Road. If that were turned into low-cost, high-density housing, one would have a good industry.

Hon KEN TRAVERS: The whole redevelopment of the Midland area needs consideration to determine the most appropriate place for such development, which I hope is included in urban renewal in the area covered by the authority. It is not as imperative as with Subiaco or East Perth; therefore, I do not intend to move amendments to this Bill. If we see more of such redevelopment authorities established, along the lines of East Perth or Subiaco, I will move such amendments. Unfortunately, we have not been able to take Governments on face value in that respect, as this Government has missed such an opportunity for the provision of social equity housing in the other two major areas of urban redevelopment.

Hon Barry House: Is that the case with the East Perth redevelopment?

Hon KEN TRAVERS: The Labor Party set up that authority, and it is a shame it did not include such a provision in the Act to keep it honest. If the Labor Party were still in government, much more social equity housing would have been provided in the East Perth area, and the money from the Federal Government's Better Cities program for that purpose would have been directed to that purpose. Such provision should have been included in the original legislation. Regrettably, it was not. We knew social equity housing would have been provided had we been in government and, unfortunately, it has not occurred under this Government. This area needs serious consideration. If urban renewal includes only one socioeconomic group, it will lead to long-term problems and social alienation in a range of areas. I do not want to go through those arguments tonight. Nevertheless, I take the strong view that one needs social diversity in areas of Perth.

I am aware that the Shire of Swan has agreed to give up its planning controls as part of the redevelopment Bill. Whenever I have spoken to people at the shire council about matters in the last couple of years, the view has been expressed that they wished the State Government would make up its mind on planning matters. In talking privately to councillors and a number

of staff, it has been made loud and clear that they would prefer the State Government to take over all the planning controls. Local government would then not spend millions of dollars a year on charrettes and other planning processes -

Hon Derrick Tomlinson: Who pays for the charrettes?

Hon KEN TRAVERS: Well, maybe not the charrettes, but for other community planning processes.

Hon Derrick Tomlinson: It was the Ministry for Planning, mate!

Hon KEN TRAVERS: A range of planning processes took place in Midland in recent years.

Several members interjected.

Hon KEN TRAVERS: Members can carry on, but Hon Derrick Tomlinson knows well that a number of decisions have involved the local council injecting a lot of money into planning in the Midland area. The State Government has overruled and changed the decision made by the local community. The local authority is probably more than happy to hand over control of the situation.

Regarding the Midvale redevelopment to which Hon Derrick Tomlinson referred - I will not go into it too much tonight - a number of issues need to be addressed. I refer to the process the Government is adopting with the New Living program. Hon Derrick Tomlinson tried in some way to place the blame with the Labor Party for the closure of the Midland Workshops. That was one of the most disgraceful comments I have heard in this place for a long time. The bottom line is that whatever Hon Derrick Tomlinson might say - and I was not aware that he exposed some great conspiracy by Hon Pam Beggs -

Hon Peter Foss: Outright deception!

Hon KEN TRAVERS: - in October 1992, the then Opposition came into this place and accused the Labor Party of wanting to close the Midland Workshops. It then went to the 1993 state election and promised to keep them open. However, after it was elected to government, it closed them, contrary to that promise! I did not think the Government would want to bring up in this place tonight the fact that it had done that.

Hon Derrick Tomlinson: I would love to debate that with you, because I have got the documents!

The PRESIDENT: Order! We happen to be talking about the Midland Redevelopment Bill, not the closure of the Midland Workshops. Let us deal with this Bill.

Hon KEN TRAVERS: Thank you, Mr President. The area that this redevelopment authority will cover includes the Midland Workshops. That is the reason that such vast tracts of land are available for redevelopment in Midland. The reason that Midland does not have an economic heart and soul and that we need a redevelopment authority to put that back into the Midland area is the decision that was made by this Government -

Hon Peter Foss: Not even the Swan Shire Council says that!

Hon KEN TRAVERS: Not only the physical but also the emotional heart of Midland were gutted when the Midland Workshops were closed. It is interesting that one of the things that the Joondalup regional centre lacks is a sense of identity, and that is obvious when one tries to get an economic stimulus going in that area. Fremantle has always had the port as its sense of identity. Midland had the railway industry as its sense of identity. However, Midland now lacks that economic identity because it no longer has the railway workshops, as a result of the decision made by this Government in 1993 to close those workshops, contrary to the promise that it gave to the people of Midland during that election campaign.

Hon Peter Foss: How many staff did you dismiss prior to that?

Hon KEN TRAVERS: I have never dismissed any staff.

Hon Peter Foss: How many staff were dismissed from the Midland Workshops under your Government? You do not know!

Hon KEN TRAVERS: I find it extraordinary that the Government tries to turn back -

Hon Peter Foss: You are making statements that -

Hon KEN TRAVERS: The Government keeps trying to turn back, but the bottom line is that the decision to close the Midland Workshops was made by a Government of which Hon Peter Foss was a member, so members opposite cannot run away and hide, and they cannot try to place the blame on a report that Pam Beggs had and out of which Hon Derrick Tomlinson, by his own admission, made great political mileage prior to the 1993 election. When one speaks in this place, to expose the rot as Hon Derrick Tomlinson called it, one cannot tell me that is not for political mileage. The bottom line is that Hon Derrick Tomlinson failed.

The other fascinating issue is the proposed university in Midland. I notice that Hon Derrick Tomlinson claimed that there

were no political benefits in that for the Government, but when it thought it had a chance of winning the then seat of Helena, it made all sorts of promises to the people of Midland, one of which was that it would put a university out there. We have now heard tonight that the reason Midland did not get a university is that it required federal funding and it did not make it high enough up the list to receive that federal funding. A responsible Government would have checked that with the Feds before it made promises to the people of Midland, not immediately after it had made those promises.

Hon Derrick Tomlinson: The request for the university came from the people of Midland.

Hon KEN TRAVERS: Is the member saying that the Government never promised that?

Hon Derrick Tomlinson: We responded to the request, yes, and we made representations to the Commonwealth Government.

Hon KEN TRAVERS: The Government made promises to the people of Midland that it would give them a university but it did not deliver. It is amazing that the Government has drawings of a university in Midland. How many times have we seen drawings and maps? We saw the drawings of the Police Academy that was to be built at Midland. They were lovely drawings. The Police Academy ended up being built in Joondalup, which I support. This Government produces drawings and fancy leaflets around election times, promising people lots and never delivering.

Hon Greg Smith: You say that we are building too much by building convention centres and belltowers.

Hon KEN TRAVERS: Hon Greg Smith does not listen. We say that the Government has its priorities wrong.

The PRESIDENT: Order! We are dealing with the Midland Redevelopment Bill. For a few minutes Hon Ken Travers gets onto the Bill and then all of a sudden gets sidetracked by an interjection and moves off into other areas. We are dealing with whether we should establish a Midland Redevelopment Authority over a certain area of land.

Hon KEN TRAVERS: We definitely support the concept of a Midland Redevelopment Authority.

Several members interjected.

The PRESIDENT: Order! The minister will get his opportunity in a moment.

Hon KEN TRAVERS: I had intended to speak for a relatively short time on this Bill but it is hard to sit down when I keep getting those comments from members opposite. It was harder still to let some of the comments made earlier in the debate go through without responding to them, because I found them quite extraordinary. The bottom line is that we believe in areas such as Midland. We support the Bill, which is long overdue. The people of Midland have been waiting for it for a long time. It will be good to see the authority up and running.

Hon Greg Smith: Sit down and vote on it then.

Hon KEN TRAVERS: For the benefit of Hon Greg Smith, we support things being built in Midland so as to make it a regional centre again and to give it some heart, industry and jobs. This redevelopment authority will go a long way to achieving that. However, we do not support wasting money on things like belltowers.

HON PETER FOSS (East Metropolitan - Attorney General) [10.42 pm]: One of the good things about having Hon Derrick Tomlinson participate in debates is that, especially with anything to do with our electorates, he has such a compendious knowledge and a strong interest in everything that occurs. He is able to give us probably all that needs to be said on the subject and not only answer the prior questions but anticipate the things that come afterwards. I will say no more than that the difference between Hon Derrick Tomlinson's highly informed and educated comments and the unbelievably uninformed comments by Hon Ken Travers is quite marked. I will not go into the question of the university or the railway.

Hon Ken Travers: I bet you won't.

Hon PETER FOSS: The only reason I will not is that they really are not relevant. All I need to say is that the member is showing his ignorance. It is a pity that people who are not representatives of this electorate contributed to the debate - I except the spokesperson for the Opposition and Hon Giz Watson - because I do not think they added very much to it. This has a long history with many aspects. All Hon Ken Travers did was to show how little he knew about it. Unfortunately, that merely prolonged the debate and prevented what everybody here earnestly wants, which is to have this legislation pass through this House.

I thank Hon Derrick Tomlinson. I think the point that he did not make and that probably has not been made is that he has been one of the most effective lobbyists to make sure that this comes about. He has been one of the longest and most effective lobbyists on this issue and probably knows the most about it. I thank him for his contribution tonight. I believe he has dealt with most of the other matters referred to. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon W.N. Stretch) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clauses 1 to 19 put and passed.

Clause 20: Powers -

Hon GIZ WATSON: I move -

Page 12, line 29 - To insert after the word "the" the word "cultural".

Page 12, line 29 - To delete the word "and".

Page 12, line 30 - To insert after the word "significance" the words "and environment".

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

(9) In subsection (5) —

"cultural heritage significance" has the meaning defined in subsection 3(1) of the *Heritage of Western Australia Act 1990*; and

"environment" has the meaning defined in section 3 of the *Environmental Protection Act 1986*.

By way of explanation, as I said in my contribution to the second reading debate on this Bill, my intention is for the Bill to include an acknowledgment of the environmental aspects of this redevelopment proposal, particularly in context of the flood plain and river bank. I have moved to insert the amendment at this point so the attention to the environment is placed on the same footing as the attention to the cultural and heritage significance of the redevelopment area. The words proposed to be deleted and inserted reflect that intention. Members will also note that I have clarified the definition of "cultural heritage significance" to make it as defined under the Heritage of Western Australia Act 1990 and that in this context "environment" will have the meaning defined in section 3 of the Environmental Protection Act. I seek members' support for this amendment. I do not consider it to be a big ask to include provision for this redevelopment authority to also consider preserving and enhancing the environment. It will also have an advantage in issues such as addressing contamination. I understand there is likely to be significant contamination under the railway land itself and I am sure the public would welcome the inclusion of this aspect of consideration of environmental enhancement at this point in this Bill.

Hon J.A. COWDELL: The Australian Labor Party supports the amendment to clause 20 as outlined by Hon Giz Watson. The principal alteration is in subclause 5 and it will read -

In performing its function the Authority is to have regard to, and is to seek to enhance and preserve the cultural heritage significance and environment of the redevelopment area and its adjacent areas and in particular regard is to be given to the heritage and labour history of the Midland Railway Workshops site.

The amendment also defines in subclause (8) "cultural heritage significance" and "environment" and the latter is defined in terms of the Environmental Protection Act 1986. The Labor Party sees no problem with the inclusion of the environmental criteria in this regard, as the authority is to have regard to it as it sees fit. For the reasons outlined by the member, the Labor Party believes this amendment commends itself to the Committee.

Hon PETER FOSS: The Government is very concerned by this amendment. I have no problems with the sentiment; in fact, the authority is bound by both the Heritage of Western Australia Act and the Environmental Protection Act. Therefore, it cannot disregard the matters referred to in respect of heritage sites or the environment.

This is a powers clause. The Government is very concerned that it is not a matter of the authority's being constrained by appropriate Acts relating to heritage and the environment but a matter of constraining the powers of the authority. I thought we all agreed that the intent of this redevelopment authority is to attract employment back to Midland. The Government is very concerned that this legislation might set up a body that has as its principal requirement that it look after heritage and environmental matters. Of course, those are issues to which it should have regard; in fact, it is obliged to have regard to them. However, the Government believes that constraining the authority's powers is unnecessary. It is fraught with difficulty, it may very well defeat the intent of the authority, and it does nothing to enhance the protections that already exist by virtue of those two pieces of legislation.

This is a very dangerous, ill thought out amendment. It could totally undermine the intent of the legislation. This is far too dangerous and threatens the entire investment. I ask not only the mover of this motion but also members of the Australian Labor Party, who embraced the intent of the legislation, to think long and hard before they accept this as an innocuous addition. If it does what the member says it does, it is adding nothing to the Heritage of Western Australia Act or to the

Environmental Protection Act. If it does as the Government thinks it might - that is, impinge on the intent of the authority - I am very worried. I am concerned that such a radical change is proposed. The Government will oppose the amendment.

Hon NORM KELLY: The Australian Democrats see this amendment in a similar light to that which was passed in the other place. Members in the other place highlighted the cultural significance of the Midland railway workshop site. The Bill now provides that regard is to be given to the heritage and labour history of the site. That provision has been included so that the redevelopment authority can clearly see that special regard must be given to that cultural or heritage significance. It could be argued that heritage significance was already covered in the Bill because there is already a clause specifying heritage significance in the region. What has been added to the Bill basically highlights the importance of a certain aspect of all of these Bills. Hon Giz Watson's amendment will achieve the same purpose on the environmental aspect. We support that amendment and we believe that the wording is in line with what she is seeking to achieve. We would like to hear from the Government whether it believes that the same intent can be achieved with different wording which, in its eyes, may have less serious connotations. I am not saying that I agree with what the minister has just said. However, in light of his view, we would entertain different wording provided that environmental preservation is still achieved. It is important that members refer to the definition of "environment" in section 3 of the Environmental Protection Act which states -

"environment", subject to subsection (2), means living things, their physical, biological and social surroundings, and interactions between all of these;

Subsection (2) provides a very clear definition. It reads -

For the purposes of the definition of "environment" in subsection (1), the social surroundings of man are his aesthetic, cultural, economic and social surroundings to the extent that these surroundings directly affect or are affected by his physical or biological surroundings.

It is an encompassing and all-embracing definition of what the Government intends to do with the Midland Redevelopment Authority. For those reasons this amendment, or similar wording, should be supported.

In clause 20(5) the Bill states that "the Authority is to have regard to, and is to seek to enhance and preserve", the stress being on the words "to seek to". The authority is not therefore compelled to enhance and preserve but, rather, to seek to enhance and preserve. That shift in emphasis is sufficient to allow the authority not only the scope to carry out its duties but also to emphasise what is important in any redevelopment of these areas.

Progress reported and leave granted to sit again.

House adjourned at 10.58 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT

52. Hon LJILJANNA RAVLICH to the Leader of the House representing the Government:

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

- (1) How many staff were recruited to each department or agency in each Minister's portfolio in each of the following categories in 1997/98 and 1998/99 -
 - (a) Chief Executive Officers;
 - (b) Senior Executive Service; and
 - (c) Level 1-8?
- (2) Of those staff how many were recruited internally and how many were recruited by, or with the aid of, external recruitment agencies?
- (3) What are the names of the external agencies that were utilised?
- (4) What was the cost of using external recruitment agencies in 1997/98 and 1998/99?

Hon N.F. MOORE replied:

- (1) (a) The following chief executive officers (CEO) were recruited in each Minister's portfolio for the 1997/98 and 1998/99 financial years:-

HON R F COURT, MLA

PREMIER; TREASURER; MINISTER FOR PUBLIC SECTOR MANAGEMENT; FEDERAL AFFAIRS

1997/1998

1

1998/1999

0

HON H J COWAN, MLA

DEPUTY PREMIER; MINISTER FOR COMMERCE AND TRADE; REGIONAL DEVELOPMENT; SMALL BUSINESS

1997/1998

2

1998/1999

1

HON C J BARNETT, MLA

MINISTER FOR RESOURCES DEVELOPMENT; ENERGY; EDUCATION

1997/1998

2

1998/1999

1

HON M G HOUSE, MLA

MINISTER FOR PRIMARY INDUSTRY; FISHERIES

1997/1998

1

1998/1999

0

HON N F MOORE, MLC

MINISTER FOR MINES; TOURISM; SPORT AND RECREATION

1997/1998

1

1998/1999

1

HON M J CRIDDLE, MLC
MINISTER FOR TRANSPORT

1997/1998
4

1998/1999
1

HON C L EDWARDES, MLA
MINISTER FOR THE ENVIRONMENT; LABOUR RELATIONS

1997/1998
1

1998/1999
2

HON G M EVANS, MLC
MINISTER FOR FINANCE; RACING AND GAMING

1997/1998
2

1998/1999
0

HON D J SHAVE, MLA
MINISTER FOR LANDS; FAIR TRADING; PARLIAMENTARY AND ELECTORAL AFFAIRS

1997/1998
2

1998/1999
0

HON A K PRINCE, MLA
MINISTER FOR POLICE; EMERGENCY SERVICES

1997/1998
1

1998/1999
1

HON P G FOSS, MLC
ATTORNEY GENERAL; MINISTER FOR JUSTICE; THE ARTS

1997/1998
1

1998/1999
1

HON G D KIERATH, MLA
MINISTER FOR PLANNING; EMPLOYMENT AND TRAINING; HERITAGE

1997/1998
2

1998/1999
1

HON DR K D HAMES, MLA
MINISTER FOR HOUSING; ABORIGINAL AFFAIRS; WATER RESOURCES

1997/1998
1

1998/1999
0

HON P D OMODEI, MLA
MINISTER FOR LOCAL GOVERNMENT; DISABILITY SERVICES

1997/1998
0

1998/1999
1

TOTAL: 21 CEOs RECRUITED IN THE 1997/1998 FINANCIAL YEAR.

TOTAL: 10 CEOs RECRUITED IN THE 1998/1999 FINANCIAL YEAR.

(b)-(c) Please refer to answers provided to questions in the range 235 to 278 inclusive.

- (2) (a) The number of CEOs in 1997/98 and 1998/99, that were recruited internally and externally (with the aid of external recruitment agencies):-

1997/98
External - 19
Internal - 2

1998/99
External - 9
Internal - 1

(b)-(c) Please refer to answers provided to questions in the range 235 to 278 inclusive.

- (3) (a) The names of external recruitment agencies that were used in CEO recruitment during the 1997/98 and 1998/99 financial years:-

1997/98	1998/99
KPMG	Deloitte Touche Tohmatsu
Deloitte Touche Tohmatsu	Lyncroft Consulting Group
Clements Human Resources Consultants	Clements Human Resources Consultants
Morgan & Banks Ltd	Morgan & Banks Ltd
Gerard Daniels Pty Ltd	Peter Casey Executive Recruitment

(b)-(c) Please refer to answers provided to questions in the range 235 to 278 inclusive.

- (4) (a) The cost of using external recruitment agencies to recruit CEOs in the 1997/98 and 1998/99 financial years:-

1997/98	1998/99
\$188 769	\$163 974

(b)-(c) Please refer to answers provided to questions in the range 235 to 278 inclusive.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

290. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Planning:

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

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

Hon PETER FOSS replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19 August 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

291. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Heritage:

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

- (1) What was the average cost of leave liability per FTE in each department or agency in the Minister for Heritage's portfolio as of June 30, 1999?
- (2) Does this represent a 10 per cent reduction from June 30, 1998?
- (3) If not, what percentage reduction in leave liability was achieved in each department or agency in the Minister's portfolio between June 30, 1998 and June 30, 1999?
- (4) When will each department or agency in the Minister's portfolio be able to meet the required leave liability reduction?

- (5) How much does a 10 per cent reduction in leave liability equate to in number of days, for each FTE employed in each department or agency in the Minister's portfolio, that will have to be taken to reach the desired reduction?
- (6) How much of this will be paid out in money in lieu of leave?
- (7) Is any department or agency, or any section of it, in the Minister's portfolio considering closing down at any period in the next 12 months in an attempt to reduce leave liability?

Hon PETER FOSS replied:

- (1)-(7) Please refer to the answer given in response to question on notice 288 of 19 August 1999

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

377. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Planning:

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

Hon PETER FOSS replied:

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

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

378. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Heritage:

- (1) For all Government departments and agencies under the Minister for Heritage's control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -

- (a) electronic media; and
- (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon PETER FOSS replied:

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

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

396. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Disability Services:

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

Hon MAX EVANS replied:

(1)-(4) Please refer to the answer given in response to question on notice 381 of 7/9/99.

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

406. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Local Government:

- (1) For all Government departments and agencies under the Minister for Local Government's control, what was the budget allocation for the provision of information to people of non-English speaking backgrounds in -
 - (a) 1994/95;
 - (b) 1995/96;
 - (c) 1996/97;
 - (d) 1997/98; and
 - (e) 1998/99?
- (2) Have any Government or departments under the Minister's control utilised the services of radio 6EBA non-English print media as media to provide information for people of Cultural and Linguistic Diverse backgrounds?
- (3) If not, why not?
- (4) If yes to (3) above, how much was spent on -

- (a) electronic media; and
- (b) print media, in -
 - (i) 1994/95;
 - (ii) 1995/96;
 - (iii) 1996/97;
 - (iv) 1997/98; and
 - (v) 1998/99?

Hon M.J. CRIDDLE replied:

- (1)-(4) Please refer to the answer given in response to question on notice 381 of 7/9/99

GOVERNMENT PROPERTY OFFICE, SALE OF LAND IN COOGEE

462. Hon TOM STEPHENS to the Leader of the House representing the Premier:

I refer to the sale of Lots 2058 and 2059 Rollinson Road, Coogee, to Gosh Tannery by the Government Property Office, and ask -

- (1) Was a valuation of the land conducted?
- (2) Who undertook the valuation/s?
- (3) What was the land valued at prior to the sale?

Hon N.F. MOORE replied:

This transfer was conducted by LandCorp, not the Government Property Office as stated in the question. As advised by the Minister for Lands the answers are :

- (1) Yes.
- (2) Valuer General's Office.
- (3)

Lot 2058	\$525,000.
Lot 2059	\$900,000.

COLLEGES OF TAFE GOVERNING COUNCILS, EXPRESSIONS OF INTEREST FOR MEMBERSHIP

713. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) How many expressions of interest has the Minister for Employment and Training received for memberships of TAFE College Governing Councils in response to the advertisement published in *The West Australian* on Saturday, July 31 1999?
- (2) How many expressions of interest were received for each autonomous TAFE College?
- (3) How many expressions of interest for each autonomous TAFE College were from -
 - (a) men; and
 - (b) women?

Hon N.F. MOORE replied:

- (1) 107 as at 20 October 1999.
- (2)

Central Metropolitan College of TAFE	8
West Coast College of TAFE	8
South East Metropolitan College of TAFE	10
South Metropolitan College of TAFE	15
Midland College of TAFE	5
South West Regional College of TAFE	8
Great Southern Regional College of TAFE	14
Central West College of TAFE	10
Hedland College	6
Karratha College of TAFE	9

	Kimberley College	3	
	College Not Specified	11	
(3)	Central Metropolitan College of TAFE	Men 8	Women 0
	West Coast College of TAFE	Men 6	Women 2
	South East Metropolitan College of TAFE	Men 5	Women 5
	South Metropolitan College of TAFE	Men 12	Women 3
	Midland College of TAFE	Men 3	Women 2
	South West Regional College of TAFE	Men 5	Women 3
	Great Southern Regional College of TAFE	Men 9	Women 5
	Central West College of TAFE	Men 6	Women 4
	Hedland College	Men 4	Women 2
	Karratha College of TAFE	Men 4	Women 5
	Kimberley College	Men 2	Women 1
	College Not Specified	Men 7	Women 4

COLLEGES OF TAFE, STAFF AND PROGRAMS

714. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

- (1) How many staff (lecturing and administration) have not had their contracts renewed since December 1998?
- (2) How many new non-lecturing staff have been employed at Level 6 or above since January 1 1999?
- (3) What is the title and level of each of these positions?
- (4) What reduction in teaching programs has occurred since December 1998?

Hon N.F. MOORE replied:

It is assumed the honourable member is referring to her question without notice of 15 September 1999 asked "with respect to the financial problems experienced by South Metropolitan College of TAFE" and provide the following response:

- (1) There has been no reduction in staff related to the financial situation of the College. However, since 1 January 1999 nine Lecturing and six Administrative Staff have not had their contracts renewed.
- (2) Two.
- (3) Director Business Development (Level 8)
General Manager Industry Programs (Class 1)
- (4) Nil.

QUESTIONS WITHOUT NOTICE

POWER SUPPLY, WEST KIMBERLEY

422. Hon TOM STEPHENS to the Leader of the House representing the Minister for Energy:

- (1) Has the Minister for Energy received the recommendations from the Office of Energy regarding the supply of power for the West Kimberley?
- (2) If not, when does he anticipate receiving the recommendations?
- (3) Will the Minister for Energy be taking the recommendations to Cabinet for approval?
- (4) Is the Minister for Energy recommending to Cabinet that it proceed with a gas-fired power station option for the West Kimberley?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Minister for Energy has received a recommendation from the Regional Power Procurement Steering Committee about moving to a single preferred bidder for further negotiations.

- (2) Not applicable.
- (3) Yes.
- (4) This is a matter for the Minister for Energy to discuss with Cabinet.

GERALDTON MUSEUM, FUNDING

423. Hon TOM STEPHENS to the Minister for the Arts:

- (1) Is the minister aware of concerns in Geraldton about the failure to produce \$1.4m to complete the interior works of the museum?
- (2) What steps will the minister take to ensure that those funds are available to ensure the speedy completion of that project for that community?

Hon PETER FOSS replied:

- (1)-(2) I came a moment ago from a meeting with the Treasurer, the Under Treasurer and the Deputy Premier with a view to doing just that.

GOODS AND SERVICES TAX, STAMP DUTY

424. Hon N.D. GRIFFITHS to the Minister for Finance:

- (1) Is the Minister for Finance aware of opposition by the Federal Treasurer, the Property Council of Australia, the National Farmers Federation and the Chamber of Commerce and Industry to the Government's plan to apply stamp duty on goods and services tax affected prices?
- (2) Is it still intended to impose this tax on a tax; and, if so, why?

Hon MAX EVANS replied:

- (1)-(2) I understand that over the weekend the Premiers at last made the Treasurer and Hon Rod Kemp aware of the fact that they are wrong. There is no tax upon tax. The information we put forward is quite correct: We are directed by the legislation, the situation is okay, and they are wrong.

SWAN RIVER FERRIES, SERVICE COORDINATION

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

With regard to the Swan River ferry services -

- (1) Is the Department of Transport coordinating, or will it coordinate, the bus and train services to link with the ferry service; and, if not, why not?
- (2) Is it intended to link ferry ticketing with other public transport ticketing?
- (3) Are ferry fares subsidised, or will they be subsidised, to put them on an equal footing with the privatised bus services; and, if not, why not?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1)-(3) The Government, through Transperth, currently provides a commuter ferry service which operates between the Barrack Street and Mends Street jetties. In view of public interest in providing additional ferry services on the Swan and Canning Rivers, the Department of Transport, the Swan River Trust and the Ministry for Planning commissioned a study which was undertaken by Gutteridge Haskins and Davey Pty Ltd to address this issue. The report is now complete, and will be presented to the Ministers for Transport and Planning during November. The Red Cat ferry service, introduced recently by Oceanic Cruises, is a private sector commercial venture. No government assistance or subsidy is currently being considered for that entrepreneurial venture. It would be premature for the Government to consider the provision of a subsidy to operate a ferry service until it has completed its examination of the report prepared by Gutteridge Haskins and Davey on that subject. If the Government subsequently elected to subsidise the provision of a service, it would be obliged to do so through the process of a public tender. This information was provided to Oceanic Cruises by me prior to the commencement of its new ferry service.

CHILD PROTECTION SERVICES REGISTER, REMOVAL OF NAMES

426. Hon NORM KELLY to the minister representing the Minister for Family and Children's Services:

Further to question without notice 408, asked on 21 October -

- (1) On what date were offenders' names removed from the child protection services register?
- (2) How many offenders' names were removed from the register?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) Test data containing the names of persons convicted of offences against children recorded on the register was removed from the register on 31 August 1999. In view of the decision by the Police Service not to provide information to the register without legislative protection as outlined in the answer to question on notice 408, the data recorded could not be verified at the time the register program was redeveloped. Therefore, a decision was made to remove it from the register until such time as Parliament has passed the relevant legislation. The redevelopment was designed to upgrade operational requirements of the register and ensure Y2K compliance.
- (2) Seven.

SOUTH COAST FISHERIES, ALBANY BUSINESSES

427. Hon MURIEL PATTERSON to the minister representing the Minister for Fisheries:

With the growing interest in commercial fishing operations off the south coast of Western Australia, has the Government explored opportunities to help attract businesses into Albany that are related to this industry?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question. Fisheries development off the south coast of Western Australia, centred on Albany, is focused on commonwealth-managed fisheries for tuna within the Australian fishing zone and trawling in the sub-Antarctic fishing zone surrounding Heard and MacDonald Islands. Operations are currently being undertaken by eastern States based boats which move around Australian ports depending on seasonal factors related to catch availability. Product from the trawling operations is being unloaded in Albany for further processing within Western Australia. This activity provides a welcome boost to local businesses. Fisheries WA resources are available to assist businesses in relation to trade and market development activity and product quality assurance.

CAPE BOUVARD COASTAL DEVELOPMENT PLAN

428. Hon J.A. COWDELL to the minister representing the Minister for the Environment:

In respect of Cape Bouvard Coastal Outline Development Plan, location 2240, Lake Clifton -

- (1) Has the Department of Environmental Protection advised the City of Mandurah not to proceed to an outline development plan until the Environmental Protection Authority has had an opportunity to comment?
- (2) Does the outline development plan raise significant environmental issues which need to be brought to the early attention of the EPA?
- (3) How does the planned development fit within the Government's Yalgorup National Park management plan?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes. The DEP advised the City of Mandurah that it should not make a decision on the outline development plan until the EPA had the opportunity to comment.
- (2) The EPA advised the City of Mandurah on 21 May 1999 that it was unable to formally assess the outline development plan as this would not constitute a proposal under the Environmental Protection Act 1986. The EPA further advised that it considers it premature for the council to approve the proposed ODP until the EPA's and the Western Australian Planning Commission's deliberations regarding the Peel region scheme are finalised. The relevant environmental issues regarding possible development of the site could then be fully considered under the proper processes of division 3 of part IV of the Environmental Protection Act 1986 and town planning legislation.

- (3) The Yalgorup National Park management plan indicates a preferred option for access to the site to be from the south. Any variation to that option may require the management plan to be put out to public comment for amendment.

ALBANY HIGHWAY, BLACK SPOT FUNDING

429. Hon BOB THOMAS to the Minister for Transport:

- (1) Has Main Roads WA allocated black spot, or any other form of funding, for roadworks on Albany Highway from Narrikup to seven kilometres south of Mt Barker in order to reduce the high number of accidents in that area?
- (2) If yes, how much was allocated to the project and when was it approved?
- (3) Why has the project been deferred?
- (4) Have private land owners in the vicinity been required to undertake any complementary work on their properties; and, if yes, what was it and has it been carried out?
- (5) How many accidents have occurred on that stretch of road in the past three years and how serious were those accidents?

Hon M.J. CRIDDLE replied:

- (1) Main Roads has allocated state funds for the reconstruction and widening of a six kilometre section of narrower seal between Mt Barker and Albany. This is the only remaining section of narrower seal and the work will provide for a uniform level of service and safety.
- (2) A total of \$130 000 has been allocated to this project prior to 1999-2000 for investigation, design and land acquisition matters. An amount of \$3.4m has been allocated in the 1999-2000 program for construction with a further amount of \$150 000 to be allocated in 2000-2001 for the final seal coat.
- (3) Delays with the preparation of contract documentation for this project have meant that tenders cannot be called until mid to late November and physical works cannot commence until late February or early March. Completion of the critical pavement works would have then taken place in late May or early June with the very high risk of serious construction difficulties due to wet weather with consequent increased costs and potentially serious delays to the motoring public. Works will now commence as early as practicable after the 2000 winter.
- (4) As part of normal preconstruction activity, minor works referred to as accommodation works are completed to enable the major constructions to proceed. Preconstruction works for this section of Albany Highway include: Land acquisition to accommodate the upgraded road formation width; fencing works associated with land acquisition; relocation of existing utility services and other improvements such as stockyards, etc; and searching for stockpiling of naturally-occurring road building materials.

Landowners in the vicinity have been approached by Main Roads to undertake fencing on their own properties at Main Roads' cost. No other complementary work has been requested. Normal compensation applies to the acquisition of land, relocation of improvements and loss of income associated with the establishment of gravel pits on private land.

- (5) There have been six reported accidents on this section in the past three years. Two were major property damage only, two were minor property damage only, one required medical treatment and one required hospitalisation. Only two of these occurred in the past 12 months. Main Roads has received information from concerned local residents which indicates there may have been further accidents in the past 12 months that have not been reported to police. Additional warning signs are to be provided at both ends of this narrower section of road to alert motorists to the need for extra caution.

NORTHERN BYPASS DESIGN CONTRACT

430. Hon KIM CHANCE to the Minister for Transport:

- (1) When was the design contract for the northern bypass let to Halpern Glick Maunsell Pty Ltd?
- (2) How much was spent on the northern bypass project to 30 June 1999?
- (3) How much of the above expenditure was paid to Halpern Glick Maunsell?
- (4) On what has the remainder of that sum been spent?

(5) What is the current estimated expenditure for 1999-2000?

(6) Why is the project running so over time?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) February 1996.

(2) \$2.944m.

(3) \$1.452m.

(4) Land acquisition of approximately \$980 000, project management and other preconstruction costs.

(5) \$1.388m anticipated end-of-year expenditure.

(6) The project is not running over time. Design and other preconstruction activities are on track for commencement of construction early in the 2000-01 financial year, for target completion in June 2002. This timetable is also in accordance with the commonwealth funding provisions for the project.

AGRICULTURE WA, OBSERVATION TRIP BY VETERINARIAN

431. HON GIZ WATSON to the minister representing the Minister for Primary Industry:

(1) Did a veterinarian or veterinary pathologist from Agriculture WA make an observation trip on the *Charolais Express* in late 1998 or early 1999?

(2) If yes, is the report from this observation trip available?

(3) If not, why not?

(4) If so, where can it be viewed?

(5) Will the minister table a copy of this report?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) No.

(2)-(5) Not applicable.

TEACHERS, OVERSEAS RECRUITMENT

432. Mrs HODSON-THOMAS to the Leader of the House representing the Minister for Education:

(1) Have any employees of the Education Department been overseas in the past year for the purpose of recruiting teachers to work in Western Australian schools or to supply information to foreign teachers about working in Western Australian schools?

(2) If so, when did the trips occur; what was the destination; and what was the cost of each trip?

(3) Are any employees of the Education Department currently overseas on such a trip, or is the department planning to send any employees on such a trip in the next six months?

(4) If yes, when will the trips occur; what is the destination of each trip; and what is the estimated cost of each trip?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes. Two principals who were already in the United Kingdom on approved leave volunteered to interview British teachers to assess their suitability for obtaining teaching positions in Western Australia.

- (2) The trips occurred in July 1999. As indicated, the principals concerned were already in the United Kingdom. The department paid approximately \$3 500 in total for accommodation and expenses.
- (3) No.
- (4) Not applicable.

PAEDOPHILES, INVOLVEMENT IN CHILDREN'S ARTS PROGRAMS

433. **Hon TOM STEPHENS to the Minister for the Arts:**

- (1) Can the minister explain to the House how he came to allow taxpayers' money to be used to employ a self-confessed paedophile on a government-approved activity program for children?
- (2) What safeguards does the minister have in place to prevent self-confessed paedophiles accessing government arts funding for programs involving contact with children in the community?

Hon PETER FOSS replied:

- (1)-(2) I am not sure at this stage that the person is a self-confessed paedophile. However, the funding was not allocated to him but to a society that applied for funding. The program involved a person who is alleged to be a self-confessed paedophile. The department has a declaration that must be completed by people participating in events involving children. The declaration requires those concerned to state whether they have any convictions and covers other matters relating to their responsibility for children. Obviously the department cannot investigate everyone making an arts application. If it did, it might as well hand the funds straight to the Police Service, which would mean there would be no money to give to people involved in the arts. Those involved are required to make a statement regarding any relevant matters.

COLLEGE MANAGEMENT INFORMATION SYSTEM

434. **Hon LJILJANNA RAVLICH to the Leader of House representing the Minister for Employment and Training:**

Since the decision to cease development of the college management information system 2000 in October 1998 -

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

Hon N.F. MOORE replied:

Notice of this question was first given on 20 October and the answer I was given on that occasion was that the information was not available in the time -

Hon Ljiljanna Ravlich interjected.

Hon N.F. MOORE: Let me finish my explanation, otherwise I will sit down and the member can carry on doing something else. For some reason, I do not have an answer. There should be an answer because the question was asked six days ago. I will find out why I do not have an answer and seek to provide one tomorrow.

NEW BUSES, CAPACITY

435. **Hon RAY HALLIGAN to the Minister for Transport:**

- (1) When will the new buses that the Government has ordered be introduced?
- (2) What capacity do these buses have in comparison to the existing buses?

- (3) Has the Government taken into consideration the growing capacity needs to service peak-hour traffic in the north metropolitan area considering the area's rapidly growing population?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) The new buses were introduced in January 1999. As of 19 October, 41 are in service.
- (2) The combined seating and standing capacity of the new buses is 82, compared to 68 in the older buses.
- (3) The Government is well aware of increasing demand for public transport services in the new and developing suburbs, including the northern suburbs. The Department of Transport continuously revises its service development and improvement plan for public transport in line with population growth and development trends in the metropolitan area and adjusts its allocation of rolling stock accordingly.

SOUTH METROPOLITAN COLLEGE OF TECHNICAL AND FURTHER EDUCATION, OVERSPENDING

436. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:

Further to question without notice 158 of 8 September 1999 I ask -

- (1) Is the minister satisfied that the members of the College Governing Council have the appropriate expertise to provide adequate stewardship of the State's significant investment in the college?
- (2) Do members of the College Governing Council incur any liability for the financial performance of a college?
- (3) Is the minister aware of any other TAFE college experiencing a cash-flow problem?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Minister for Employment and Training is satisfied.
- (2) Under the Financial Administration and Audit Act, members of the College Governing Council are not liable for the financial performance of colleges.
- (3) Information currently available provides no indication of any other college experiencing cash-flow problems.

EDUCATION, EXCLUSION OF NON-IMMUNISED CHILDREN

437. Hon CHRISTINE SHARP to the minister representing the Minister for Education:

- (1) Does an education child-care exclusion policy exist which excludes children who are considered non-immune from educational institutions or child-care facilities?
- (2) If so, will the minister please table the policy?
- (3) If so, when did this policy come into effect and how many children have been thus excluded?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) The Education Department and Family and Children's Services have no policies requiring exclusion of non-immunised children from schools or child-care facilities. The Education Department is guided by advice from the Health Department on matters relating to immunisation on a case-by-case basis.

MINISTER FOR THE ARTS, ART WORKS

438. Hon TOM HELM to the Minister for the Arts:

- (1) Has the minister ever borrowed any art works from his ministerial office for use at his private home?
- (2) If yes, on how many occasions has he borrowed art works?
- (3) If so, on which dates and for how long and what pieces of art did he borrow?

Hon PETER FOSS replied:

I have never borrowed any art from the premises. It has been the other way around. Since I have occupied the premises, a piece of art that belongs to me has hung near the door. I have also hung other pieces that I own in the office from time to time. Rather than that which the member suggests, the reverse is the situation.

Hon Tom Helm: I asked a question; I did not suggest anything.

Hon PETER FOSS: No, he did not suggest anything!

NORTH WEST HEALTH STUDY, IMPLEMENTATION

439. Hon TOM STEPHENS to the minister representing the Minister for Health:

I refer to the north west health study and ask -

- (1) When will the Government commence implementing the recommendations contained in the study?
- (2) What resources are to be allocated for the implementation of the recommendations?
- (3) What additional funding will be provided for the implementation of the recommendations?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The NorHealth position paper was circulated widely for public and stakeholder comments late last year. The purpose of the position paper was to present a clear rationale for change based on the best possible description of the issues affecting the health status of people living in the north west. Nine key health issues were identified and a number of actions to be taken by the community. Hospital based health service providers in the north west were also outlined.

Most of these actions build on programs and services already well established and, as such, do not require implementation. For example, the redevelopment of nursing homes and introduction of innovative funding and service models such as multi-purpose services are responding well to NorHealth 2020 suggestions. While the financing options for the health strategic plans generally are being worked through at present, we have given immediate support to progressing the development of renal dialysis services in the Kimberley and Pilbara regions.

- (2) The suggested actions and strategies outlined in the position paper will need to be worked into a staged implementation plan. This will be undertaken by the planning team in conjunction with the appropriate officers within the Health Department.
- (3) Financing options for the strategic health plans have not yet been completed.

GREAT EASTERN HIGHWAY, REALIGNMENT COST

440. Hon CHERYL DAVENPORT to the Minister for Transport:

On 11 August the minister said \$2.363m was budgeted for the realignment of the Great Eastern Highway of Tammin.

- (1) In what year was the sum budgeted for and what was the original budget estimate?
- (2) Given he claims that it was not a capital works project, from what fund was the budgeted sum allocated?
- (3) How much cost has been incurred for this project to date?
- (4) Why did the newly laid road surface need to be taken up and relaid?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

- (1) This project is part of the major preservation and upgrading of the Meenaar to Walgoolan section of Great Eastern Highway that commenced in 1994. The initial estimate of the Tammin east project was \$2.363m.
- (2) The national highway project preservation fund.

- (3) \$1.662m, including \$233 500 for repairing damage following the post-cyclonic rains earlier this year.
- (4) Sections of basecourse were weakened by heavy post-cyclonic rains. These were established with cement and relaid.

TENGRAPH MAPPING SYSTEM

441. Hon GREG SMITH to the Minister for Mines:

- (1) What exactly is the Tengraph mapping system?
- (2) Who developed and currently owns the software?
- (3) Is the department or its agents involved in selling the software internationally and, if so, who are these agents?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Tengraph mapping system, for the benefit of members who call it something else, is a computer-based mapping system used by the Department of Minerals and Energy to record and graphically display mining tenements in Western Australia in relation to other land information.
- (2) The Tengraph mapping system was developed and is owned by the Department of Minerals and Energy.
- (3) No.

PEOPLESOFT COMPUTER SYSTEM, INCREASED WORKLOAD

442. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

I refer to the answer by the Minister for Education to my question last Thursday regarding the PeopleSoft computer system greatly increasing the workload of school administrators and ask -

- (1) What is the extent of the additional administrative time schools have been allocated to assist with the increased workload resulting from the use of the PeopleSoft system?
- (2) What categories of schools have been given this additional time and will the time allocation be the same for all the schools?
- (3) When was this allocation first provided and for how long will it be continued?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) An additional \$7.5m over four years has been allocated to schools to assist with the workload associated with school administration. Schools have flexibility with the utilisation of funding and can allocate it for any workload associated with new systems.
- (2) To date this time has been allocated to all schools on a pro rata basis according to the size of each school's student enrolment.
- (3) From the 1998-99 financial year for four years.

ROAD ACCIDENTS, MONASH UNIVERSITY REPORT

443. Hon KEN TRAVERS to the Minister for Transport:

I refer to the confidential report prepared for the Road Safety Council by Monash University's accident research centre which exposes the Western Australian road toll as the worst of any State in Australia and ask -

- (1) Given the importance of this issue has the minister read the report?
- (2) If not, why not?
- (3) Will the minister make the report available to this Parliament as a matter of urgency.

Hon M.J. CRIDDLE replied:

I have not seen the report so I have not read it, although people have told me some of the content. When I receive it, I will read it and decide whether I will release it.

AIRLINE SERVICES, NORTH WEST PORTS

444. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) What steps will the Government be taking to ensure that regular jet air services between and into north west ports are re-established and maintained?
- (2) In particular, what steps is the Government taking to use the leverage within Western Australia to ensure this occurs?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) I will read the first sentence, although I am not sure it is entirely correct. Major north west centres linked directly to Perth have competing jet services with the exception of Port Hedland, which is serviced only by Ansett Australia. The only jet service to terminate recently was the Airlink Pty Ltd service linking Karratha and Broome and Port Hedland and Broome, the latter having ceased on 2 July. Airlink operated this service twice weekly after Skywest Airlines Pty Ltd withdrew the 16-seat turbo-prop Jetstream 31 aircraft.

Transport has been negotiating and coordinating other government agencies, airport owners, shires and other stakeholders to assess the potential of the service recommencing linking Broome, Port Hedland, Karratha and possibly Exmouth. There is support; however, the service would need to operate under a subsidy for some time - probably two years - before full stand-alone viability could be achieved. A decision on whether the service will proceed is expected to be made in early November, subject to funding. The aircraft type to operate the service is expected to be between nine and 16 seats, subject to patronage and the level of subsidy support.

- (2) The viability of routes is determined on a commercial basis by the airlines and is not dependent on the level of government travel on those routes. Since 1997, the Government has established a contract framework for government travel that has been successful in encouraging competition between airlines.

BUNNINGS FOREST PRODUCTS PTY LTD, DISCUSSIONS

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

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

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

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1)-(5) Before the member asked the question, I made a note that this question was asked on 12 October and I had not received an answer. I have made a note to ensure that I get an answer to the question. I apologise to the member.
-