



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
2000

LEGISLATIVE ASSEMBLY

Tuesday, 21 March 2000

Legislative Assembly

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

DISTINGUISHED VISITORS

Statement by Speaker

THE SPEAKER (Mr Strickland): I take this opportunity to acknowledge the presence in the Speaker's gallery of a delegation of members of the Public Accounts Standing Committee of the north west provincial legislature of South Africa, led by the committee's Deputy Chairman, Ms Sebekedi. On your behalf I warmly welcome them to the House.

RADAR DETECTORS, BAN ON SALE OR USE

Petition

Mrs van de Klashorst (Minister for Family and Children's Services) presented the following petition bearing the signatures of 15 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned do oppose any changes in legislation that would bring about a ban on the sale or use of radar detectors in Western Australia. We recognise the right to have and use radar detectors and wish to express the fact that we consider them an important driving tool.

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

[See petition No 99.]

The SPEAKER: I will take further petitions later.

KWINANA INTERNATIONAL MOTORPLEX

Statement by Minister for Planning

MR KIERATH (Riverton - Minister for Planning) [2.04 pm]: I rise to make a brief ministerial statement on the Kwinana International Motorplex. Some 18 months ago Cabinet agreed that the Alcoa site was the preferred site for the motorplex facility. An implementation committee attained the necessary approvals and the following arrangements were put in place: The Western Australian Sports Centre Trust is the proponent of the facility; consultants were commissioned to prepare the public environmental review; and the Minister for the Environment, on advice from the Environmental Protection Authority gave approval for the facility to proceed on 17 December 1999.

Several conditions were attached to this approval, including the creation of a Kwinana Sport Management Committee to oversee the implementation of the facility, a noise management plan, the completion of an individual fatality risk assessment and the implementation of all commitments referred to in the Public Environmental Review. The IFR assessment has been completed and shows that the individual risk is well below the criteria set by the Environmental Protection Authority.

The PER and the Societal Risk report were extensively advertised and included a two-month period for submissions. As a result, this proposal has been widely circulated. In addition, a display with a model of the proposal was located for a week in the Kwinana Hub Shopping Centre. This site location complies with the state industrial buffer policy. The individual risk assessment complies with the criteria of the Environmental Protection Authority.

The budget of \$16m has been complied with and a facility can be constructed within this budget. This expenditure will have a total impact during construction of 279 full-time equivalent jobs and a flow on of 298 jobs. Many of these jobs will be located in the Kwinana area. This financial boost to the Kwinana area will benefit existing small businesses in Kwinana, including those in the adjacent residential suburbs, with the likelihood of additional small businesses connected with the motor racing industry being developed in this locality.

There is considerable urgency for the commencement of construction to be approved. The commencement of the 2000-01 motor racing year is in October. Completion by November 2000 should still be possible if construction starts immediately. Therefore, Cabinet has agreed to the commencement of construction.

COUNT ME IN SURVEY

Statement by Minister for Youth

MR BOARD (Murdoch - Minister for Youth) [2.07 pm]: I rise to inform the House of a statewide youth survey called Count Me In which I launched last week. The survey will be run during National Youth Week from 2 to 8 April and the results will assist with the formation of the most comprehensive state youth strategy. Count Me In is the first far-reaching youth survey ever undertaken in Western Australia. The survey will seek a youth perspective on career and work, education, training and development, sources of information and influences, adequacy of services and barriers to using them, active citizenship, arts and culture, sport and recreation, family structure, general concerns and self-image.

The survey will be printed in *The West Australian* and the *Sunday Times* as well as being available over the Internet and distributed to schools. Young people can lodge their replies electronically or free of charge through the mail thanks to the support of Australia Post.

The Count Me In survey has been 18 months in the making. A steering committee was formed to drive the project which brought together a wide cross-section of the community. The committee consists of representatives from *The West Australian*, the *Sunday Times*, Community Newspapers, all TV stations, major radio networks, Australia Post, Westrek and the Office of Youth Affairs with consultation with other government agencies. The support of the media has allowed an extensive electronic and print promotion encouraging all Western Australian young people to have their say.

The private sector endorsement of the survey has resulted in millions of dollars of in-kind support. A widespread consultation process has taken place to ensure that the questions asked will provide us with the right information to develop programs and communication strategies for young people. Forums were held with young people to assess their issues of concern and Youth Advisory Councils across the State were utilised to develop the survey questions.

Youth Advisory Councils will play a major role in promoting and encouraging other young people to complete the survey. Westrek will collate the outcomes of the survey and a report will be produced analysing the results.

This survey is a major part of the Government's youth policy of listening to what young people's needs are. The high level of support from the media and the private sector will ensure a high response level. I encourage all members to urge their young constituents to complete the Count Me In survey.

[Questions without notice taken.]

UNANSWERED QUESTION ON NOTICE

MRS ROBERTS (Midland) [2.47 pm]: I am still waiting for an answer to question on notice 1144 asked on 26 October last year. When might I expect to get that answer?

MR COWAN (Merredin - Deputy Premier) [2.48 pm]: I thank the member for drawing that to my attention; now that she has, I will make sure she gets an answer before the end of the week.

ACTING SPEAKER

Appointment of Member for Vasse

THE SPEAKER (Mr Strickland): I advise members that I have appointed the member for Vasse as an Acting Speaker for the remainder of the session.

GENERAL PRACTITIONERS

Petition

Mr Bloffwitch presented the following petition bearing the signatures of 392 persons -

To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned ask the government to encourage overseas and local doctors to set up and practise and alleviate the doctor shortage in Geraldton. Also to classify Geraldton/Greenough as *an area of need*.

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

[See petition No 100.]

KINGSTREAM, FUNDING OF NATIVE TITLE CLAIMS

Matter of Public Interest

THE SPEAKER (Mr Strickland): Today I received a letter from the Leader of the Opposition seeking to debate as a matter of public interest the following motion -

That this House calls on the Premier to:

- (1) justify his claim that the activities of Kingstream in relation to funding native title claims over competitors' leases is what all other mining companies have been doing;
- (2) explain the involvement of his Government and his Government's knowledge of the Liberal Party's involvement in these matters; and
- (3) outline what actions and inquiries he intends to take over the serious allegations made.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, now detailed in the standing orders.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.52 pm]: I move the motion. I begin my comments by taking the Parliament back to November 1999 when the member for Fremantle raised serious allegations in this Parliament about MFA Finance and the finance broking industry in general. What was the Premier's response to the very serious allegations made in the Parliament? The Premier immediately slotted into a role, the role of defence counsel for MFA Finance, and began an attack on the Labor Party for what he claimed was an abuse of parliamentary privilege. That matter turned out to be so important that we now have nearly 40 police officers investigating the finance broking industry in Western Australia. That is how important that matter turned out to be. The truth is that without the intervention of the member for Fremantle there would be no serious police inquiry into this matter. Nothing happening within the processes of Government would have led to the serious inquiries being made by the police. We saw the Premier's response to that issue - he decided to become the defence counsel for MFA Finance and launched an attack on the Australian Labor Party. Let us draw a parallel with the Kingstream Steel affair today.

In this case allegations have been made by the *Sunday Times* newspaper and the ABC's *Four Corners* television program. What is the Premier's response? It is exactly the same as his response was last year in respect of MFA Finance Pty Ltd. He immediately slots into the role of defence counsel for Kingstream and of course launches an attack on the Australian Labor Party. The Premier of this State is in a state of denial about the finances of the State of Western Australia; he is in a state of denial about the finance brokers' scandal; and he is in a state of denial about what Kingstream has been doing with native title applications throughout Australia. The Premier is no longer a Premier for all of the people of Western Australia; he is a defence counsel for his political mates. He is no longer acting on behalf of the public interest; he is acting on behalf of his political mates in Western Australia.

Native title and the rights of indigenous people are a very important issue in Australian politics today. The Liberal Party has claimed, not only in this Parliament but also in other forums, that the native title legislation which has been enacted by the Federal Parliament is unworkable. What we now know as a result of newspaper articles and television programs is that the unprincipled actions of the Government and its fellow travellers are leading to problems with native title legislation in Australia. That is what these facts reveal; not that the legislation is unworkable, to quote the Premier, but that unprincipled people are intervening in the situation to create real problems on the ground. We have been saying consistently that the Government is not taking a proactive view through government agencies to seek mediation and agreement on the ground. It is quite the reverse: This Government has wanted to hold up the process to make a political point about the legislation. We now find that friends of the Government, members of the Liberal Party and their fellow travellers, are causing real problems in the community by their actions on native title.

What is the response of the Premier of Western Australia to all of this? He says two things: First, that what is going on is quite normal and, second, not only is it normal but it is acceptable under the current law. That is the Premier's response to the serious allegations that have been made in the *Sunday Times* and the *Four Corners* program. Let us look at the claims by the Premier that this is all normal. Is it normal to fund native title claims on a competitor's leases and indeed is it normal to fund native title claims in the first place in this matter? An article in this morning's *The Australian* reads as follows -

Western Australian Chamber of Minerals and Energy chief executive Ian Satchwell and Association of Mining and Exploration Companies chief executive George Savell both said yesterday they knew of no other mining companies funding native title claims.

They are the spokespersons for industry in our State. They are saying quite clearly that this is not normal and that it does not happen. I refer to what the Premier said to the Parliament on Tuesday, 30 June 1998, when Hon Tom Stephens asked the Leader of the House representing the Premier in the other place -

Is the State Government aware of how many mining companies have paid for native title applications in Western Australia since the advent of the *Native Title Act*?

The answer was -

The only company where the State Government is aware that a native title application was paid for in Western Australia is An Feng Kingstream.

We see that the Premier now must account for the statements he has made on this issue. His day of judgment has come. He is quite happy to say that this is normal practice and that what is going on in respect of Kingstream is happening throughout Western Australia. He must now justify those claims against the clear evidence from the Chamber of Minerals and Energy and indeed his own evidence in 1998 that only Kingstream was engaged in such activity.

Members should note the seriousness of the Premier's comments yesterday and today. The Premier has besmirched the reputation of all mining companies in Western Australia. The Premier said that what Kingstream Steel Ltd has done is normal and acceptable and he will neither condemn that behaviour nor initiate inquiries to see whether any further action may be warranted.

The Premier is only too happy to come into the Parliament and say how unworkable native title legislation is, to spend millions of taxpayers' dollars and to try to use the legal system to undermine the system of native title that was established following the famous Mabo decision that was made in the High Court. The Government and the Premier have been caught out. The hypocrisy of the Court Government in those issues is there for all to see. The Government's friends and fellow travellers are stirring up trouble over native title throughout Western Australia. They are causing the problem with native title. This issue goes to the heart of the credibility of the Premier and his Government. The Premier must justify the claims

that he has been making about the actions of mining companies in Western Australia. The Premier must explain the involvement of his Government in all these affairs and what knowledge he has of the Liberal Party's involvement in them. The Premier must indicate what actions and inquiries he will instigate.

It should be noted that another commercial interest is saying that it will take legal action in these affairs, while another commercial operation is saying that the board of Kingstream should resign. This is a serious matter that goes to the heart of the reputation of the Western Australian mining industry. The Premier should ensure that the integrity of Western Australia is protected in this process. Instead, the Premier has acted as the defence counsel for Kingstream in all these matters. The Premier's day of judgment on these matters has arrived. That is not, as the Premier claims, as a result of a conspiracy by the Labor Party, but as a result of articles in the *Sunday Times* and matters raised in an ABC television program. Those matters warrant firm and decisive action that will restore the integrity of Western Australia and its institutions.

It is no longer appropriate for the Premier to come into the Parliament as the defence counsel for his political mates. It is about time the Premier acted on behalf of the people and the public interest of this State to make sure that the reputation of Western Australia is his first and primary concern.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [3.02 pm]: Western Australia has seen a pattern of behaviour with native title. The Government has deliberately frustrated the operation of the native title system while at the same time claiming, for political reasons, that the system is unworkable. First, the Government has sought to frustrate the operation of the native title system by refusing on many occasions to negotiate. Queensland, a comparable State to Western Australia, has negotiated on many native title issues. It has determined native title claims by consent. It has established indigenous land use agreements. We have not seen that sort of ability in Western Australia.

Secondly, on too many occasions, the Government has resorted to litigation. For example, in the Wongatha claim, in which 20 claims were amalgamated into one, the Government appealed against the registration of the one claim. The Government deliberately sought to perpetuate a situation in which there were multiple and overlapping claims instead of cooperating with an amalgamation of those 20 claims into one. Thirdly, we have seen an enormous focus from this Government on new legislation for native title to the detriment of any effort to make the existing native title system work. The Government went even further: It sought to frustrate the existing native title system and to make it unworkable. That is most clearly seen in the way in which the Government has failed to staff the Department of Minerals and Energy to handle its responsibility to negotiate future act matters with regard to mining tenements. Last year I arranged for the Minister for Mines to be asked a question about these matters. He told the Parliament that at 30 June, 3 210 minerals titles were awaiting negotiation. More than 1 000 of those titles had been identified as priority applications by mining companies. The Department of Minerals and Energy was able to negotiate only 245 of those applications. Why was that? Because the Government had allocated only five case managers to the Department of Minerals and Energy to conduct those negotiations. That department is responsible for convening and sponsoring negotiations when it comes to the issuing of minerals tenements if there have been objections from native title parties. It is not doing its job because this Government will not provide it with the staff which it requires to undertake that responsibility. It is this Government's fault that thousands of minerals titles are awaiting issue. It is this Government's fault that negotiations have been stalled, because this Government has not provided the staff to conduct those negotiations. This is an important issue for Western Australia's mining industry. Currently, there are 6 000 Western Australian titles in the federal native title system. The Premier has already told this House that not one of those titles will be affected by his proposed new state native title regime. The only way that those 6 000 titles will be issued is if this Government makes a dinkum effort to make the existing federal native title system work. Moreover, it is proposed by this Government to apply regional caps on the number of new minerals titles applications that will be approved under the new system. Even if we do get a new state native title regime, the regime will restrict the processing of minerals titles. Regional caps will be placed on the number of titles that will be processed by that system each year.

That is the background to the events which I will now deal with - the background of a deliberate government strategy to frustrate the workings of the native title system, while at the same time seeking every opportunity to make political capital and foment community divisions and fears on the native title matter. Now we find that senior Liberals have been involved in making native title worse for mining companies. Senior members of the Premier's party have been involved in making native title worse for Aboriginal claimants and also for the mining industry. Last night, the *Four Corners* program stated that some of the loudest critics of native title are actually setting up native title claims. One of the organisations doing that is the company chaired by failed Liberal candidate Ken Court; that is, Kingstream. Kingstream paid more than \$28 000 to bankroll a native title claim made by the Yaburarra people in the Pilbara. The trust account statement presented to the Supreme Court showed that a payment of \$8 705.35 was made on 28 October 1996. The further payment of \$19 289.38 was made on 16 April 1997. Not only did Kingstream pay that money to bankroll that claim, but also it arranged the legal representation for the claimants.

I now quote from the affidavit of Valerie Holborow of 16 December 1999.

The Applicants were told by Mr Nik Zuks to hire MacDonald Rudder as their Lawyers because MacDonald Rudder and David Johnson were experts in Native Title matters. MacDonald Rudder told the Applicants that David Johnson would be our Lawyer and that they were experts in Native Title matters and knew other people who would help the Applicants get Native Title.

MacDonald Rudder told the Applicants that they would do all the negotiation work with Developers and look after

any Native Title Tribunal and Federal Court matters. David Johnson also told me that MacDonald Rudder would form an Aboriginal Corporation for the Applicants and that he would be the public officer of that Corporation.

A number of very important points need to be made about Kingstream's, Ken Court's, and David Johnston's assistance to the Yaburarra people to make their claim. The first point is that there was already a claim over the area. Kingstream was promoting a multiple and overlapping claim. Kingstream was supporting a group that could be described as a dissident group. Kingstream was promoting division within the Aboriginal community in that area. I do not believe that Kingstream had any active commercial interest in the area subject to the claim. The Minister for Resources Development has offered a weak defence that in the State agreement, Kingstream might own a pipeline that provides energy for its project. As far as I can see, there was no lease or lease application belonging to Kingstream in the area. In any case, companies do not deal with native title parties by funding claims over the leases of the competitors. Negotiation with native title parties must be with all of the parties that have claims to the area of interest with a view to settling their objections to the acts the proponent proposes to undertake. Kingstream was not undertaking that type of activity which is common in the mining industry. It was undertaking another sort of activity altogether.

Although Kingstream might not have had any active interests in the area, the competitors of Kingstream certainly did. They are very angry. I draw the attention of the House to an article in this morning's *The West Australian* headed "Kingstream's rival in \$500m sue threat". It quotes the chairman of a competing company as saying -

Mineralogy chairman Clive Palmer reacted angrily to Kingstream's tactics yesterday, asking his company's lawyers to consider mounting a \$500m damages claim in the Supreme Court.

What is going on? There are two possible scenarios. I will rule out one scenario right now. Kingstream was not engaged in the legitimate activity that mining companies engage in when they negotiate with Aboriginal native title claimants. There are only two plausible scenarios for its actions. The first scenario is a deliberate attempt to foment division in the Aboriginal community and create multiple and overlapping claims; that is, there was a deliberate attempt to make native title unworkable. The second scenario is that Kingstream is engaged in commercial sabotage of its competitors' proposed operations. Whichever scenario is true, the behaviour is reprehensible. Senior Liberals were involved in that behaviour and failed Liberal candidate Ken Court was involved in that behaviour. The Premier would have us believe that Ken Court is a disinterested bystander to events which involve his company. That is straining the bonds of credibility. One week Mr Court is apparently to be seen as a disinterested bystander while one of his companies arranges for elderly people to be fleeced of their life savings. The next week, Mr Ken Court is apparently to be seen as a disinterested bystander while another one of his companies rorts the native title system. That is not credible. The involvement of Mr Ken Court and the involvement of Mr David Johnston, the President of the WA Liberal Party, raises serious questions for the Liberal Party to answer. Let us look at what some of those questions are. Firstly, what happened to the money? Macdonald Rudder received an enormous amount of money for its involvement in this matter. I quote from an affidavit from the replacement solicitor, Mr Paul Thomas Williams -

Macdonald Rudder received cash, costs and disbursements and benefits on behalf of the above Plaintiffs to an approximate value of \$1,776,843.00;

It would appear that it did not do a very good job for its clients -

On 3 September 1999, I and various solicitors assisting in the conduct of the Plaintiffs' case in the Federal Court proceedings, inspected files and documents released by MacDonald Rudder. With the exception of one draft preliminary Anthropological report (the contents of which the Author has confirmed are insufficient for Trial purposes), no expert reports for example, historical, archeological, linguistic and genealogical were located. No documentation or correspondence evidencing a Brief to Counsel or similar steps (for example, Lists of Authority) were located. The documentation and correspondence likewise failed to disclose preparation regarding the Trial evidence (for example, witness lists, schedules detailing the time and location of each witnesses proposed evidence, notification to other Applicant parties regarding the availability and timing of their proposed witnesses, notices to admit and/or produce). Likewise no evidence regarding the logistics for the Trial could be located, for example, no airfares, accommodation, car hire had been arranged or booked.

Let us now have a look at another important question about money. Why did Mr Nik Zuks receive \$90 000 from the claimants, and what did Mr Nik Zuks do with that money? He received at least two payments: He received a payment on 16 December 1997 for \$40 000 and another payment on 20 May 1998 for \$50 000. It was not Mr Zuks' money that bankrolled this claim - it was Kingstream Steel's money that bankrolled the claim. The payment, which was more than three times that which the claimants received from Kingstream Steel has gone back to Mr Zuks. What has Mr Zuks done with that money? Why did he receive it? His explanation that he is holding it in trust for a third party begs a number of very important questions. He owes an explanation to the people of Western Australia about the destination of the \$90 000.

The next question which has to be answered by the Liberal Party is this: Why did the Premier defend Kingstream by saying that it was only doing what other companies in the mining industry routinely did? The Leader of the Opposition has already quoted the chief executive officers of the two major mining industry lobby groups in this State who have denied that claim by the Premier. Last night I watched the *Four Corners* program and I saw Mr George Savell from the Association of Mining and Exploration Companies (Inc.) say that he thought Kingstream Steel's behaviour was curious. The Premier's explanation of Kingstream Steel's behaviour completely lacks credibility. If the Premier seriously believes that other mining companies have been bankrolling native title claims on the leases of their competitors, he should start naming companies that he claims are involved. He should justify that sort of outrageous assertion because I think that the mainstream mining

industry would be shocked at the behaviour of Kingstream. I think mainstream mining companies would be very reluctant to associate themselves with that sort of behaviour.

The next question which the Government has to answer is this: What has been the involvement of the Department of Minerals and Energy in these negotiations? The Department of Minerals and Energy has a responsibility to convene and sponsor negotiations on minerals titles on future act matters. What was the involvement of the department in these negotiations? Did it approve of the course of the negotiations? Has any government liability been incurred as a result of the involvement of the Department of Minerals and Energy? Of course, there may be another explanation. Perhaps the Department of Minerals and Energy was not involved at all. In which case, why did the department not honour its responsibilities for these matters? Maybe there would not have been such a sorry outcome if the department had been involved. There may also be questions about the involvement of the Department of Land Administration, because its responsibilities for land title matters are similar to the responsibilities of the Department of Minerals and Energy for mineral title matters. If land titles are involved, I would like to know about the involvement of the Department of Land Administration. Is this part of a pattern? It was stated on the *Four Corners* program last night that Kingstream had funded another, overlapping claim which was submitted by Mr Neil Phillips, who was also featured on the program. Mr Neil Phillips is a Liberal Party member. I am advised he was a candidate for Liberal Party preselection. Perhaps a pattern exists whereby Kingstream foments division in Aboriginal communities to undermine native title - perhaps it engages in commercial sabotage - in cooperation with members of the Liberal Party.

What action does the Government propose to take on these serious allegations? Will the Government investigate the actions of Nik Zuks or the actions of the company chaired by failed Liberal Party candidate, Mr Ken Court? Will the Government ask Mr Zuks what happened to the \$90 000 and why he received it? Will the Government investigate the actions of David Johnston, whose law firm took more than \$1m and failed to properly prepare the native title claim for the claimants it was representing? If it will not investigate these claims, why not?

MR COURT (Nedlands - Premier) [3.23 pm]: I thank the Labor Party for achieving in two weeks what the Government has been unable to achieve in seven years; that is, to highlight the ludicrous situation that has developed as a result of the unworkable native title legislation. What has been reported in the media in recent weeks is exactly what has been happening for many years. It is why the Government never supported the legislation in the first place and why we wanted to change it.

I will work through the three areas outlined in the motion. At the end of the day, the person who will look rather stupid will be the Leader of the Opposition. The questions about Kingstream funding native title claimants and the like have been debated; the issues have already been aired in the public forum. The Opposition commented on it when the matter was raised two years ago.

Mr Kobelke: These are new revelations.

Mr COURT: No, they are not new revelations.

Mr Ripper: Did the Premier know two years ago that Mr Zuks received \$90 000?

Mr COURT: I sat quietly and listened when the Opposition members spoke. All the issues about Kingstream providing funding to claimants has already come out. The Opposition ran with it in the Parliament. I find it rather strange that the Opposition last week went to that company and asked for a political donation when it knew what had taken place. This matter is on the record; it has been spoken about in the Parliament. The Opposition went to Kingstream asking for a political donation and a few days later, it is in the Parliament trying to pull it apart.

Mr Ripper: The Opposition is critical of Kingstream bankrolling a native title claim against its competitors.

Mr COURT: The claims on competitors are a new issue to me.

Mr Ripper: So there is new material here, is there?

Mr COURT: My advice is that the mining leases and their infrastructure on the project to which the Deputy Leader of the Opposition referred are all pre-1994. The chairman of that company is reported in *The Australian* this morning as saying no native title issues are pending on it.

Mr Kobelke: Which land - Burrup?

Mr COURT: No, the company to which the Deputy Leader of the Opposition referred.

Mr Ripper: Are you referring to the one that wants to sue Kingstream Resources for \$500m?

Ms Anwyl: The project was delayed.

Mr COURT: The member for Kalgoorlie should not change the subject. I just said that the 13 mining leases on Mardie Station -

Mr Ripper: He said his project was delayed by the claims bankrolled by Kingstream.

The DEPUTY SPEAKER: Order, member for Belmont.

Mr COURT: I refer to the first point raised in the MPI. I cannot speak for any of the mining companies.

Dr Gallop: Except Kingstream.

Mr COURT: No. However, I can speak collectively on an industry position because I have worked closely with the mining industry for some nine years on this issue and I have a reasonable understanding of the difficulties it faces. The article in *The Australian* reads -

Mining companies are buying out native title claimants, according to the Association of Mining and Exploration Companies.

Chief executive George Savell said yesterday it had become standard practice to clear the way for mining and exploration.

Mr Ripper: This is about bankrolling.

Mr COURT: Hang on, I have not approved of any of this, but I will get to that in a moment. To continue -

WA Chamber of Minerals and Energy chief executive Ian Satchwell conceded that companies were contributing to the number of overlapping claims.

Are members opposite listening?

He said companies were striking financial agreements with claimants that were encouraging people to lodge more claims.

Mr Satchwell blamed the unworkability of the Act.

"I will concede that because companies are forced by the unworkability of the Act to negotiate directly with cash, it has worked to encourage overlapping claims," he said.

Dr Gallop: Answer the question: Is it normal for mining companies to bankroll claims on mining company leases?

The DEPUTY SPEAKER: Order, members!

Mr Thomas: Does the Premier approve of vexatious claims?

The DEPUTY SPEAKER: Order, member for Cockburn!

Mr Thomas: He is not answering the question.

The DEPUTY SPEAKER: He is choosing not to answer it.

Mr COURT: Aboriginal Legal Service officer, Glen Shaw, said on radio just before I walked into this House that he is not opposed to mining companies that want to assist claimants financially, as long as the process is open and accountable. Members opposite should open their eyes to what we have been saying for seven years. We have a ludicrous system in which companies have been spending millions of dollars trying to buy their way through an unworkable system.

Members opposite have come into this Parliament and asked me to give an example of a company that has helped pay claimants' expenses. I would be battling to find a company that has not been put in that situation.

The member for Cockburn asked if I support that. I have never supported this rotten system.

Dr Gallop: What about rotten individuals?

The DEPUTY SPEAKER: Order, members!

Mr COURT: I find it outrageous that mining companies have had to buy their way through an approvals process. Equally, I am appalled at the huge sums of money involved. It is estimated that more than \$100m a year - a large part of which is legal fees - is spent trying to get through an unworkable native title system. As far as members of the legal profession are concerned, they are working within the law, but it is a waste of money and it should be used to assist the Aboriginal people.

Dr Gallop: Will you ask Mr Johnston to pay it back?

Mr COURT: I will get to Mr Johnston. Thirdly, I abhor the fact that claimants are receiving money and it is not being distributed through family and associated links. It is causing huge division within many Aboriginal communities. The whole system is a farce. The second point in the motion calls on me to explain the involvement of the Government and the Government's knowledge of the Liberal Party's involvement in these matters. It is not the Liberal Party.

Mr Ripper: It is the president.

Mr COURT: What about Mr Dowding, a former state Premier, who is now chairing a committee which is reviewing the operations of the Labor Party?

Dr Gallop: There are no allegations against him.

Mr COURT: Is the Leader of the Opposition saying that Mr Dowding is not one of the lawyers involved in these claims and that he has not been receiving fees for services?

Mr Thomas: He does not make a lot of money out of it.

Mr COURT: That is not what he told me. Members opposite have named David Johnston, I have named Dowding, and between us we could probably name 100 lawyers or legal firms that are involved in this exercise.

The DEPUTY SPEAKER: Order! I remind members that this is not question time. If the Premier does not want to answer a question while he is on his feet, he does not have to. I ask the Premier to resume his speech, and I remind members that he has the floor.

Mr COURT: Members opposite spoke of a lawyer representing one of the people as unprincipled. I will not say Mr Dowding is unprincipled, but that he is representing people under the native title legislation. I am not criticising him. Members opposite can name whoever they like; their words are that David Johnston is unprincipled because he has worked on a native title claim.

Dr Gallop: Tricky Dicky is twisting the English language, not answering the question, and not addressing the issues. It is about time the backbench did something about this disgrace of the Premier.

Mr COURT: I will get on to the Leader of the Opposition in a minute. The third part of the motion calls on me to outline the actions and inquiries the Government intends to take over the serious allegations made. We have debated in this Parliament for the past seven years the actions the Government wants to take. For seven years this Government has wanted to change the legislation, and for seven years members opposite have obstructed that. In relation to the Leader of the Opposition, for the past couple of weeks we have seen personality politics at their worst.

Mr Ripper: You are a joke.

Mr COURT: Members opposite can laugh and say it is a joke.

Dr Gallop: It is not about personality politics.

Mr COURT: Calling my brother a criminal and gangster is not personality politics? Come on, wake up, my friend. It is interesting that the Labor Party can go as far as talk about the gangster element, but now it is known that it always intended to make as much mileage as it could from the Kingstream exercise. Members opposite have egg on their faces. Is it not strange that the Labor Party approached a company last week and asked for a political donation, and at the same time explained how it will get Ken Court? Does that strike members as rather strange?

Dr Gallop: Rubbish.

Mr COURT: It is not rubbish.

Mr Ripper: Who researched the allegations? Two media organisations did this.

Mr COURT: No, John Halden said he met Mr Zuks last week; the first time was to discuss a possible party donation, and the second time was to make sure Mr Zuks would not be under the impression that a donation would bring any political favours. I have spoken to Mr Zuks and he said no question was raised about political favours. The Labor Party visited the company and wanted a political donation, and it then had the nerve to say on its second visit that it wanted to make sure the company was not under the impression that a donation would bring political favours. I will tell members what happened. Mr Zuks said people from the Labor Party visited him and told him that all these things would happen, that Ken Court was a legitimate target, and he would be used to get at Richard Court.

It is a funny way to go about raising money. The Labor Party went to that company last week, and knew about these allegations because they had been raised in this Parliament. The Labor Party asked for money, and then Mr Halden talked to the Leader of the Opposition. The message fed back is that the Labor Party supports Mr Zuks' company and his project, but Ken Court is fair game and the Labor Party will go for him. That is the Leader of the Opposition. This is how the ALP's bagmen of the new millennium operate. Perhaps members opposite might tell us what sort of commission basis Mr Halden is on for this fundraising. It used to be 10 per cent. Is it the same old 10 per cent?

Mr Ripper: Is Peter Wells on a commission basis?

Mr COURT: I do not know; the member should ask him.

Mr Ripper: He is your state director, is he not?

Mr COURT: Yes.

Mr Ripper: Do you think we should answer that sort of question about our party? Why not answer the question about your party?

Mr COURT: The member for Pilbara told us that Halden is the puppet master and the Leader of the Opposition is the puppet. I think it is probably the reverse.

Dr Gallop: You are doing everything but address your responsibility as leader of this Government.

Mr COURT: No, I am not. The point I make is that the standards of the Leader of the Opposition are such that it was okay for his party to ask for money a few days ago, and now it has made a conscious decision to denigrate the organisation from which it sought a donation.

Dr Gallop: To respond to the facts as they reveal themselves.

Mr COURT: Now the Leader of the Opposition is getting a bit tetchy. He is involved in the fundraising. Will the Leader of the Opposition tell us what percentage he is on?

I refer now to the funding arrangements for these claims, because one of the issues is that these peak bodies - the Kimberley Land Council and the Aboriginal Legal Service - have a lot of power with regard to the claims they fund. The member for Kimberley knows only too well that the KLC does not like Dickey Cox and the Noonkanbah people, so they do not get any money. It is as simple as that. It picks and chooses which cases it will fund. The ALS decided it would not support this claim and suggested that the people involved talk to the mining companies. I ask the member for Kimberley how people get funding for native title claims. Dickey Cox is not the favoured man of the KLC and he does not get any support from it. If people are onside with a peak organisation, they get the funds but if they are not onside, the peak body will move heaven and earth to make sure the claim has no chance.

Mr Bridge: That is a remarkable assessment of the situation with Noonkanbah.

Mr COURT: It is sad that last week it was good enough for the Labor Party to ask for money from this company. Kingstream is a Western Australian operation which is trying to do something none of the major iron ore companies has done; that is, go into downstream processing to produce steel. It is very hard for that organisation to get such a huge project up and running. I hope that the project is able to be established despite what members opposite are saying and despite the hurdles.

Members opposite have made a very serious decision in the past week.

Dr Gallop: To uphold the public interest.

Mr COURT: No, it is not. The Labor Party has decided to go for Ken Court. It wants a political scalp and it does not give a damn about the project.

Dr Gallop: That is not true.

Mr COURT: Members opposite should talk to the people of Geraldton. They know how hard it is to get this project up and running. They know how important it will be in providing thousands of jobs. For the first time in this State we will have a facility producing steel instead of exporting raw iron ore.

Five days ago the Labor Party thought Kingstream was a reputable, worthwhile organisation involved in a good project. In fact, it approached the company for a donation to its campaign coffers. However, today members opposite are saying it is a discredited organisation. I cannot believe it.

Mr Ripper: Do you believe that we should stay silent if Kingstream is doing something wrong?

Mr COURT: These issues were debated in this Parliament.

Dr Gallop: They were raised on Sunday morning and you know it.

Mr COURT: It is very sad that the Labor Party is not interested in trying to get the project up and running. These people are so committed that I am sure they will work through these attacks. The Leader of the Opposition's credibility is at stake.

Mr Ripper: Are you saying that no-one should criticise, even if this company is doing something wrong?

Mr COURT: I have not said that. I have said from day one that this native title legislation would lead to institutionalised extortion, and that has happened.

Dr Gallop: Why not do something about it?

Mr COURT: That is why we want to change the legislation.

Ms MacTiernan: Are your people engaged in this extortion? Are you saying that?

Mr COURT: The member should not call a former Labor Premier one of "my people". She should also not call the mining industry "my people". They are people running mining companies.

Ms MacTiernan: There are no allegations about Peter Dowding.

Mr COURT: How does the member know that?

Mr Kobelke: They are the allegations being made publicly.

Ms MacTiernan: It is extortion and your brigade are leading the charge.

Mr COURT: Only in the public arena.

Questions were asked about this company's involvement in the Pilbara. The Deputy Leader of the Labor Party has been briefed on the project many times. He knows that this steel plant will be competitive only if the company can get a competitive energy price. For members opposite to act naively when they have been not only fully briefed but also fully supportive of what the company is doing is amazing. The Labor Party has decided in the past week to sacrifice that.

Mr Ripper: If there is wrongdoing, we will bring it to the attention of the House.

Mr COURT: The wrongdoing is the Leader of the Opposition's asking for donations from a company the Labor Party deemed to be perfectly acceptable last week but apparently deciding this week that it is not.

I conclude by dealing with the way in which this system is working. Mr Deputy Speaker, you know that the Wong-goo-tt-oo claim it is a classic case of various claimants fighting. They all want to be treated individually and fights have erupted when money has changed hands. It is a classic example of the system not working properly.

First, I have said on many occasions that I have never supported a system in which mining companies have no option but to try to buy their way to a solution. It is outrageous. Secondly, the legal profession is doing very well out of this legislation. Thirdly, Aboriginal communities and families are tearing themselves apart, as is best exemplified in the goldfields, and that is sad. This is aided and abetted by a Labor Party that sits on the sidelines pathetically saying it will not change the legislation.

If the Leader of the Opposition wants to do something about regional development in this State, he should allow this Government to have its native title legislation enacted. When this matter is debated in the Federal Parliament, members opposite should tell their senators to give the State a chance by supporting the enabling legislation. Perhaps the Leader of the Opposition will explain his hypocrisy in being prepared to ask for money from a company he supported last week but this week saying that that company is not worthy of support.

Mr Kobelke: He did not ask for money.

Mr COURT: Why would John Halden go -

Dr Gallop: That is his job and you know it.

Mr Kobelke: It was not the Leader of the Opposition.

Dr Gallop: You are pathetic.

Mr COURT: He said that he met Mr Zuks for the first time to discuss a possible party donation.

Dr Gallop interjected.

Mr COURT: No, but he had to have negotiations with the Leader of the Opposition -

Mr Kobelke: He did not.

Mr COURT: He did.

Mr Kobelke: He talks to him regularly. He didn't do it before he did that.

Mr COURT: It was after he went and then he had to report back.

Mr Kobelke: It is rubbish. You make it up as you go along.

Mr COURT: The member should listen to the story.

I thank the Labor Party for bringing forward this debate. It has reinforced everything we have been saying for the past seven years.

MR BARNETT (Cottesloe - Minister for Resources Development) [3.48 pm]: A state agreement Act relating to the Kingstream project was passed in this Parliament with bipartisan support. The Act allowed Kingstream to develop a dedicated pipeline to service the project. It was legitimate and necessary at that time, when Kingstream was contemplating its own pipeline - which it still may establish - to talk to claimants in the area. I am referring to the point at which the gas comes ashore from Varanus Island. At that stage, the company was in discussions with Apache Energy over a pipeline to be connected to the CS1 substation on the Dampier to Bunbury pipeline or to follow a separate route from the onshore facility down the coast. It was legitimate and sensible that Kingstream talk to Aboriginal community representatives in that area.

The Yaburarra claim was lodged on 1 August 1996; a second claim - the Kurama claim - was lodged on 13 May 1996; and a third claim - the Wong-goo-tt-oo claim - was lodged in April 1998. Two claims were progressing at about the same time in 1996, and a third claim was registered some time later. The first two claims did not cover contiguous areas. Kingstream, for whatever reason, decided to negotiate with the Yaburarra people.

Dr Gallop: They did not negotiate with them; they funded their claim. What you are saying is incorrect.

Mr BARNETT: No, Kingstream chose to negotiate with the group whose claim covered a large area through which the pipeline infrastructure would go. There was nothing secretive about that. Mining companies assist Aboriginal groups in mounting their cases, sometimes assisting with their claims, sometimes assisting with their representation so that the mining companies can have some legitimately established group to deal and negotiate with, whether it be informally or through the judicial process. There is nothing unusual about that at all. The State Government, through the Department of Resources Development, sensibly and properly assisted the Miriuwung-Gajerrong people to represent their community in negotiations over the Ord River project, so that that group could negotiate and properly represent its communities. That is what has happened in this case.

Mr Ripper: The State Government did not fund the splinter claim.

Mr BARNETT: The claims by the *Sunday Times* and the ABC's *Four Corners* program that this is a vexatious act is a nice story but, from my judgment, has zero credibility. The facts can be portrayed in that way; however, in reality the projects are not competitive. There is a big world market and these are only two projects. The other fact is that the Kingstream project, I would judge, is some two years further down the development path than the Austeel project. They are physically separated, they are not competitive and they are at different stages of development.

The Austeel leases over its proposed mine site and port development at Cape Preston both precede the Native Title Act. With respect to the vexatious claim, Austeel as a consortium was formed only in December 1999. The relationship between Kingstream and the Yaburarra claim occurred three years earlier in 1996. Mr Clive Palmer and Mineralogy had some claims over the mine site and Cape Preston which had been negotiated with the State Government. The State Government worked very closely with him and continues to work with him on the Cape Preston site. Mineralogy now has some infrastructure leases or potential tenements covering the connection between the mine and the port sites which may be subject to claim. However, all of that development occurred long after this so-called vexatious action by Kingstream. The facts just do not line up. I know it was a nice story and made good television on Monday night on the *Four Corners* program, but members should follow through the dates, the claim and the groups involved, and should look at the actions of the two companies and they will see it simply does not hang together. It is a nice story, but it just is not true.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.54 pm]: On Sunday morning an article appeared in the *Sunday Times* and on Monday evening an ABC *Four Corners* program was aired. Let us look at the responses of the two sides of politics to the issues raised by that article and that program.

The Australian Labor Party takes up the issues addressed by the program and the article and brings them into this Parliament to ensure that wrongdoing is properly examined in this State and that follow up takes place if wrongdoing has occurred in relation to these matters. We act on behalf of the public interest. What does the Government do? The Government comes into this place as the defence counsel for Kingstream. In other words, it comes into the Parliament and defends what Kingstream is doing rather than coming in with the spirit of the public interest in its hands ensuring that the primary issue for this Parliament is the reputation of the State of WA. The Government has chosen to defend the private interests of Kingstream.

Mr Barnett: You have challenged Kingstream when it is raising funds in Europe right now. This is disgraceful. Do you still support the Kingstream project? No, you don't, do you?

Dr GALLOP: The Minister for Resources Development is gibbering.

Question put and a division taken with the following result -

Ayes (18)

Ms Anwyl	Mr Graham	Mr McGinty	Mrs Roberts
Mr Brown	Mr Grill	Mr McGowan	Mr Thomas
Mr Carpenter	Mr Kobelke	Ms McHale	Ms Warnock
Dr Edwards	Ms MacTiernan	Mr Ripper	Mr Cunningham (<i>Teller</i>)
Dr Gallop	Mr Marlborough		

Noes (28)

Mr Ainsworth	Mr Court	Mr Masters	Mr Pandal
Mr Baker	Mr Cowan	Mr McNee	Mr Prince
Mr Barnett	Mr Day	Mr Minson	Mr Shave
Mr Barron-Sullivan	Mrs Hodson-Thomas	Mr Nicholls	Mr Trenorden
Mr Board	Mrs Holmes	Mr Omodei	Dr Turnbull
Mr Bradshaw	Mr House	Mr Osborne	Mrs van de Klashorst
Dr Constable	Mr Marshall	Mrs Parker	Mr Tubby (<i>Teller</i>)

Pair

Mr Riebeling

Mrs Edwardes

Question thus negatived.

JURIES AMENDMENT BILL 1998

Council's Message

Message from the Council notifying that it had disagreed to amendments Nos 1, 2 and 3, and agreed to substitute an amendment to the Assembly's amendment No 3 in which amendment the Council desires the concurrence of the Assembly.

GENDER REASSIGNMENT BILL (No. 2) 1997

Returned

Bill returned from the Council without amendment.

BILLS (2) - RECEIPT AND FIRST READING

1. Courts Legislation Amendment Bill 1999.
2. Coroners Amendment Bill 1999.

Bills received from the Council; and, on motions by Mr Prince (Minister for Police), read a first time.

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) BILL 1999

Returned

Bill returned from the Council with an amendment.

DIRECTOR OF PUBLIC PROSECUTIONS AMENDMENT BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Prince (Minister for Police), and read a first time.

Second Reading

MR PRINCE (Albany - Minister for Police) [4.02 pm]: I move -

That the Bill be now read a second time.

The Bill before the House proposes to make a limited number of amendments to the Director of Public Prosecutions Act 1991, the effect of which will give the Director of Public Prosecutions the authority to bring and conduct or to take over prosecutions for prescribed summary offences. The intention behind the Bill is limited in that it is presently planned only for prosecutions currently undertaken by the police. It will not impact in any way on the prosecution functions conducted by other agencies. The Crown Solicitor's Office will continue to undertake prosecutions on behalf of government agencies, and those public sector agencies which prosecute their own cases - such as the Ministry of Fair Trading and the Department of Transport - will continue to do so. Under the existing prosecution system, the Director of Public Prosecutions has the function of bringing and conducting prosecutions for offences on indictment. The DPP also has a function to take over prosecutions on indictment for such offences brought by "another person", including private individuals and public officers who are able to prosecute offences.

In Western Australia, the prosecution of summary offences is undertaken primarily by police officers. It is proposed to implement an arrangement, by agreement, between the Western Australia Police Service and the Director of Public Prosecutions whereby certain summary offences will be prosecuted by the DPP. The exact nature of this arrangement and the decision on which cases will be transferred will be determined by the Director of Public Prosecutions and the Commissioner of Police. However, this transfer is currently impeded by statutory limitations which prevent the Director of Public Prosecutions from handling summary prosecutions. The Bill before the House will remove this restriction and, therefore, overcome a significant shortcoming in the effective prosecution of offences. There will continue to be cases which should appropriately be brought by the police, and it is proper for the police to continue to handle all summary prosecutions outside the metropolitan area. However, in the metropolitan area, particularly at the Central Law Courts, there is an identified need for the involvement of lawyers in the prosecution of certain offences.

Members may be aware that there is a general view, both within Australia and overseas, that as a matter of principle the investigation of crimes and their prosecution in court are distinct activities which generally should not be conducted by the same organisation. New South Wales, Victoria, Queensland and South Australia are either examining or moving towards the separation of their prosecution and investigatory roles. More generally, in the United Kingdom and in most jurisdictions in the United States of America these roles have been separated. The amendment Bill now before the House represents a first step in addressing this separation issue.

The potential tension in police performing multiple, or, more specifically, conflicting, roles was addressed by the New South Wales Wood royal commission in 1994, the Royal Commission into Aboriginal Deaths in Custody in 1991 and the Western Australian Auditor General's report "Order in the Court" in 1996. The amendments in the Bill will fundamentally improve the operation of the criminal justice system in a number of important respects. By allowing the Director of Public Prosecutions to take over the prosecution of certain summary offences, the following will be achieved -

ensuring that highly trained, specialist prosecution staff are able to become involved in prosecutions at an early stage. This will produce a number of benefits, including the early cessation of prosecutions which are unlikely to succeed and the redirection of police investigations on the legal advice of the DPP;

all summary prosecutions which are taken over will be progressed consistent with the published prosecutions policy of the Director of Public Prosecutions. Transparency and accountability in the prosecution process will also improve.

The Bill also allows the DPP to take over a prosecution for a simple offence where the complaint has been made or sworn by a person who is, or who is in a class of persons, prescribed by regulations. Initially the regulations will prescribe complaints made or sworn by police officers.

The Bill before the House will significantly impact upon the prosecution process in our State. In the future, other classes

of persons may be prescribed, and where that is the case I assure the House that discussions will take place between the relevant authorities prior to this occurring. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

ACTS AMENDMENT (PRISONS ADMINISTRATION) BILL 2000

Introduction and First Reading

Bill introduced, on motion by Mr Barron-Sullivan (Parliamentary Secretary), and read a first time.

Second Reading

MR BARRON-SULLIVAN (Mitchell - Parliamentary Secretary) [4.07 pm]: I move -

That the Bill be now read a second time.

This Bill deals with a number of machinery amendments to the Prisons Act 1981 and associated legislation which will improve the administration of custodial offender services in this State. Specifically, the Bill seeks to amend various Acts in relation to certain functions of the Governor in Executive Council, and of the chief executive officer of the Ministry of Justice.

Governor's Powers: The Prisons Act 1981 specifies various functions and responsibilities which are required to be exercised by the Governor in Executive Council. A major review of the Prisons Act 1981 was completed during 1998 and is to form the basis of a major amending Bill which I anticipate bringing before Parliament next year. Notwithstanding the review, the Act should now be amended to reduce the number of administrative matters requiring the approval of the Governor in Executive Council. The provisions contained in the Bill relate to the declaration of prisons, appointment of prison visitors and visiting justices, approval of various grants of permits, and appointment of the chairman of the Prisons Officers Appeal Tribunal.

The most significant of the proposed provisions relates to grants of permits for certain categories of offenders. Grants of permits authorise certain absences for prisoners, such as attendance at funerals. Presently section 86 of the Prisons Act requires that the Governor's approval must be sought for grants of permits in relation to prisoners undergoing strict security life imprisonment, in strict custody, in safe custody, undergoing life imprisonment, or those serving sentences of more than 15 years. The Bill proposes that section 86 of the Prisons Act 1981 be repealed. The effect of this will be that the minister will be granted authority to approve all grants of permits. This change will obviate the need for such matters to be considered by the Governor in Executive Council. Currently this may necessitate the scheduling of extraordinary executive council meetings, particularly in the case of funeral attendance. Since the recommendation of the Royal Commission into Aboriginal Deaths in Custody this has been a much more frequently granted request but can often be very difficult to accommodate at short notice.

The Bill also seeks to amend certain provisions of the Young Offenders Act 1994 and the Prisoners (Release for Deportation) Act 1989 in relation to the exercise of certain powers by the Governor in Executive Council. The proposed amendment to section 12 of the Young Offenders Act 1994 will allow the minister to declare places to be departmental or subsidised facilities. In comparison, under section 13 of the Young Offenders Act 1994, the minister is vested with the authority to declare a place as a detention centre. The declaration of places to be departmental or subsidised facilities is purely an administrative matter which more properly rests with the minister responsible for the Act. Transitional provisions have also been included in the Bill to provide that declarations previously made by the Governor are still in force and are deemed as if they had been made by the minister. As such, under the Bill the minister can amend or revoke any such former declaration made by the Governor.

The proposed amendments to the Prisoners (Release for Deportation) Act 1989 concern the approval of the release of prisoners from prison for the purposes of deportation. Presently, the Act requires that the Governor's approval be sought for any prisoner whom it is proposed be released on parole for the purpose of deporting the prisoner from Australia. Under the Bill, it is proposed that section 4 of the Act be amended such that the Governor's authorisation is only required in the case of prisoners being detained during the Governor's pleasure. In respect of all other prisoners, the minister will be able to authorise the release for deportation. It is also proposed to amend section 5 of the Act so that the minister will be able to vary or revoke any of his orders made under section 4 of the Act.

The Bill also proposes to amend the provisions of section 7 of the Prisoners (Release for Deportation) Act 1989. This section provides that the rules of natural justice, including any duty of procedural fairness, do not apply to or in relation to the doing or omission of any act, matter or thing under this Act by the Governor. The Bill proposes to amend section 7 of the Act to extend this provision to the making of any order or the variation or revocation of orders by the minister under the Act.

In addition, the Bill also seeks to amend section 282 of the Criminal Code in relation to orders for detention at the Governor's pleasure concerning juvenile offenders. Section 282 of the Criminal Code provides the penalties for persons convicted of wilful murder and murder. Paragraphs (c) and (d) provide penalties for children convicted of such offences and give the court the option of ordering the child to be detained at the Governor's pleasure. The amendments to section 282 of the code merely provide that the court is aware that when an order is made under section 282(c)(iii) or (d)(ii) the detention at the Governor's pleasure is affected by the provisions of section 83 of the Prisons Act 1981, as amended, which will allow the minister to order that such offenders can be temporarily absent to attend funerals and the like.

The second group of amendments, relating to the functions of the chief executive officer of the Ministry of Justice, is needed to support structural re-organisation within the Ministry of Justice. The purpose of the re-organisation is to facilitate the introduction of contestability into the operation of prison services in this State. Specifically, the proposed amendments support the separation of the role of "purchaser" of services from that of "provider" of services. Current statutory provisions are inadequate to support the new administrative arrangements, which came into effect on 15 March 1999.

In the new structure, the executive director offender management is responsible to the chief executive officer, Ministry of Justice, for the procurement, both public and private, of all offender management related services. In turn, the general manager prison services is responsible to the chief executive officer for the provision of services relevant to state owned and operated prisons. Both of these new positions have recently been created and filled.

Currently section 6 of the Prisons Act creates a statutory position of executive director corrective services with immediate responsibility to the chief executive officer for the administration of the Act, and section 8 of the Act makes provision for the chief executive officer to delegate certain powers or duties to the executive director corrective services. The issue of concern is that these provisions are not relevant to the new organisational structure which necessitates the separation by the chief executive officer of responsibilities between the newly created positions of executive director offender management and general manager prison services. It is proposed to achieve this administratively through the general delegation of the powers and duties of the chief executive officer, rather than continuing to make provision for specific statutory offices. Accordingly, it is necessary to repeal or amend certain provisions of the Act to allow the chief executive officer the necessary flexibility to delegate his powers and duties.

In conclusion, by these comments on the Bill, I trust that the Acts Amendment (Prisons Administration) Bill 2000 will be appreciated by the House as a machinery Bill which provides necessary flexibility to the minister and chief executive officer, consistent with modern prisons management practice and improved accountability. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

ROAD TRAFFIC AMENDMENT BILL 1999

Second Reading

Resumed from 24 November 1999.

MS MacTIERNAN (Armadale) [4.15 pm]: The Australian Labor Party welcomes, finally, the introduction of this Bill that has been many years coming. Provisions in this legislation were promised as long ago as 1993, and the majority of the amendments were promised in 1997-98. However, as we know, the Minister for Transport has had a great deal of difficulty getting certain aspects of the legislation past the farmers lobby, the used car sales lobby and the Liberal Party spokesperson for Transport, the member for Vasse. The member for Vasse and his entourage in his Liberal Party transport policy committee have been effective in keeping this long-awaited legislation out of the light of day for some time. This is unfortunate because the legislation contains many positive provisions. The Australian Labor Party will generally support the legislation, although it will not support some areas unless they are amended. While other areas are an improvement on the current situation, they do not go far enough to be effective. We also note, with regret, that a number of important amendments that were promised to be part of legislation do not appear to have been included in the Bill.

I turn first to the owner-onus aspect of the legislation, because it is perhaps the most controversial aspect of the Bill. At present, about 20 per cent of people do not pay their speed camera and red light camera fines, and the police have indicated they do not have the powers to investigate and make offenders pay. It is clear that we need some sort of owner-onus legislation. Also, the massive evasion of the payment of fines, particularly among those who drive fleet vehicles or when vehicles are owned by a corporation, which has been the subject of considerable public scandal, indicates that fines provisions are woefully weak and have become virtually an optional fine payment system when a vehicle is owned by a corporation. That is not fair and is not conducive to road safety. I believe that speed and red light cameras play an important part in road safety. That is not to say they are not from time to time abused as a revenue raiser. Overall their role has been positive in helping to bring down the road toll and to control speed and dangerous conduct at intersections. However, if we accept that, of course it is not acceptable for one class of the community - those who drive vehicles in the name of corporations - to have a different system apply to them. Unfortunately, the legislation has been watered down and I have my doubts about whether it will be terribly effective, although it will work in some instances.

Why will a two-tiered system apply to individuals? Individual owners will be sent an infringement notice. If it is not paid and the responsible person - the licensee - does not identify the driver or report the vehicle stolen, a further infringement notice will be sent. However, the second infringement notice will have attached a photograph of the driver. The responsible person will then have another 28 days to decide whether he will pay the penalty, identify the driver, report the vehicle stolen - the same three options that existed initially - or complete a statutory declaration that he did not know and could not reasonably ascertain the identity of the driver.

We must ask why we are doing it in this two-stage process. Obviously, a similar procedure will apply to corporations except of course the corporation will not be issued with an infringement notice in the first instance; it will be sent only a request seeking the identity of the driver. If that is ignored, it will be served an infringement notice and asked again to identify the driver or complete a statutory declaration that it did not or could not reasonably ascertain the identity of the driver.

My view on why a two-tiered process will be implemented is that the Government is aware that in 45 per cent of photographs taken of speeding cars, the image of the driver is not identifiable. In this two-stage process it is hoped that people will not be smart enough to know that there is almost a 50 per cent chance the picture is a dud and they will either pay up or dob in whoever they consider was driving the car at the time. The Police Service is reluctant to send out photographs, but it will send them out at the end of the day to progress the matter. A problem will arise when people become aware that 45 per cent of photographs are not discernible. People will sign a statutory declaration saying that they have examined the photograph and that they cannot identify the driver who appears in the photograph. On 45 per cent of occasions they will be perfectly safe doing that because that will be the truth.

The difference between the systems in Western Australia and in other States turns on the fact that we have placed store on the identification of the driver from the photographic evidence. It appears that in the other States, that is not a primary source of identification and their owner-onus legislation is set up without particular reference to identifying the person in the photograph. That is why we have created the problem with identifying motorcycle riders. New South Wales and Victoria do not have that problem because in those States, photographs are taken from behind and therefore capture the motorcycle licence number.

Due to the emphasis that this State places on identifying the driver, the photograph must be taken in front of the vehicle, but it is effective in only 55 per cent of cases. Some significant problems exist in Western Australia that will not be addressed with this Bill. We are not addressing the problem of "skippers" in Eurocars - people who have been arguing against the introduction of owner onus. They maintain that they do not retain any records of the people they allow to test-drive their vehicles. I regret that the minister is so tied up.

Mr Cowan: I'm listening to you.

Ms MacTIERNAN: The Opposition wants these questions answered. What is meant by "and did not and could not reasonably ascertain the identity of the driver"? If, as we suspect, it is - and has been in the past - based on the identification of the photograph, it will be of no help in 45 per cent of cases. If "not being able to reasonably ascertain" is based on the notion of identity of the driver, even if there is a clear photograph, a clerk who is responsible for handling infringement notices at a car yard will not be able to identify the person who was test driving the car.

It is not clear from the legislation whether car yards or other corporations that have fleet vehicles will be required to keep any record of the driver of the vehicle at the time. Will companies continue to be allowed to say that they do not keep a logbook of who is driving their cars at any time, so they are unable to say who would have been driving? As I said, our principles are flawed because we rely on the notion of photographic evidence.

The member for Geraldton made some interesting comments when we raised points earlier about owner onus and the line being peddled by car yards that they would not know to whom they let out their cars. He agreed with us that that was rubbish. This legislation should clarify what situation will discharge the obligation of being not reasonably able to ascertain the identity of the driver. The wording in this Bill is far more lax than the wording in legislation passed by other States. I would appreciate some clarification from the Government. For the future interpretation of this legislation in the courts, it is very important to determine at this second reading stage what obligation that provision will place on companies with fleet vehicles or dealers that let cars out to members of the public. We know what is motivating a lot of the car yards: They want their customers to be able to break the law with impunity. Someone looking to buy an Alfa Romeo will not be content to drive it at 60 kilometres an hour around Leederville; they will want an opportunity to let it rip. That is done with a wink, nudge, nudge with many of the test-drive vehicles. Dealers and buyers know that under the existing legislation, they can speed with impunity. The situation will not change unless dealers are required to keep log books. People will continue to test drive Alfa Romeos at great speeds.

It is good to see that National Party members are listening to this, because I am sure they will provide some pretty intelligent debate. We are raising issues about the legislation for which the Government will want the Opposition's support in the upper House.

Ms Anwyl: The debate might be too complex for them.

Ms MacTIERNAN: That is right.

Mr Tubby: We are hanging on to the member's every word.

Ms MacTIERNAN: It is rude. The Deputy Premier is supposedly responsible for handling this Bill and responding to the concerns that are raised. The Opposition said it will support aspects of this legislation, but that it has some legitimate concerns and wants some questions answered.

Ms Anwyl: The Deputy Premier might be trying to do a preference deal.

Ms MacTIERNAN: It is a waste of the Parliament's time for us to raise these concerns when the Deputy Premier is engaged in conversation. I like to think that I would take my ministerial duties more responsibly than that.

Mr Cowan: The member has not got any.

Ms MacTIERNAN: It will not be long.

Mr Cowan: It will be a long, long time.

Ms MacTIERNAN: I do not think so. I do not think that even a mindless optimist, such as the Deputy Premier, believes that.

Mr Cowan: I believe it implicitly and I will prove it to the member next year. What is more, I will provide the member for Armadale with an answer when the time is right for me to do so. I will not respond to this debate by interjection. The member can keep asking her questions; she will receive answers when I rise to my feet. However, she will be heard in silence in the main.

Ms MacTIERNAN: I do not expect the Deputy Premier to respond by interjection. I was not expecting that at all. However, it is hardly possible for the Deputy Premier to respond to my questions if he does not actually hear them.

Mr Cowan: I heard them.

Ms MacTIERNAN: The next issue that concerns me is when the licensee, or person responsible for the vehicle, nominates the person who he believes was in charge of the vehicle at the time of the offence. No provision in the Bill, other than the general provision in proposed new section 102, provides statutory declarations with any special force. There is a quite likely scenario in which a company declares that person X had the vehicle at the relevant time, but where the photograph is not clear. Legislation in other States ensures that the statutory declaration is the prima-facie evidence that a certain person was driving the vehicle at the particular time. The onus of proof is then on the person nominated in the statutory declaration; it is their responsibility to show they were not driving the car at the time. The Western Australian legislation does not have a provision like that. Once people become aware of how the system works, they will ask to view the photograph when they are nominated in a statutory declaration. In 45 per cent of speeding incidents, the driver will not be identified in the photographs. Therefore, in 45 per cent of cases, people will be able to say to the police that a case cannot be established beyond reasonable doubt and they will refuse to pay the fine. We know the police will not prosecute a case based purely on a statutory declaration, with no supporting photographic evidence, unless there is a legislative provision such as that in other States whereby a statement in a statutory declaration is prima-facie evidence.

The reliance on the identity of the driver from the photographic evidence is a fundamental problem in this State. It will not work, even with the technology available to the Police Service - and I am sure it has up-to-date-technology - because of the way the system is structured and the reliance on that identification. As people become aware of the holes in the system, there will be a larger default rate. Although the Bill improves the existing legislation, the blaze of publicity that has surrounded the legislation and its delay, means there will be an increase in defalcation, rather than a reduction. This provision must be strengthened considerably if the legislation is to work. In the consideration in detail stage, I would like a series of amendments introduced that attempt to strengthen the legislation. Many people hate paying their speeding fines. However, it is wrong that a section of the community routinely gets away with not paying while the rest of us are required to cough up and bear the consequences of speeding. People get angry about the way speed cameras are often located to maximise revenue return, but they also, very rightly, get angry about the notion that certain classes of people are able to get away with speeding. If the legislation is not tightened, as the community becomes more aware of the limitations of relying on driver identification, non-compliance will blow out even further.

The problem of the motorcycle registration plates - although I think much of that has been manufactured - could be solved if the photographs were taken from behind and if photographic evidence was not relied on. The reality is that even if a number plate was attached to the front of the motorbike - which will be difficult, given their design - we would not be able to recognise the rider. Most of the new motorcycle helmets have one-way vision built into them, so the rider cannot be recognised; and a rider who is wearing a pair of dark sunglasses and a fairly full-faced helmet cannot be recognised either.

We would appreciate some comments from the Government on those points. We have spoken to the ministerial advisers about those matters but we have not received sufficient clarification to suggest that the system is solid enough to achieve the outcomes that are sought. That is probably the most controversial matter.

Another aspect about which we have concerns is the national driver legislation that was promised in the wake of the Greenmount Hill tragedy in late 1993 and that was promised thereafter every year by the former Minister for Transport, Hon Eric Charlton, and after that by the current Minister for Transport. This system proposes to introduce a raft of different drivers licences to replace the current B and C class licences, in recognition of the fact that a more sophisticated array of vehicles is now on the roads. With road trains of up to 56 metres in length, the B and C classifications are no longer appropriate. We support that proposal, but we are concerned that one part of the transitional provisions is overly weak. The Government has decided that in order to avoid the need for every person who has an existing truck drivers licence to resit the test to gain the appropriate classification, a person with a C class licence can gain a licence for one of the heavier classes of vehicle if he has a letter from his employer saying that for the past 12 months, he has been driving a vehicle of that type. I support the principle that people who are experienced in that class of vehicle should be given the right to move to that heavier class of vehicle automatically. However, given that we are talking about very powerful and dangerous equipment, we should ensure that the people who will benefit from these transitional provisions have the required experience, and I do not believe that a letter will provide sufficient assurance that the person in question has gained the required experience. Therefore, during consideration in detail we will move an amendment to provide that a person must have a statutory declaration from his employer stating that he is an employee or subcontractor with that employer and outlining the nature of that person's experience.

The proposed graduated driver training system will allow people who have just turned 16 years of age to apply for the equivalent of a learners permit; and it sets a few milestones along the way until those people have reached the age of 17 and can sit for their licence. We support that positive initiative. However, the Bill does not put in place the much talked

about logbooks in which people will be required to record, before they undertake their driving test, that they have had between 25 and 60 hours of driving experience in a range of different conditions. I do not know where the power play is at the moment with the forces on the Liberal backbench, but initially those logbooks were to be kept for 60 hours, and that was then reduced to 25 hours. However, we expect that will form part of the regulations, and we have no difficulty with the Government's introducing a regulation that a logbook be kept for 25 hours and seeing how that works in the first instance.

We support in principle the requirement that it be compulsory for people to have a photograph and signature on their drivers licence. This requirement is part of the national arrangements. However, all of the other States in Australia that have introduced this requirement have privacy legislation in place. This State does not have privacy legislation in place, and the provisions in this Bill that are supposed to protect privacy are most inadequate. One of the supposed protections is that the public servants involved will be constrained by the Public Sector Management Act and the Crimes Act from making improper use of that material. However, it is obvious from the wording of the legislation that many of these services will be contracted out. Therefore, this highly confidential information will be processed and dealt with by people who are not bound by the provisions of those two Acts. That is a shortcoming in the Bill. Another shortcoming is that the provisions relate only to improper dealings with photographic material that has been ordered to be destroyed and not to material that is still within its five-year currency. We are concerned also that the Bill does not protect against improper dealings with signatures. The officers who were advising us were in some disagreement about whether signatures would be kept. We believe signatures would need to be kept for at least five years to be of any value in identification. However, thereafter the Bill does not appear to provide the sorts of protections, albeit meagre, that exist for photographic evidence.

To recap on that, the Australian Labor Party is not prepared to support the compulsory photographic and signature provisions unless and until there is a substantial tightening up of those provisions. We would also not be prepared to support them until such time as either private contractors are taken out of that area or they are subject to the same provisions of the Crimes Act as public servants. The reason that we have these provisions for public servants under the Crimes Act is that they are dealing with material that has been obtained from the population by compulsion. If people in the private sector are doing the same work as public servants, they must be subject to the same accountability. It seems ludicrous that if a public servant improperly dealt with information he would be subject to one system, whereas the order of penalty would be very different if a private contractor dealt with it. That cannot be justified.

The next point relates to demerit points. At the moment, in the metropolitan area, the notice that a person's licence has been suspended because of demerit points is delivered by the Department of Transport, and in rural areas it is delivered by police officers. The concern is that it takes a large amount of police resources to make those deliveries. Apparently six full-time staff from the Department of Transport deliver those documents. This legislation provides that these notices will be delivered by certified mail. We have asked for and want some clarification of what the identification provisions are for certified mail, because we are concerned that certified mail can be delivered without proper identification being produced. It is important to note that this is a serious matter. If a person drives while under suspension, he or she is potentially liable to have a jail sentence imposed. If a person does it for the second time, the possibility of imprisonment is real. Therefore, this is not the sort of correspondence that can be taken lightly. It has been said that traffic infringements are just sent out by mail. However, our point is that the consequence of not receiving those is not anywhere near as great as the consequence of a person not receiving notice that his or her licence has been suspended and that he or she is no longer entitled to drive, because if a person drives while under suspension, he or she is exposed to the possibility of a term of imprisonment. That is a major issue and not one that we would give up lightly.

We seek further clarification of the provisions that Australia Post will put in place to ensure that these notices of suspension are handed only to a person who has been properly identified as the recipient of the notice, and not simply someone who has got hold of the card that Australia Post drops in the mailbox. It may well be that negotiations between the Department of Transport and Australia Post will need to take place about the ways in which these notices will be dealt with through the mail. As I said, we do not want to see a waste of police resources. If it can be done effectively in another way, we are prepared to go along with it. However, important consequences flow from it, and we want to be sure that the system is secure.

Another area concerns the provisions which relate to the type of equipment used to take blood and urine samples from drivers and which allow registered nurses rather than doctors to take these samples. We agree with the substitution of nurses for doctors. It is ludicrous for the police to be required to go to a major hospital and to drag doctors away from treating emergency patients to take blood samples. We know that recommendations have been made by the coroner because people in country areas who have caused fatal accidents while obviously under the influence of liquor have not been able to be charged simply because a doctor was not present in the town to take a blood sample. That is a ludicrous situation. We wholeheartedly support that provision.

We are less enthusiastic about the other provisions relating to the types of equipment. We are now moving away from a situation in which the equipment must be certified by a class of persons, one such person being one who is designated by the Commissioner of Health. Again, this arises as a result of the contracting out of many of those services. The substitution for a person nominated by the Commissioner of Health is a person approved by the minister. That is too open. We want to see more control over that. It is important to make sure that the equipment being used is reliable. We will move to change that to require that it be a person who has been prescribed in the regulations. Therefore, the minister still has the power to give the approvals, but at least there will be some parliamentary scrutiny of the persons who will be put in the crucial position of determining the appropriate equipment and the standards of it.

From time to time we have heard the Government talk about a number of road safety measures that have not made their way into this omnibus Bill. The minister was going to include a range of things in this Bill, but he has not done so. There is nothing in the Bill about controlling the use of hand-held mobile phones while driving. We have not seen any regulations to do with the charter bus industry, which have been worked on for six years. We also do not see provisions regarding seatbelts on school buses, which also have been promised. More particularly, we do not see something that was specifically promised about a year ago to form part of this legislation; that is, the demerit point redemption system. The minister announced 12 months ago that he would have a system to enable those drivers who had reached 12 points to undergo a re-education program and to redeem a number of their points as a result of that program. An increasing number of speed cameras means that an increasing number of people fall into the net and lose their licences for accumulated demerit points. I indicate support for the minister's plan, which offers an opportunity for drivers to take some re-education, which we are unable to provide at the moment, to improve the general level of driving skills. Given the sureness with which the minister launched this proposal, I am surprised that it has disappeared off the agenda in this Bill. How is it that the minister could announce it a year ago, yet it is now completely abandoned? I thought the minister would have done his homework before he made such an announcement, but perhaps that was me being a little too optimistic.

Overall, the Labor Party supports the objectives of the legislation, but believes that owner-onus legislation is not sufficient to achieve these objectives. We suspect that we might see an increase in the number of people evading speed camera and red light camera fines, which is not fair. It should be one in, all in, and not be based on acts of fortune. The Labor Party also is concerned about provisions concerning the storage of photographic material and signatures, and will not support those provisions until they are strengthened in the manner we have outlined. We support the graduated driver training system and the principle of the drivers licence classifications; however, we want to strengthen the transitional provisions. The Labor Party also supports the move to have nurses rather than doctors conduct testing, but wishes to maintain some parliamentary control over the equipment used for the blood and urine sampling.

I look forward to the detailed response from the minister representing the Minister for Transport. We will support the legislation wherever possible, crucially in the upper House, and it would be good to have a constructive response to the problems raised.

MR MCGINTY (Fremantle) [5.03 pm]: I have a confession to make.

Mr Cowan: Bless you, my son.

Mr MCGINTY: I will not seek absolution from the minister representing the Minister for Transport.

Mr Cowan: Neither you should.

Mr MCGINTY: The Multanova laws are optional for members of Parliament as we need not comply with them if we do not want to.

Mr Bloffwitch: A photograph was taken of me, and they could not recognise who it was. I still paid, and I hope you would do the same.

Mr MCGINTY: The member for Geraldton is a very honourable man. I will tell members why the Multanova laws are optional for members of Parliament. This has nothing to do with the privileges of the Crown or immunities of Parliament, but relates to a grave inadequacy in the law.

Mr Cowan: It is just that you take a poor photograph!

Mr MCGINTY: It may have something to do with the quality of the photograph, too. Not only we in this Chamber, but also tens of thousands of other Western Australians have the privilege of being provided with a car in their employment. In our case, it is a government car, albeit provided by lease plan. These people need not comply with the law if they do not want to; it is their choice. That is a very bad law, which is an inequitable farce. The Government's amendments will do nothing to address this problem. The average working family member who drives a Holden to work must comply with this law, and pay the fine and wear the demerit points if in breach of the law. Nevertheless, more privileged people driving a car they do not pay for -

Mr Bloffwitch: If they cannot identify the person in the photograph, you do not have to pay.

Mr MCGINTY: Members may be a little surprised by this law. An ordinary family person who drives a Holden to work and speeds must pay the fine and wear the demerit points, yet the law is optional for tens of thousands of more privileged Western Australians.

I now relate my circumstances, and this is why I said at the outset that I have a confession to make. I remember the debate last year about the owner-onus legislation, and the fact that the Minister for Transport put a good proposition to the party room, which rolled the minister and significantly watered down that proposal. On 19 October 1999, I went home to Fremantle to have dinner with my family, and I then drove back to Parliament. I had a little lead in my shoe, and was clocked in front of a Multanova doing 69 kilometres an hour in a 60 kilometre an hour zone. I was doing nine kilometres an hour more than the speed limit in High St, Fremantle.

Mr Bloffwitch: You were lucky you were not doing 11 kilometres over the limit as it would have been a different fine.

Mr MCGINTY: That makes no difference unless one volunteers to have the law apply, which is the problem. Before I go much further, my cheque is here and I will pay the fine. I make that point clear. This was not an attempt to avoid the fine.

I was incensed by the backdown by the coalition party room which left the loophole available for people driving company vehicles. My impression of the law at that stage was that it was voluntary in its application. I thought I would put it to the test and find out what happens, and this was not done with a view to avoid the penalty. The member for Geraldton may know the penalty for driving nine kilometres an hour over the speed limit? I know that no demerit points are involved.

Mr Bloffwitch: It is one demerit point and \$100.

Mr McGINTY: They were not going to take a point off me. The penalty was \$100, which will be paid, but that is not the issue. Following debate on owner-onus legislation, the Minister for Transport was rolled in his party room. People from car yards in particular, as well as many others who had company vehicle fleets, publicly lobbied against the proposal the Minister for Transport had taken to Cabinet, and which had received cabinet approval. My impression about the debate, without any detailed working knowledge of the legislation, was that people who drove company cars or government vehicles did not have to comply with the law in respect of Multanovas, which was patently unfair.

The better-off people - like members of Parliament - who have the good fortune to drive a company car, be it a senior public servant driving a government car through a leasing company these days, are covered by the law only if they choose for that to be the case. For the relatively well off, this law is a matter of personal choice in determining whether to be covered. What sort of a law is that? Ordinary people do not have that choice. Better-off people can decide whether to be covered by the law and to incur its penalty.

Interestingly, the Ministry of the Premier and Cabinet does not enforce the law against its people for whom vehicles are leased, but I will return to that point. When the Ministry of the Premier and Cabinet sent me the infringement notice, I decided to find out how the law worked. The first notice that was sent to me revealed that on 19 October at 6.55 pm I went passed a Multanova on High Street in Fremantle when I was travelling at 69 kilometres per hour. That infringement notice which was addressed to the Ministry of the Premier and Cabinet had a standard note which reads -

It is alleged that the following offence occurred and you as the company, owner or person in charge of the subject vehicle are required by the police officer issuing this notice to give any information which it is in your power to give, which may lead to the identification of any person who was in charge or control of the vehicle when this offence under the Act, is allegedly to have been committed.

Although the vehicle was leased by the Ministry of the Premier and Cabinet for me to drive as my parliamentary vehicle, the only demand that the police can place on anyone - this will be the case under the new legislation as well - is on the responsible person or owner of the vehicle, which in this case was the Ministry of the Premier and Cabinet. The ministry forwarded it on to me with the request that I voluntarily, although it did not use that word in its letter to me, fill out the form and confess my guilt. As I have indicated, I am more than happy to do that. It was me.

Mr Cowan: Why didn't you?

Mr McGINTY: I will. The reason I did not is to show that the law is an ass. It is an ass in this case because its application is optional.

Mr Bradshaw: Did you look at the photograph?

Mr McGINTY: No, I did not bother. I thought that I would simply ignore it and see what happened. Surely a law which one can simply ignore and it will go away - for a driver of a company vehicle it will go away - is not a good law. We have seen figures which show that about 20 per cent of Multanova fines are not paid. I would think that a high proportion of those involve company or government vehicles. While being fully prepared to pay the fine, I wanted to find out exactly what the procedures were, so that I could make a worthwhile contribution to this debate today. What I have to say, based on my own experience, should cause the Government to rethink its position. With the amendments being put forward, it will still be an optional law for the affluent and a non-optional law for everyone else.

Mr Bradshaw: It is not an optional law if the police can prove who is driving.

Mr McGINTY: It does not matter. I have researched this matter. On every other occasion when I have driven passed such a camera and had it flash in my face, I have filled in the form voluntarily and paid the fine, which is what I will do on this occasion.

The law currently works like this: Someone commits the offence and the police send three notices to the owner of the vehicle, which in this case was the Ministry of the Premier and Cabinet. The ministry sent each notice on to me with a request that I voluntarily confess my role in the matter. If someone does not confess, the police give up. It is as simple as that. The police do not have the staff or resources to look at the photograph and say that it is Jim McGinty, Bob Bloffwitch or Hendy Cowan. No effort is made to look at the photographs of people who might be relatively well known to identify them and pursue them. For the benefit of the member for Murray-Wellington, it is not a question of whether or not someone is identified. I presume that in the photograph I was adequately identifiable. No-one will ever pursue me unless I put my hand up and say that I did it. Relying on people to confess in such circumstances is not good law.

The procedure is that the offence stays on police records for a period of only 12 months. Unless I pay in the meantime or some other action is taken, in October of this year my offence from October of last year will have run its course. Three notices will have been sent to the Ministry of the Premier and Cabinet which would have forwarded them to me. If I kept every one of them but took no action, that would be the end of the matter. The police would make no effort to chase me up, because I had the good fortune to be driving a car other than my own. In October of this year the police would throw

that notice in the bin and it would no longer occupy a file. That is how it currently happens.

Those people who are good, moral, upstanding citizens and who want to confess their guilt to the police will be hit with a penalty. Those who do not want to confess can get off scot free. However, the average punter is caught whether he likes it or not because he is driving his own car and does not have the benefit of a company car. That is what is wrong with this law as it operates at the moment. The relevant departmental officers have confirmed all of this and that it is the established procedure at the moment. Anything which lets a law stay as an optional law for the rich is a bad law, because the law is compulsory for people who are not so well off or who drive their own cars.

To complete the public record on this, I will briefly go through the three notices that were sent out. The first, as I have indicated, required the Ministry of the Premier and Cabinet to give whatever information it could to assist the police. The Ministry of the Premier and Cabinet sent it on to me as the driver or person to whom the care of the vehicle was entrusted and relied on my goodwill to fill out the form. I hazard a guess that a lot of people would not have the goodwill to fill out the form if they knew that what they were doing was volunteering for a penalty. Quite often things do not work that way.

The second notice was essentially a copy of the first but with the heading "Final Notice" on it. It was dated 21 December 1999. Attached to it was a letter from Lease Plan Australia Limited, which is the body responsible for the administration of the members' car fleet. The letter was addressed to me. It reads -

RE: NOTICE OF INFRINGEMENT

Please find attached a reminder or final notice for infringement number . . . incurred by the vehicle number . . . The notice indicates that a driver has not been nominated, and payment has not yet been made.

Please take note of the instructions on the notice, in particular that you must now:

- 1) Nominate driver so that payment can be made;

The letter from Lease Plan is incorrect. There is no obligation on me, other than a moral one, to nominate the driver, so when it says that I must now nominate the driver, that is not correct. It continues -

- 2) Elect to have the matter dealt with by the courts;

I guess I could take that option if I wanted to. It continues -

- 3) Take no action in which case this matter may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended.

That is a good attempt by Lease Plan to con people into paying up or to confess their involvement in a Multanova offence but it is fundamentally not true. I also take offence at that. If major contractors to government are acting on behalf of government, we expect them at least to tell it as it is. We do not expect them to use threatening or heavy-handed tactics by saying that all sorts of things will happen when everyone knows they will not. Indeed, in this case they did not happen. It said that if I took no action the matter may be registered with the Fines Enforcement Registry. That was never going to happen. I was not the owner of the vehicle. The Ministry of the Premier and Cabinet is the registered body. Lease Plan was trying to frighten someone into making a confession or payment. The letter continued -

If this matter is registered with the Fines Enforcement Registry additional costs will be applicable.

Having ignored that letter as well, a little later a third notice came out from the traffic camera section. As I have said, it sends out three, and if one ignores them they go away. The final notice stated -

Please be advised your immediate attention is required in attending to inquiry file No. . . . presently outstanding in the Camera Section.

To date, this Section has not received the required information under Section 58 of the Road Traffic Act pertaining to the identification of the driver in relation to a photographed traffic offence of which the above details apply.

The final letter was addressed to the Ministry of the Premier and Cabinet and pointed out that the appropriate information had not been received. If a driver ignores the three notices that are sent out to any driver of a company vehicle and, in particular, members of Parliament, the Ministry of the Premier and Cabinet does nothing about it. It simply forwards on whatever the Police Department sends to it and does not bother making an inquiry independently of that. The Ministry of the Premier and Cabinet does not take any steps to ensure compliance with the legislation in this State.

Another problem is that if a person ignores it, it will go away. What a great law that is! That will not be affected in any way by the changes to the legislation on this occasion. Now a statutory declaration will be sent out for a person to sign saying that he or she does not know who the driver was. Again, let us wait and see. That will make no impact whatsoever on the circumstances that I have described. A law that is optional in its application and discriminatory in that it favours the affluent as opposed to the non-affluent is a bad law, and this law will not be improved by what is before the Parliament in this debate today. It is a farce, it is a sham, and it is inequitable.

I conclude on this note - it is important so people do not think that I was trying to save myself \$100 - I am not happy to pay the fine, and I was not happy about driving 9 kilometres above the limit, but I am, as a question of duty, prepared to pay the fine. I will do so now that this matter has been exposed for what it really is; that is, a law which should not be on our statute book. I make a strong call to the Government for a fair law which will apply equally to all citizens and not one

which applies in such a discriminatory way and operates only against ordinary citizens, whereas the more affluent ones can easily escape its impact.

MS ANWYL (Kalgoorlie) [5.22 pm]: I endorse the disparities that have been pointed out by the member for Fremantle in that the average driver who has a vehicle registered in an individual's name - the family vehicle - will inevitably be pursued for traffic infringements. There appears to be an anomaly. The need to provide a statutory declaration will not deter many people, and it is not terribly different from the current situation in which it is necessary to say that a person cannot identify the driver from the photograph that is available. The member for Fremantle has done the right thing. It might be an odd place to make a confession in Parliament, given his faith, but he has chosen this place to make his confession and that is laudable. I also find interesting the attitude of many members of Parliament to road traffic safety laws in that they somehow feel that, because they must drive lots of kilometres, there is something less blameworthy about the fact that so many of them lose their licences so often. Earlier this week I was reading in the "Melba" column of *The Australian* that someone had made a suggestion that politicians should be drug tested. That was an interesting proposition.

Mr McGowan: It was on television.

Ms ANWYL: I missed it on television. Many people in workplaces are drug tested, particularly in my electorate. I have no fears of drug testing, but the parallel that was drawn was that perhaps politicians should have lie detectors attached to them when they give speeches. It would be particularly interesting to have lie detectors attached to ministers during question time. I have been shocked at the rather flippant attitude of a few of my parliamentary colleagues on both sides of the Chamber when it comes to drivers licences. I am reminded of an incident when I was a legal practitioner. Long before I came into this place I was sitting in the Court of Petty Sessions waiting to prosecute an application for an extraordinary licence for a client. On that occasion I was successful in obtaining a 24-hour, 7 day a week extraordinary motor drivers licence. The applicant following my client was not so successful, and he was a member of Parliament. Another member of Parliament was doing the talking for him. The contrast could not be greater between my successful client, who had been granted an extraordinary motor drivers licence for 24 hours, 7 days a week, and the not so successful member of Parliament, who had another member of Parliament as his unofficial advocate. Sitting there as a lawyer, I could not help thinking that the member of Parliament who was the applicant would have been wise to engage the services of a professional solicitor.

Mr Prince: And pay appropriately.

Ms ANWYL: My fees were probably a lot less than the minister's.

Mr Prince: I doubt it.

Ms ANWYL: We can compare notes later.

Mr Prince: I know that the disposable income in your electorate is much higher than that in mine.

Ms ANWYL: Sometimes I put a loading on successful applications.

Mr Prince: We all did.

Ms ANWYL: That is just another illustration of the way in which some members of Parliament tend to lose their licences as a result of demerit points. There is some relevance to this legislation in all of that. One of the changes that will be made as a result of this amendment to the Road Traffic Act will be that demerit point suspensions will no longer be required to be personally served on the driver who loses his licence. A provision will require notices of suspension to be sent by registered mail. A personal service will be provided only when the registered mail is not received for some reason.

In the second reading speech, the minister handling the legislation referred to the amount of resources that both the Department of Transport and police officers were spending on this. However, I have some concerns about that because most members of Parliament will have been approached by constituents who have fallen into the fines enforcement system. One of the earliest steps that is taken is that motor drivers licences are suspended or cancelled. Although letters are sent out - I realise that registered mail is different from ordinary mail - many cases have come before me in which constituents have had their licences suspended but have not realised it. That in turn can create some significant problems, particularly when those drivers are eventually prosecuted for failing to have valid motor drivers licences but are continuing to drive. All of that can result in a large fine being imposed on people without proper economic means and it is difficult for them to pay that fine. It is bad enough if a person in the metropolitan area loses his licence, but for those living in country areas it can be much more difficult, because there is no public transport or, conversely, people are required to travel long distances to get to work. If the necessity of having a drivers licence in order to obtain work on a mine site is added to that, it can create big difficulties.

I am concerned that, due to efforts to save resources, some people are being severely penalised because they are unaware that their licences have been suspended when they have run out of points. It is fairly easy to commit a minor offence without being aware of it and consequently incur loss of points. A move to drop the personal service of Notice of Merit Point Suspension will impact heavily on people, particularly those in remote areas, and on transient populations, among whom it is much more difficult to find people. Although drivers are obligated to notify the Department of Transport of changes of address, that does not always occur, for a variety of reasons.

Road safety is important to all of us. Young people in particular are impacted on by serious road injuries and deaths. Twenty-eight per cent of all deaths and serious injuries occur to people between the ages of 17 and 24 - a very high

percentage of young people. We often hear about the need for education. However, the reality is that school children in the city have the opportunity, by and large, of practising riding their bicycles on a scaled down road scenario with road signs and traffic signals. However, no place exists in my electorate for young people to safely ride their pushbikes in that type of situation. I have raised that previously with the Office of Road Safety, supported by all the parents and citizens associations of primary schools in my electorate, of which there are 111. We would like to see such a facility established in Kalgoorlie-Boulder. Given that my electorate has a large number of young children, it would make good sense to have such a facility available. I am continuing to lobby for it.

I heartily support the national licensing changes in the legislation, because a significant number of people have approached me with concerns that effectively they must pay twice as much as they paid to take out a motor drivers licence in their home State. They do not get any credit from their home State despite having transferred to a new State and done the right thing by registering for a motor drivers licence there. I am told that they may have paid, say, a five-year fee in another State, but on moving to Western Australia after, say, two years, they are unable to receive any credit from their home State which can benefit them when paying their licence fee in the new State.

Fairly recently I sent a letter to the minister on this issue, but I have not received a response. I write many letters to the Minister for Transport because transport issues frequently arise in my electorate, partly because so many people transfer to work in Kalgoorlie-Boulder from interstate. Although I applaud the Department of Transport's national licensing initiative, I suspect that we are the last State to come on board with this. The Department of Minerals and Energy has a long way to go to follow suit, although I realise that will not apply to this State alone. However, it would assist people employed in the transport industry if there were greater standardisation of professional requirements for holding a drivers licence to carry hazardous and explosive goods and greater standardisation of fees between the States. It is one of the issues that drives people in the transport industry crazy.

I would like the minister to respond to the issue of a need for a rebate system between States, otherwise I will probably have to wait another eight to 10 weeks for the Minister for Transport to respond to my correspondence. Over the years I have noticed that that seems to be the standard time for ministerial responses. Although we get an acknowledgment within two or three weeks, it seems to take between two and three months, if at all, to get a response. Perhaps not only the Police Service is under-resourced but also the minister's office is understaffed. I do not know why it takes such a long time to receive replies to correspondence.

The Bill will also change the way young people obtain their licence. They will be able to sit a written test when they are 16 but when they turn 17 they must take another test. I have not seen how the new provision will operate, but I believe it will require some form of interaction between young people and machinery. Perhaps the minister will advise the rationale for changing it. Parents are concerned about the safety of young people on the roads. One of the principal issues is the number of young men involved in serious traffic accidents compared with the number of young women. I do not know whether that is due to -

Mr Cunningham: It is road rage.

Ms ANWYL: I think road rage is engaged in more by older members of the community.

Mr Cunningham: No; it's younger women.

Ms ANWYL: I have not heard of that.

Mr Cunningham: I read an article some weeks ago.

Ms ANWYL: It sounds as though the member for Girrawheen has been a victim of road rage from a young woman. It seems to me that we need some gender specific education in some of these areas. I will not get into the old cliched argument about whether men or women are better drivers, because we women know the facts and we do not have to go far to research them.

I have an interest in the area of road safety because, as I think everyone knows, before coming into Parliament I was a solicitor. For the first few years, I worked exclusively for the State Government Insurance Commission through a private solicitor, who was my employer. I can say honestly that when I am driving I look at the speedo because I am concerned that I stay within the speed limit. I have seen many horrific results from accidents to which speed has contributed. Every time I visit the nursing home in my electorate I am reminded of the terrible head injuries that can occur. Inevitably, almost everyone, if not everyone in this Chamber, will have been touched by a tragedy of that nature.

A cavalier and macho attitude is shown towards speed by young people especially, which is sometimes manifested by driving vehicles with very high-powered engines. It raises the issue of whether regulations should be imposed regarding access that young, new drivers can have to those high-speed vehicles. I would like to see training in evasive driving skills and other outlets available for that type of energy. I am aware of the situation in Carnarvon where drag-racing has been available with the sanction and, I think, the organisational assistance of police. I am not sure why people want to put down their foot to reach high speeds. I was recently involved in driving on a speedway and did not enjoy the driving experience very much. There are ways in which we can educate young drivers and also provide places where they can be involved in speedway driving and the like, even on an informal basis as was done in Carnarvon. Of course the residents of Kwinana will soon have a greater opportunity to be involved in -

Mr McGowan: Road rage.

Ms ANWYL: Not road rage, but speedway and drag-racing. It is possible to be creative in doing these things. In Kalgoorlie-Boulder we have an energetic young man, Chris Parry, who works for the Office of Road Safety and is based at our local government, and he has no end of ideas about what can be done to successfully engage drivers in improving their driving behaviour, particularly education. It also relates to pedestrian safety. One of the good initiatives that was undertaken by that office was to be involved in ensuring that adequate public transport was provided on New Year's Eve so that people did not need to walk from the trotting ground, where the major function of the evening was held, into the city. There are many ways in which efforts can be made at the local level to be involved.

The Opposition believes this legislation has some shortcomings. I hope the minister will address the issue of rebates for motor drivers licences, and also the issue of why it is proposed to dispense with personal service of notices for suspension of drivers licences, given that the ramifications can be so severe.

MR MCGOWAN (Rockingham) [5.41 pm]: I support the remarks made by my colleagues the members for Armadale and Kalgoorlie with regard to this important issue. I am pleased that the Deputy Premier is present and is listening to what we have to say. I am sure he is also concerned about road safety, because it is a significant issue. It is somewhat ironic that I am discussing this issue on the day that the Minister for Planning has announced that a speedway and drag-racing track will be built in close proximity to the suburbs that I represent and that the people whom I represent will now have to endure the adverse consequences of that decision. I expect that unless we can do something urgently about that matter, they will endure those consequences, particularly noise, for many years to come. Although the speedway and drag-racing track is not strictly relevant to this Bill, that decision is extremely disappointing and will impact heavily on the lives of many people who bought their homes without ever being told that a speedway or drag-racing track would be built in close proximity to them.

Mr Omodei: Where would you put it?

Mr MCGOWAN: Instead of coming up with smart alec interjections, the minister should be hanging his head in shame at what he has done to the people who live in my electorate and in the member for Peel's electorate.

Mr Omodei: You obviously think it should go somewhere else. Where should it go? The record will show that you did not answer.

Mr MCGOWAN: I have only one employee working for me, whereas the Department of Planning has thousands. The Premier himself asked the Kwinana Industries Council to come up with an alternative site, but when it did so, it was told it was all too late and the Government could not go through that planning process. It came up with an alternative site that was not in close proximity to people's houses and that would not have the impact that the Government's project will have and that the member for Warren-Blackwood, as a member of Cabinet, has participated in foisting upon the people of the southern suburbs. I merely raise that as an irony in this debate, and I will get back to the Bill.

This Bill has some good points. I support a stricter interpretation of road safety laws than do some people. Some people in our community have the unfortunate predilection of calling those who push for safer laws as having a do-gooder or nanny-state attitude. The latest one I have heard is a safety-Nazi attitude towards these issues.

Mr Cowan: I can accept the first two but I will not cop the third.

Mr MCGOWAN: The Government is putting forward a Bill that will tighten up some of the road traffic laws, so to a degree it is putting forward a do-gooder attitude.

Mr Cowan: That is why I said I will accept the first two but not the third.

Mr MCGOWAN: A safety Nazi?

Mr Cowan: Yes.

Mr MCGOWAN: I believe that is quite an inappropriate term in any event. We are trying to design laws that will save people's lives. They may cause some people some inconvenience by increasing the time it takes them to get from point A to point B, or by lessening the exhilaration they feel in reaching point B from point A, but at the end of the day we are trying to save both their lives and the lives of the people who may be affected by their driving, and if people want to call me a do-gooder, or the other term that I used, I will wear that badge with pride, because I believe it is worthwhile to save people's lives, even if that means saving them from themselves.

Mr Cowan: I thought you used the term, "a managed society".

Mr MCGOWAN: No. I said a nanny state. I have lost my train of thought.

Mr Prince: Is it a train or a single car?

Mr MCGOWAN: The train is another issue, and I could get on to that in relation to my electorate too.

The ACTING SPEAKER (Mrs Hodson-Thomas): Order! I remind the member that we are dealing with the Road Traffic Amendment Bill.

Mr MCGOWAN: Thank you, Madam Acting Speaker; I appreciate your guidance. I support what the Government is trying to do. At a later stage I will get on to the fact that more can be done and perhaps the reasons that more has not been done. The Chairman of the Road Safety Council, Grant Dorrington, is very forthright about these matters and is often in the

newspapers and on television. Much of what he says may put people offside, but at the end of the day they may be ambit statements that are designed to lift the level of debate and of community expectation with regard to what should take place to improve road safety, so I support what he does on a lot of occasions. We need people like him who will push Governments and Oppositions into trying to enact laws that will better protect our citizens.

Members have talked about their personal experiences. My conversion to this point of view is based on many things, and certainly my experiences when I was younger with regard to people whom I knew who had suffered from being in a car accident. I suffered from being in a motorcycle accident when I should have been wearing a motorcycle helmet. That was over 20 years ago and it might not have been compulsory at that time to wear a motorcycle helmet. I suffered some head injuries from that accident -

Mr Prince interjected.

Mr McGOWAN: I knew I could rely on the member for Albany in that context, so he does not even have to say it!

Mr Prince: I think the wearing of motorcycle helmets became compulsory in the 1960s.

Mr McGOWAN: It may not have been compulsory in that State at that time.

Mr Prince: The consequence was that the member for Rockingham joined the Australian Labor Party.

Mr McGOWAN: No, it was not, and I knew the minister would make fun of someone else's misfortune. The Deputy Premier does not do so.

We must put in place laws which will make a difference. Some laws have made a great difference. My parents were running a sports centre in the early 1980s when random breath test laws were introduced. Among some people, a great deal of drinking and not much sport was taking place. To those people, having their drinking habits curtailed was a matter of life and death. They suddenly had to drive home in a state in which they could control their vehicles because they feared being caught. Many people would not have curtailed their drinking and driving habits if those laws were not brought in. At the time, it was extremely unpopular among certain segments of the population. However, society has accepted that although these laws are a minor infringement on civil liberties, they are worthwhile. The decisions by Governments in the late 1970s and early 1980s to institute these laws saved many thousands of lives throughout the nation over the years. I support the tightening of these laws.

I have two points; one was covered by the member for Fremantle, the other was not. My first point is about Multanova radars and the loopholes that will continue to exist. I support the use of Multanovas as they have slowed people down. I am willing to wear the consequences of saying that. I know they are unpopular tools. However, Multanovas have slowed down people who speed and, as a necessary consequence, saved many lives, including those people who speed. However, a major loophole exists that allows people to get away with not paying their fines. As the member for Fremantle outlined, a whole range of people exploit this loophole because they know they can. People do not want to lose demerit points or pay speeding fines so they exploit the law. It is unfair because only a certain number of people are aware they can avoid the operation of the laws by denying they were driving the vehicle. The fact that they might be caught does not influence these people to slow down. The fear of getting caught undoubtedly impacts on a number of people. The Minister for Police will agree that the fear of getting caught slows people down. However, if one gets caught and nothing happens, the deterrent factor is reduced. I am sure the majority of people in the government ranks would like to see the introduction of the presumption of guilt on the person owning the vehicle. There are people in the government ranks who are reasonable and who believe in the fair and equitable operation of our laws. However, those people seem to have been overridden by a ginger group of Liberal Party back benchers, led by the two "mouths from the south" - that is, the member for Mitchell and the member for Vasse. According to the newspaper articles I have read, they managed, through the coalition party room, to defeat the well-meaning efforts of the vast majority of people in this Parliament to fix this loophole. The other day I was in Bunbury and heard the member for Mitchell talking about it. He proudly boasted that he had defeated the will of the vast majority of people in this Parliament to tighten up these laws. However, he has ensured that some people will get away with speeding and others will not. He has made our roads less safe. That is very disappointing. He is now the Parliamentary Secretary to the Minister for Justice, which is an interesting appointment considering his role in this affair.

My other point is the issue of people driving with hand-held mobile phones, which is not addressed in this Bill. Over a year ago, I raised in this place the point that all other States have made unlawful the use of hand-held mobile phones in a vehicle. This was done because it has been shown in a range of States and in overseas studies that it is as dangerous to drive while using a hand-held mobile phone as it is to drive under the influence of alcohol, as it reduces concentration. People do not have their eyes on the road while they are dialling a number. The use of phones while driving can result in people dying. It is argued that it is also dangerous for people to eat hamburgers or ice-cream while behind the wheel. However, we must deal with what it is possible to achieve. Other States have dealt with the issue by regulating the use of mobile phones. They have done it in a reasonable way and it is now accepted practice in New South Wales. I visited my family there a while ago. They are supportive of the law. They think it is a good law and say it is widely adhered to by members of the public. The same laws should be introduced here. This is not a States' rights issue. Asking people not to speak on their mobile phones while they are driving is not an overly heavy burden on their civil liberties. It is merely a sensible means of ensuring that people concentrate on what they should be doing while driving, rather than on what they should not be doing. I am disappointed that the Government has not seen fit to include such an amendment in this Bill because, at the end of the day, it would save the lives of many Western Australians in the months and years to come. I cannot for the life of me work out why it is so difficult to achieve such small, moderate and yet worthwhile social reforms.

I invite the Deputy Premier, in his response to the Opposition's comments, to address these issues and to explain why the Government has not seen fit to fix up the loopholes in the laws relating to Multanovas and mobile phones. They are the two areas in which I would like to see major reform. I read the Deputy Premier's second reading speech and I note the parts about making photos on drivers licences compulsory and tightening up the definitions and types of licences that will be issued to our citizens. These are good reforms for a number of reasons. When I was 17 I used a drivers licence without a photograph to access venues which I should not have been accessing. It was common practice in the early 1980s. We were joyful that the Parliament had not seen fit to put photographs onto drivers licences.

Sitting suspended from 6.00 to 7.00 pm

Mr McGOWAN: I acknowledge in the Gallery tonight the Hampton, Bassendean and Guildford Guides who are visiting Parliament House to see what we do and to observe some of our addresses. I hope they are enjoying their visit. I know that the member for Bassendean is showing them around and that during the dinner suspension he explained to them the role and function of Parliament. I learnt something from the member for Bassendean a moment ago. He indicated that some members talk for a long period and not many people are interested, which I had never heard before. However, I welcome them here tonight, and I hope they enjoy their visit.

The member for Girrawheen indicated to me that during this debate many members are making personal confessions about things they have done while driving that perhaps they should not have done. Those members have indicated that they support changes to the law which may make the roads safer, and therefore they will not do things that they have done previously. The member for Fremantle talked about occasions on which he has sped. I referred to an instance when I came off a motorcycle and I was not wearing a helmet. Before the suspension, I also said that this Bill will include provisions which will make it compulsory for licences to have photographs, as well as signatures. This is a technique which can be used to prevent the fraudulent use of drivers licences. I referred to the fact that when I was 17 years old, I used the drivers licences of friends of mine who were 18 years so that I could go into licensed premises, which I should not have been doing. Had it been compulsory at that time to have photographs as well as signatures on licences, I would have been prevented from doing that. Therefore, the reform that is proposed in that area is good, and it should prevent young people misusing drivers licences in the way that they undoubtedly are at the moment.

The Bill contains provisions which refer to driver training. A graduated system of driver training is proposed, which will hopefully mean that younger drivers, who are normally the ones going through that process - although many people do not start to drive until later in life - will be better drivers, more able and better equipped. A test will be imposed on them, which will make them more aware of their responsibilities and of the methods by which they can avoid accidents on the roads.

I have another confession to make. When I was going through the process of obtaining my drivers licence, I recall that in the town in which I grew up I went to the police station. The police officer got into the passenger's seat of the vehicle. We drove around the block. Then I came to drive back into the police station, at which point I stalled the vehicle. The police officer said, "No, that's okay, because I know your dad." I was certainly not subjected to an onerous test when I obtained my drivers licence at age 17 years.

Mrs Roberts: That might explain things.

Mr McGOWAN: People have said that before. However, in the period since then I have had a perfect record and have never had an accident. Even at that age, I thought that was an irresponsible way for someone to be given a drivers licence, although I was grateful for the exemption that was made for me.

I have read the process contained in this Bill which establishes a more onerous and graduated system for people learning to drive, which will be good, and hopefully it will mean that better drivers will be on our roads. It is common knowledge that the people who have the greatest number of accidents are young drivers. I know that comments have been made in the media lately that those in the much older age bracket - in the age group of the Deputy Premier and above - have been involved in some tragic accidents. However, the fact remains that people in the 17 to 25 year age group are those who have the greatest number of accidents and deaths. Anything we can do to help these people to become better drivers will be a worthwhile reform.

I hope the Deputy Premier was listening when I mentioned the Multanova exemptions and the rules relating to mobile phones, and the fact that they are not covered by this Bill. I hope that when he responds he will address those two issues. They should be addressed and included in any reforms to the law.

MR KOBELKE (Nollamara) [7.06 pm]: This Bill is a major part of the Government's road safety campaign. It seeks to tidy up a number of areas of enforcement so that action can be taken in the hope of reducing the carnage on our roads. The current level of road accidents, road trauma and deaths on our roads is totally unacceptable. This Government has an appalling record. It has a lot of good people working under its banner who are trying to do the right thing. Many people from the Road Safety Council, the police and a range of other groups in our society are keen to see something done to try to reduce the rate of trauma and deaths on our roads. However, unfortunately, this Government has not been willing to give a lead. I point that out as the problem, because when we go through the data and look at the performance of this Government, we find that it has failed to tackle the issue. The figures are there in black and white. This Government does not have a good record when it comes to deaths on our roads. When one looks at a range of figures, one finds that the Government has not tackled the issue.

From my knowledge of what has been happening, I do not think this is because of a lack of effort on the part of a range of

middle level officers and people involved in areas relating to road transport. Therefore, what is the problem? I can only look back at the available data which indicates what was happening during the 1970s and 1980s. At times big inroads were made into the level of accidents and deaths on our roads. However, since this Government has been in power, we have gone backwards; no gains have been made. Therefore, when we look at the overall policies that have been implemented and the level of commitment of this Government to tackling road safety as a major public issue, we find that it has been sadly lacking. One need only look at what happened in 1992 and 1993. In the early 1990s, there was a reasonable reduction in the rate of fatalities on Western Australian roads. An attempt was made by the then Labor Government to tackle the issue in a fundamental way and to try to take it further. I think that was based on the fact that other States were doing much better than Western Australia. Therefore, it was not that we were out in front. At that stage there was an awareness that other States had, through drink-driving legislation and other measures, given a high priority to tackling fatalities on the roads, and had done so with some success.

Western Australia needed to catch up with those other States that were doing so well. The Labor Government, as is well known to everyone, was obviously battling to survive in 1992, with an election coming up in 1993, and that issue was not pushed forward as quickly as some people might have liked. However, in 1993, with the election of the Court Government, there was a back-pedalling on the initiatives to tackle drink driving and the fatalities that arise from it. Therefore, this Government began in 1993 by giving a lower priority to road safety. It is only now, after being in government for some seven years, that it is trying to do something about it and this is really a matter of playing catch-up. This legislation, while good in parts, is just a way for the Government to say that it is trying to catch up with the game. It still does not present the overall approach which we need to make inroads to the unacceptable level of carnage on our roads.

A publication of the Western Australian Government and the Road Safety Council headed "Reported Road Crashes in Western Australia 1998" dated October 1999 is probably the most recent data available on this subject, although I am happy to have more recent updates if the minister, or someone from the Government, is able to provide them. This report refers to reported road crashes over a number of years and indicates the trends. I will refer to a number of tables and graphs and seek their incorporation into *Hansard*. If I can have permission to do so, I will then be able to speak to those graphs.

[The material in appendix A was incorporated by leave of the House.]

[See page 5285.]

Mr KOBELKE: These documents are numbered according to the table numbers in the publication, and the first one I refer to is table 1, which compares road crash fatalities in Australian States and Territories between 1993 and 1998. This table shows the number of fatalities and the fatality rate per 100 000 population. From 1993 to 1998 there had been no decrease in the fatality rate in Western Australia. In 1993, the fatalities per 100 000 population were 12.2; in 1998 it was still 12.2. Clearly, the rate was not getting any better. However, the other States had lowered their fatality rates. I refer to the 1993 and 1998 figures. New South Wales went from 9.7 to 8.8; Victoria from 9.5 to 8.4; Queensland from 12.6 to 8.1; and South Australia from 14.8 to 11.3. Among all the States, Western Australia has the highest rate and is the only State not to improve since the election of the Court Government. Australia as a whole had a fatality rate of 10.9 in 1993 which reduced to 9.4 in 1998. Those figures indicate that although other States have improved during that period, Western Australia has not.

Figure 2 is a graph of road fatalities from 1974 to 1998 and shows that during the 1970s into the early 1980s there was a downward trend in road fatalities. I accept the data as presented in this publication which show the actual road fatality numbers; the rate may show a slightly different picture. From the early 1980s to the early 1990s, the numbers are fairly level and drop off in 1989-90. On that basis, the achievement in the period of the Labor Government in the 1980s was not huge. However, there was a noticeable decline in the early 1990s. Since the election of the Court Government, that figure has either remained static or increased; there has been no decrease in road fatalities during the time of this Government.

Figure 3 showing fatal crashes indicates a similar picture. This indicates the number of crashes in which people were killed, being different from the previous graph which shows the number of people killed. There was a decline in fatal crashes through the 1970s and into the late 1980s-early 1990s. However, from 1993 onwards, the figure has stayed the same or increased slightly, so there is no improvement in that area either.

According to the report, serious casualties, which are made up of fatalities and hospitalisations, can be used to measure road safety performance. These figures are presented in a table which I have not included in *Hansard* but from which I will draw some figures. The serious casualties figures for 1998 are the previous five-year average from 1994 to 1998 which is compared with the five-year average prior to that. In considering the figures for individual years in these types of fatal crashes, there is a chance factor involved whereby marked annual fluctuations do not reflect a long-term trend. This graph therefore shows a five-year average. In 1998, compared with the previous five-year average up to 1993, there were 4 per cent more fatalities, 12 per cent more people hospitalised, and overall serious casualties, made up of fatalities and hospitalisation, were 11 per cent higher than the previous five-year average. That is a damning figure which shows that during the time of the Court Government, serious casualties are 11 per cent higher than they were in the five years preceding its coming to government.

Figure 4, also incorporated into *Hansard*, shows the serious casualty rate - fatalities and hospitalisation - in three different ways from 1980 to 1998. When comparing a State like Western Australia with other parts of Australia, we must take into account the long distances that people travel and the population. These figures can be presented in a number of different ways and three different sets of numbers are presented in the graph. The first set of numbers since 1980 shows the serious casualty rate per 10 000 motor vehicles registered; another shows it per 100 million vehicle kilometres travelled; and the

third is per 100 000 population. In 1998 there were 3 180 serious casualties, 23 serious casualties per 10 000 motor vehicles registered, 17 serious casualties per 100 million vehicle kilometres travelled and 174 per 10 000 population. All of those graphs, the serious casualty rate, the per 10 000 vehicles rate, the per 100 million kilometres travelled and the per 100 000 population, were trending downward until 1994. From 1994, they started to move upwards again. Since the election of the Court Government, on all three measures, the serious casualty rate has started to move upwards.

Finally, I wish to comment on another measure of road safety performance, which is the total number of reported crashes. Figure 5 shows the total reported road crashes per 10 000 motor vehicles registered, the total number of reported road crashes per 100 million vehicle kilometres travelled and the road crashes per 10 000 population since 1976. In 1998 there were 39 108 reported crashes, 288 reported crashes per 10 000 motor vehicles registered, 204 crashes per 100 million vehicle kilometres travelled and 2 135 per 100 000 population. Again, those three graphs, which show different ways of measuring the total reported crash rates, show a general downward movement with some fluctuation through to 1993. In fact, from 1988-89 through to 1993 there was a marked downturn in those total reported crash rates in all three measures. The figures have remained static or moved upwards since 1993. Statistics in the Government's report from the Road Safety Council provide clear evidence that, since 1993, this Government has not tackled in a serious way the unacceptable level of fatalities and injuries on our roads. The Government must tackle the issue. This legislation, although a start, is about catching up; it is not a total program designed to reduce the carnage on our roads.

I provide one more example of how this Government has played with road safety issues. The Government set up a committee chaired by Hon Barbara Scott to look at road speed limits for residential areas. That matter was put in and out of the Press whenever an opportunity arose to run the issue, without any commitment from the Government to make it work. However, most people do not realise that the Government made the necessary change in 1993; namely, the Court Government, when elected in 1993, through the then Minister for Transport, put in place regulations to allow local area speed limits. Unfortunately, the then Minister for Transport did not realise what he was doing, and some time later the regulations were withdrawn.

This saga began when the Lawrence Government established a road speed limit review committee, which I chaired, and which reported in 1992. The key recommendation of the committee was to provide for 40 kilometres an hour speed limits in designated residential areas. It recommended a mechanism by which local councils could take up the wishes of local residents and designate a lower speed limit for a specific number of residential streets. We saw this in experiments in Wembley and North Fremantle in the early to mid-1980s. It was proposed under the regulations that the councils would designate areas, and provide necessary road signage and road treatment, and that Main Roads would approve that work. This was to be done on an area-by-area basis to meet the needs of local people, and the lower speed limit was not to be imposed in a general way. Those recommendations of the 1992 report were drafted as regulations, which were waiting for implementation when Labor lost the election at the beginning of 1993. The new Minister for Transport, Hon Eric Charlton, put regulations into the *Government Gazette* - they were not disallowed in Parliament - which enabled the implementation of 40 kilometres an hour speed limits in designated residential areas. This was not to be applied to main or feeder streets, but where it was possible designed to provide clear entry statements into residential areas; namely, that one could have 40 kilometres an hour speed limits. The then minister or his Government decided that these regulations were not wanted, and they were dropped. The Government then set up another committee five or six years later to do similar work and put forward the same idea. Eight years later, we are still thinking about the idea.

I do not say that the 1992 proposals could not be improved upon. We may find from the latest report some suggestions, modifications and different approaches which could make the proposal work better. That would be great. However, we have waited eight years and have seen no action at all. The legislation was put in place in regulations at the start of 1993, but this Government is interested only in window-dressing. The drive from the top is not evident to ensure that we take the issues seriously and get things done. There is a hue and cry about a particularly horrendous fatality on our roads, and the Government has a knee-jerk reaction here and there. People advising the Government are putting forward a range of proposals. The Road Safety Council releases booklet after booklet outlining policies, strategies and programs to lift the profile of road safety and to offer proposals, some of which the Government takes up. Nevertheless, ample evidence suggests that the drive from the top is not there to take road safety seriously.

With an election looming, the Government is scared about the downside of offending people. The Labor Government had that problem in the 1990s, but it had to bite the bullet. It put in place tough drink driving laws, which led to a reduction in fatalities on our roads. Those laws were not popular among voters. Another issue with similar ramifications was the huge improvements made in preventive health with the introduction of a range of programs aimed to stop people smoking. The increased price on cigarettes and prohibitions on smoking were very unpopular among many people; nevertheless, an improvement in health occurred, and the action prevented many people from acquiring diseases and dying from smoking.

The graphs to be incorporated in *Hansard* indicate that throughout the late 1980s and early 1990s Labor's policy to reduce the carnage on our roads was effective. We are not trailblazers, as other States are doing much better than Western Australia is doing in this regard. The Government has tried to emulate successful advertising campaigns in other States. That is good, but it is only part of the solution. The Government will not make inroads into the carnage until it is willing to drive a total package.

I turn to two other matters: First, provisions in the Bill will place the onus on owners of motor vehicles to identify drivers when cars are detected speeding by Multanovas, other forms of speed cameras or red light cameras at intersections. An onus will be placed on the owner to take responsibility for the vehicle, even though no clear identification is made of the driver of the vehicle at the time of the infringement. The Government does not want to give a clear commitment as this

provision will not apply to all vehicles. A little toing-and-froing is taking place for vehicles approved to be out from car yards because the Government has a strong supporter with a problem in that regard. However, people I have spoken to in the car sales industry do not have a problem with that provision applying to these vehicles. They do not see it as an issue. For insurance purposes, they must log which driver takes a vehicle out and at what time. I do not know why the Government is reticent to give an undertaking that the owner onus will also apply to cars from car saleyards.

Finally, I refer to driver fatigue. A fair amount of study has been done on this subject, although I do not have reports with me to provide the detail. A growing awareness is evident of the fact that a high percentage of accidents are caused in part or totally by driver fatigue. Programs have been run over the past few years to encourage people not to drive when tired. They encourage people to stop and have a sleep or a cup of coffee. Programs on country roads have invited people to call in for a coffee when on long trips to break the journey so they continue the trip refreshed. Such programs must be pursued to encourage more people to understand the importance of not driving when tired.

A report recently appeared in the media which indicated that it is not necessarily only long drives which cause driver fatigue. As a result of the pace of life and the busy lives we lead, a study indicated that many of us are more tired today than we, or our counterparts, were a few years ago. Even normal suburban driving can involve an increased risk of accidents due to driver fatigue. There may be an increase in the periods in which drivers are not alert, when things go wrong and they run into the back of another vehicle or something they do not expect occurs when they are not concentrating on their driving and that causes an accident. I saw one such incident a few days ago when I was driving near my home. Some cars had stopped at a school crossing, one with a crossing attendant, but the driver of one car was not paying attention and went straight into the back of the car in front. The vehicles were not moving extra quickly and it appeared to me, as someone on the spot at the time, that the driver was simply not being attentive. That lack of attention may have been due to some other distraction such as using a mobile telephone, given that the Government has not been willing to tackle that issue, but it appears from what people are saying in the various studies that there is a growing concern that fatigue can be a part of the lack of attentiveness which leads to accidents.

This area coincides with my interest in what happens in the workplace. More and more we are seeing people being rostered on to long shifts at work. People are working 12-hour shifts and may need to spend half an hour or an hour driving to and from work. If that is the case, it is not unusual for people to need to work 13 to 14-hour days. In that situation we may find that people heading home after working such an extended period are fatigued, not able to concentrate and may even fall asleep. Just such an example of that was brought to my attention. It concerned a man who was working in a mine in the south west having transferred from a job in the goldfields. He could not find accommodation although he was looking for a home closer to the south west town in which he was working. This man was driving over two hours from Perth to start work, working a 12-hour shift and driving over two hours back to his home. He said that he could not stay awake in that situation. He complained to the mine management about the problem and said that he needed some other arrangement until he could find accommodation closer to where he was working. The attitude of the mine management, as related to me by this worker, was to sack him. The mine management was not prepared to accommodate the fact that it was not possible for this person to work 12-hour shifts and drive four hours a day to and from that work. His employment was terminated because he spoke up to try to maintain his safety so he would not fall asleep driving to and from work and run the risk of killing or seriously injuring himself. This says nothing of the accidents which could occur at a workplace because a person would clearly be fatigued if he were working such long shifts and driving to and from work.

The Bill contains a number of provisions which I will not have time to go into here. However, I will mention them briefly and hopefully we will have the opportunity to go through some of them when we consider the Bill in detail. The Bill provides for a graduated driver training licence system and the introduction of the national driving licensing scheme. The graduated driver training licence system is one which I have been advocating for 10 or 20 years. I am not sure but I might have taught driving to one of your daughters, Mr Speaker, when she was a student at a school at which I was teaching and we had driver training programs.

The SPEAKER: She is still with us.

Mr KOBELKE: Perhaps that is because I did not teach her, I am not sure. When I was a driving instructor in the late 1970s, it occurred to me that we had too short a period of driving training. I did not think then, and do not think now, that we will solve the problem by making people do a longer course. The approach being taken by the Government is the right one. We need graduated licences so people can get out there and get the road experience while knowing that they still have a lot to learn. That can be impressed on them by the requirement to keep a logbook and to go for a further advanced test. The model can be varied but a graduated driver training licence system is a way we can drive home to people that being allowed to drive a motor vehicle by oneself does not mean one is necessarily a good driver but rather that one has the minimum competence required to hopefully negotiate the road safely. It is only through practice and the improvement of one's skills that one can become a good driver and that is something we want people to aspire to.

The Bill also allows for photographs and signatures on licences to be retained for five years whereas currently there is a requirement for those photographs and signatures to be destroyed sooner. I am not sure whether the Government wants to use these images for digital photographic identification. The Government has given some undertakings about restricting the use of the stored photographs but we need to be careful that they are used only in respect of licensing and road safety matters and that we do not allow this to become a databank which could be used for a range of other purposes. I would like some indication from the Government as to whether it thinks it can use modern technology and digital photographic recognition to do more than it can now. The advances in technology in this area mean a range of things may become possible with photographs and signatures in the future. The area of identification is tied in with the infringement notices

and the penalties which apply when drivers are caught speeding by a range of speed measurement devices. There are problems with that but the Government has not sorted out the current situation. We are not sure how these provisions will work but hopefully when we reach the consideration in detail stage, we will get some answers from the Government about these issues. This is a step in the right direction. It is rather late and much more needs to be done but to the extent that this Bill enables the Government to work more effectively to reduce the trauma on our roads, it has my support.

MS WARNOCK (Perth) [7.37 pm]: I join my colleagues in making some comments on road safety arising out of the changes being proposed by the Government through this Road Traffic Amendment Bill. I support most of these changes because many of them are issues which surfaced during my time on the Select Committee on Road Safety some years ago. As the minister has said, with its amendments the Bill is directed at reducing the carnage on our roads. Many members have addressed this issue in this House many times but it remains a difficult one. An index of that is how long it has taken the Government to move on the recommendations made in the eight select committee reports and to implement many of the changes which have surfaced over the past few years. Several of those changes are recommended in this Bill and, to that extent, I certainly support the Bill.

The Bill seeks a number of different ways of trying to reduce the carnage on our roads. Many of them represent aspects of the driver licence module which has been developed by the national road transport reform package and this Government's own road safety plans, which are largely based on the reports that came out of two or three years' hard work by the Select Committee on Road Safety. These changes were outlined in the document "The Way Ahead: Road Safety Directions for Western Australia". This is one of a number of documents on road safety produced by the Government in the past few years.

I draw the attention of the House to the intention of the Bill. The changes in the Bill will include the introduction of nationally agreed driver licence classifications, a graduated driving training and licensing system, compulsory photographs and signatures on drivers licences and the storage of digital photographic images. It will also allow the service of demerit points suspension notices by mail. I know a number of people will appreciate the changes in road safety that have resulted over the past several years. An issue that has tried the intelligence of a number of clever people over a number of years is how to stop people from killing themselves and other people on our roads. People indulge in high risk behaviour in many aspects of their lives, and not only when they are driving on roads. How do we change that high risk behaviour, and change people's views towards taking risks on the road? It is obvious to most people in my generation that it was a lot easier to drive on roads which were not so crowded. It is much more difficult to drive on today's crowded roads and on the fast freeways which are found throughout the metropolitan area. Although, I add that driving on freeways is a lot safer than driving on suburban highways or even so-called low risk roads in the metropolitan area. Freeways are safe despite the enormous speeds one is able to do on them. Some things make driving on modern roads more difficult. That is largely because many more people are driving, the cars are more powerful and people seem to be far busier these days and seem prepared to indulge in high risk behaviour on our roads.

Our road safety system works through a combination of things: Education and sanctions, and training and policing. That is the only way to reduce our still regrettable road toll. The road toll has reduced somewhat over several years from a terrible high a few years ago. Nonetheless, we still have a long way to go before we reduce those statistics to a reasonable level. Drivers must know the rules of the road very well. That is part of the driver training that my colleague the member for Nollamara alluded to, which in the past he was responsible for teaching. Drivers need to know the rules very well and, as has already been pointed out in the debate, it is more difficult to drive on today's crowded roads than it was 50 years ago. Drivers need to be well trained and to have experience under supervision, and they need to know that if they offend, they will be caught and punished.

I believe that the latter fact remains the single greatest deterrent for any crime, as it is for bad behaviour on our roads. If people believe they will be apprehended, they are much more likely to respond to whatever it is that society is trying to persuade them to do. In the case of law breaking on the roads, we need speed cameras and the revenue that comes from them to catch law breakers and punish them by inflicting fines. It is painful and unpleasant as most of us in this room would know. However, it seems to be necessary to slow us all down and make us less likely to kill ourselves or others on the roads.

Mr Pendal: Don't you think it is the revenue they are a bit more interested in?

Ms WARNOCK: No I do not, frankly. I do not approve of people either on my side of the House or on the side of Mr Independent, the member for South Perth, who say that. My experience is the fear of detection by those cameras and apprehension has a great deal to do with slowing me down. I have paid a couple of fines, as have most members.

Mr Cowan: They could not have been around when the member passed me the other day.

Ms WARNOCK: I am afraid that I did pass the Deputy Premier. As he has pointed out previously in this House, I have had a number of photographs taken of me, and some of them were not very flattering. However, I believe those cameras are necessary. I am intolerant of colleagues on my side or the other side of the House who suggest they are a revenue raiser. Those deterrents work very well for most of us who purport to be law abiding in most ways. I know that I do not take risks with drinking and driving, as otherwise I might, because of random breath testing. It has made me a far more abstemious person than I would otherwise be. In some ways I regret that, member for Geraldton, but nonetheless I admit that is so. I know it is only a survey of one, member for South Perth, but it has a salutary effect on those of us who, at least, purport to be law abiding.

Mr Pandal: People have been very impressed with your behaviour.

Ms WARNOCK: I thank the member for South Perth very much; I am sure he is right.

Annoying as the Multanova cameras are, they are a very effective way of slowing us down. I am intolerant of people who think of them as roadside cash registers. That is a cheap and easy way to describe them. All of that money, and not just one-third of it, should be spent on improving road safety.

I support a number of changes encompassed in this legislation, largely because they were suggested by the Select Committee on Road Safety of which I was a member. The change to make the driver of the car responsible for any misdemeanour is very important, and I believe that collecting more revenue and not allowing a particular group of people to escape from paying their fines is an important change.

How we change people's high risk behaviour on roads is an extremely vexed question. It is not only in the area of driving that we are subject to high risk. Anybody who watches the television sporting programs will see that many people indulge in high risk behaviour. Anybody from the Family Planning Association will tell one how people indulge in high risk behaviour in their private lives as well. It is a natural human tendency to take risks. However, for the good of the community most of us must be persuaded to drive more carefully on our roads, particularly alas, young people must be persuaded in that direction because they, sadly, are the ones who are most at risk on our roads. I am sure that most members in this House would be aware of the statistics, but I will run them past members again. Although only 12 per cent of our population is aged between 17 and 24, that same group of people represents 28 per cent of all those killed or seriously injured on our roads. The number of people killed on our roads is tragic and regrettable. However, equally tragic and regrettable is the number of people who are seriously injured and spend the rest of their lives in wheelchairs as a result of those injuries. It is in the interests of all of us to learn from the restrictions that are placed upon us by this legislation and other road safety legislation and to try to improve our record on the roads.

In relation to the terrible statistics among younger people on our roads, this legislation is going in the right direction when it tries to ensure that our learner driver training system reflects the best available practice throughout the world. I believe that we should do that. Members of the Select Committee on Road Safety visited both America and Sweden, which are places at different ends of the road safety spectrum. The Swedes, having had a terrible problem on their roads at one stage, took the matter seriously and ended up with the safest roads in the world. That is where the committee took some of these ideas from. A good graduated driver training and licensing system is an excellent idea and is the best way for young people to be trained to control cars successfully on our roads and to be safer drivers by the time they get into the area of very fast driving on freeways, perhaps in high-powered cars.

Under this system new drivers will be allowed to apply for their learners permit at the earlier age of 16 by sitting a computerised learners permit test which consists of a series of randomly selected questions. After they pass that test they will be allowed to drive under supervision to obtain practical experience in the road rules and basic vehicle control skills. A few moments ago my colleague the member for Nollamara recalled his days as a driving instructor and how much easier it was to get a licence at that time. I drove from the age of 13 in the bush. At the age of 17 or 18 when I went to get a drivers licence, I thought I knew it all having been driving for a long time on rough roads in the outback with no graded road in sight. Of course, driving in the city was much more complicated than that. Although I was an experienced driver, I had to try for my licence a second time. I recall the first time I tried. I cheerfully backed into a corrugated iron fence without looking and was told by the policeman that I should come back next week and try again. The system we are suggesting in this legislation is far more effective than that which applied at the time I learnt to drive which, of course, was a long time ago. It is far more complicated to drive on our roads now because there is far more risk. Therefore, it is important to introduce a more comprehensive program of drivers' skills assessment and supervision in varying conditions on the roads. It is a good idea to have a probationary licence for a two-year period. During that time, while driving, young drivers will be subject to a blood alcohol level of less than 0.02 per cent. That should go some way towards reducing the road toll. Let us hope that it does, because the road toll is still unacceptably high, as anyone who watches the television after a particularly bad weekend of road accidents will know very well.

The Opposition largely supports this legislation because it seems to be based on the recommendations of the Select Committee on Road Safety, which set up the Road Safety Council. It is important that we fall in with the national driver licensing system. The current situation is almost as silly as the old system of different railway gauges. To have such different systems of driver licensing throughout Australia, despite the fact that it is such a large country, is silly. We should have a uniform system. It is excellent that this legislation indicates we should fall in with the national code.

In passing I note that the minister's speech states that from 1992-97 in Western Australia the percentage of vehicles exceeding the speed limit as they passed speed cameras dropped from 68 per cent to 26 per cent. I have no idea whether that is because people now know the location of cameras or whether they have had so many fines that they have decided it is not worth the risk any more. I am certainly one of the latter. I have had enough of paying fines for going too fast and I have tended to slow down rather a lot. It seems to me to be a good indication of the fact that these machines on the sides of our roads - annoying as they are - certainly do work.

A matter brought to my attention by one of my constituents, who has also written to the Minister for Transport about this issue - it is not part of this legislation, but relates to safety on our roads - concerns the adoption of new Australian road rules. She stated that, as the rules will not be incorporated in our traffic code until at least May, she believed it was time to write me a letter on this issue to outline the changes which needed to be made in terms of bicycle safety on the roads. She mentions the changes to various Australian road rules which have been suggested. These road rules cover issues such as

bicycle riders not causing a traffic hazard; giving way by the rider of a bicycle or animal to a vehicle leaving a roundabout; and not riding across a road on a crossing. Each of these matters is dealt with in this constituent's letter.

In relation to the first matter, "bicycle riders not to cause a traffic hazard," she believes that this is inexplicable and discriminates against cyclists by effectively saying that a cyclist is deemed to be in the wrong just by being there. My constituent has shown some concern about that. She refers to the fact that a driver who fails to give way to a cyclist in a situation where he would otherwise have to - if the cyclist were treated as just another vehicle - could argue that any accident caused by his failure to give way was the result of the cyclist creating a traffic hazard under this particular road rule, by moving into his path. My constituent emphatically believes - I suggest that she is obviously a cyclist - that there is no need for this discriminatory and harmful rule and it should be deleted from the Australian road rules.

The second matter referred to by my constituent is "giving way by the rider of a bicycle or animal to a vehicle leaving a roundabout". As with the previous rule, this rule effectively discriminates against cyclists by removing their right to act as would the driver of any vehicle. I am not sure whether by definition under the road code a bicycle is a vehicle. My constituent believes that this rule could lead to injuries or worse, as it would be very dangerous for a cyclist to stop at a roundabout when other drivers were not expecting them to do so. Given that road accident statistics show that cyclists are already vulnerable on roundabouts, my constituent suggests that the onus should be on the drivers of cars to make allowances for cyclists rather than vice versa.

The third matter that she seeks to address is "no riding across a road on a crossing". She simply believes that, as commuting cyclists such as herself are going to the effort of keeping themselves fit and healthy and are not contributing to Perth's increasing air pollution problem, they should be given some benefits. She believes there should be some, if you like, elephant stamps for people who are engaging in healthy activities by cycling on the road and who are trying to reduce pollution. She also says that if cyclists were allowed to ride slowly through controlled intersections on pedestrian signals, where safe to do so, perhaps more drivers would be jealous enough to take up cycling themselves, thus improving health and environmental amenities. However, even if this strategy is too progressive for the Department of Transport, surely cyclists should not have to get off their bikes and walk where a shared path is intersected by a road and the crossing is controlled by a pedestrian light. My constituent suggests in these circumstances that the crossing should have the same status as the path on either side; that is, cyclists should be able to ride across but should have to give way to any pedestrians on the crossing.

My constituent says in her letter, "I regret the lack of a requirement in the new road rules for pedestrians to keep left on shared paths. I know this is a sticking point for cyclists. They feel that pedestrians get out of hand on shared paths." My constituent has chosen to draw this to the attention of the Parliament. She says that this rule has been a sensible way to avoid conflict and potential accidents between pedestrians and cyclists on shared paths. Even though the ultimate responsibility for avoiding collisions on paths rests with the cyclists, it is not unreasonable to expect pedestrians to also have some basic responsibilities for safety, such as keeping left. That all seems to me to be tremendously sensible. She concludes the letter by saying that clearly Western Australia does not have to implement all of the rules approved by the other States. The rejection in Western Australia of the 100 kilometre per hour speed limit and mobile phone laws are a case in point. She asks the Minister for Transport to seize the opportunity to display a more enlightened approach to the regulation of traffic. I have drawn those matters to the attention of the House because that constituent, who lives in my area in Highgate, wished me to do so. I leave my comments there because I am aware that we will have the opportunity at a later stage of the Bill to press other matters and discuss them in more detail.

MRS ROBERTS (Midland) [7.59 pm]: A number of people in the course of this debate today have made confessions and admissions. I have none to make. During the course of this debate members have also quoted statistics. There has been much comment, particularly on young male drivers between the ages of 18 and 25, and how disproportionately they figure in the statistics for both road fatalities and road crashes. Most of them are not accidents, they are matters which could have been avoided and, therefore, the preferred terminology is crashes. We know from the statistics that women are much safer drivers than men, and that applies to all age groups. This Government's record on road safety is particularly poor. The Labor Party will support this legislation today, but it is very little and very late. In seven years very few initiatives have come from this Government on road safety. The statistics tabled by the member for Nollamara indicate very little improvement in road safety in this State. In fact, in comparative terms, road safety has declined. Western Australia's record on road safety certainly compares less than favourably with that of other States in Australia.

As the member for Nollamara demonstrated, other States have taken some harsher steps than WA has and, as a result, have achieved a better record on road safety than this State has. The Government needs to set some targets on road safety. I think we all start from a point of agreement because everybody would like the rate of road deaths and the number of accidents reduced. Anyone who has had any experience with a road accident or who has had a family member or friend involved in a fatal or serious crash will appreciate the consequences of our road fatality rate. Each one of the road fatalities we read about week after week and month after month impacts on an enormous number of people, not just those immediately involved but also their families, friends and those who are caught up with the accident. The personal trauma is by far the biggest factor but, on top of that, there are significant financial factors that should be taken into consideration when we aim to reduce road fatalities and trauma. The costs associated with road accidents - for policing, health care, the trauma on the family, medical care and sometimes psychiatric care - place a burden on the whole community.

Having agreed on those targets for road safety to reduce road deaths and trauma, it seems people want to go about it in different ways. Some wish to take a hardline approach and others suggest that education is the way to go. We had a debate in this House last year about measures to improve road safety, and the response from the Government at the time was that

education was the way to go and that a softly, softly approach was needed. It was suggested that we ban the use of hand-held mobile telephones while driving a vehicle. That was recommended by the Road Safety Council, and it is the law in every other State in Australia. However, the Government said it would not do that, but would embark on an education program. It outlined why an educative approach was better than a big stick or penalty approach. If that approach were taken to most other aspects of driving and road safety, there would not be many road rules because the Government would educate people that it was better to drive within certain limits and to always wear seatbelts. That used to be the approach to some issues in the old days. Originally there were no fines for not wearing a seatbelt, but then they were introduced and have since been increased. There is statistical evidence that wearing a seatbelt saves lives and reduces medical trauma to those involved in road crashes. The same applies to a range of other measures that this Government is not prepared to consider.

One of the big concerns I have about road safety relates to country areas. The statistics on road safety, fatalities and crashes show that the rate in country areas is disproportionately high. Despite the much higher rate in country areas, much less emphasis is placed on policing road safety in country areas than in the metropolitan area. I appreciate that part of the reason is the logistics but that is not the whole reason. Until last year practically no Multanovas were available for use on country roads. It was pointed out that in isolated places - whether a country road or an outer metropolitan road - there are safety aspects for the people placing or looking after the Multanova. Also, it is expensive equipment which could be vandalised in a more isolated location. At the time I called for the placement of Multanovas at least in major country centres, on the basis that if it is regarded as an effective tool by the Government in the metropolitan area, why would it not be equally effective in country areas? The Multanovas could be placed in country towns with the same degree of safety as they could in the metropolitan area. I have asked numerous questions on this matter and the last advice I received was that six Multanovas were available for use in regional Western Australia. It is always pointed out that hand-held radar guns and other devices are used on regional roads.

In the past couple of years, and again this year, I have had reports that because of cuts to the operational police budget there are fewer patrols on country roads. The Minister for Police and others can deny that until they are blue in the face, but I know it is the case. I have spoken to too many individual police officers based at country police stations to in any way believe the Minister for Police on this issue. We know that with the changes that have taken place in the Police Service, superintendents are given a budget with which to manage their regions. In turn, individual police stations are given a budget and they must manage their resources. They must set priorities, and from time to time incidents occur that blow out their local budgets quite considerably. It appears from what I have been able to deduce about what goes on in the Police Service that it is difficult to get the money made up from outside the local budget. Towards the end of the financial year, many police stations must review their budgets and cut back in certain areas. That could mean cutting back on the number of police officers on night shift, because cutting out the shift allowance means a saving in the budget. They also cut back on patrols. Petrol budgets are in operation at a number of police stations, and once the station has used its ration for a week no more patrols take place unless there is an incident. I know that the police venture any distance from some country towns only when a road crash has occurred. If that becomes common knowledge - one need only to drive on country roads to become aware of it - more people will speed. The more people speed, the greater the number of road crashes and fatalities we will experience. It is an indictment on this Government that funds are not made available for proper patrolling on country roads.

Whether it be road safety or any other area of crime, the greatest indicator that people are likely to commit a crime is their belief that they can get away with it. I have read numerous books about crime and what motivates people to commit crimes. One book I read recently dealing with home burglary stated that a number of factors predispose burglars to break into particular houses. They look at whether security devices have been installed; that is, how easy it is to break into the house. If householders have installed deadlocks, window locks, security grills and so on, their homes are far less likely to be broken into than if they have installed none of those devices, or, indeed, if someone has left open a window. Offenders in the prison system have been asked what is the greatest factor that causes them to break into a house or what deters them. They responded that the key factor is the likelihood of being caught. If an offender thinks he can break into houses without being caught, he will do it again and again. He will pick the easy target believing he will not be caught.

Many people believe that the potential penalty is the greatest deterrent, and that severe penalties will deter criminals more effectively. All the intelligent advice we get from criminologists and others is that the greatest deterrent is the likelihood of being caught. That is also the case with road safety offences. The penalties for breaching the road traffic rules in this State are now very burdensome for average families. The magnitude of the fine is a deterrent factor for all but the very wealthy. The threat of losing one's licence is also a deterrent factor. However, none of those factors comes into effect until a person is caught. If someone thinks he can drive on a country road and that there will be no Multanova or police traffic patrols, he will be far more likely to speed because he will believe that he can get away with it. The Government has a responsibility to ensure that the police continue to be adequately funded to undertake appropriate road patrols and not to respond only when a crash occurs.

Mr Bradshaw: I drive often on country roads and I see many police patrol cars.

Mrs ROBERTS: The stretch on which the member drives is much closer to metropolitan Perth. The police presence in such areas is much greater than it is in Karratha, Port Hedland, Carnarvon or Esperance. The more remote one is from the metropolitan area the less likely it is that police patrols will be adequate. I have travelled to Bunbury a couple of times recently, and each time I have done so police officers and others have highlighted the dangers of driving on the South West Highway. A particular stretch not far out of Bunbury is very dangerous.

Mr Bradshaw: Is that on the Old Coast Road or on the South West Highway?

Mrs ROBERTS: There are bad stretches on both.

Unfortunately, because we continue to have these danger spots that need to be improved and because we need a greater police presence on those roads, often the police and those responsible for emergency services are dispatched to clean up the mess. Sometimes, the people who have been sent out to clean up the mess are volunteers. One of the commendable things that has happened in recent years is that we now have jaws of life equipment on all fire appliances so people can be cut out of crashed vehicles speedily. I can only encourage a much greater effort in respect of road safety on country roads in Western Australia. Our road toll brings much hardship and sadness to many families week after week, month after month throughout the year.

Another issue I wish to address is owner onus. We have an anomaly in Western Australia whereby if a company or government vehicle caught by a Multanova -

Mr Bradshaw: It also applies to privately-owned vehicles. If they cannot identify you, you do not pay the fine.

Mrs ROBERTS: In practice, private vehicle owners are pursued with much more vigour. I deal with many people who have come to grief with the police on this subject. Some people genuinely cannot identify who was driving their vehicle - they might have been out of the State or their vehicle might have been stolen. There are many reasons that someone has difficulty identifying the driver of their vehicle. In my experience, many of these people are pursued with considerable vigour.

A case was brought to my attention involving parents who had gone overseas and left their car keys on top of the fridge. Apparently a whole range of people had access to the vehicle - that is, friends of their children and others - because there had been numerous parties at the house. The owners of the vehicle in question claimed not to be able to identify the person driving it when the offence was committed. The one thing they could be sure of was that it was not their son. The police were determined to issue the infringement notice to their son, and pursued him with considerable vigour despite the fact that, for reasons I will not go into, he could not have been driving the vehicle at the time.

I think the member for Fremantle has outlined the general procedure. From what we have been able to ascertain, three notices are sent to the company or government department registered as the owner of the vehicle. Very little is done beyond that, unless the offence is serious. If the offence involves a vehicle travelling at eight, nine or even 15 kilometres per hour above the speed limit, one can readily accept why that offence would not be pursued as vigorously as an offence involving a vehicle travelling at 130 or 140 kph. The seriousness of the offence will be taken into account. I am of the view that it should not be particularly difficult for companies, or for government departments for that matter, to identify who the driver was, and I believe with owner onus, we would see a far greater identification rate. As soon as the company or government department had to pay the fines, if they could not identify the driver of the vehicle at the time, they would be able to track down the offender a lot more quickly. There would be a financial incentive for them to be able to track down people. In most government departments there are a limited number of people who have access to a vehicle and log books are required to be maintained. It is my understanding that it is the practice in the state Public Service that when one takes a work vehicle out, the kilometres are recorded at the beginning and end of the journey. With that type of log book in operation, which makes sense for a whole range of reasons, it should not be too difficult to identify who was driving a vehicle at a particular time.

I also want to raise an issue which I gather the Government has decided not to address; that is, cyclists being able to ride bicycles on footpaths. I understand that a number of people think this would be a safe practice and others are opposed to it for a variety of reasons. Children riding on footpaths need to be much more vigilant and watch for cars pulling into or out of driveways because children do not have the right line of vision. Having said that I know that I would rather have my children riding on footpaths than on roads, mainly because they are small and are not particularly good on their bicycles and they ride fairly slowly. They are good at looking about. However, if they were on the road mixed with cars that are travelling at 60 kilometres an hour or more, they could end up with fairly serious injuries through no fault of their own. I think we should be doing all we can to encourage bicycle riding and while there appears to be some degree of opposition to allowing people generally to ride on footpaths, one way of trialling it would be to allow children under the age of 12 years to ride on footpaths. Most people would use some discretion in that regard because in some areas it may be more dangerous to ride on the footpaths, and in others, on the road. At the moment, it is an offence to ride a bicycle on a footpath, which is not good. I see many children riding on footpaths - I let my children ride on the footpaths and I am much happier about them being on footpaths than on the road. Depending on the times that they are riding and the actual local residential environment that they are riding in, I believe that it is much safer than letting them mix with vehicular traffic on the road.

If one were generous, one would give this Government a score of three out of 10 for its efforts on road safety. It has been very tardy in introducing anything at all. A range of measures have been recommended by the Road Safety Council that the Government has not acted upon. A range of measures have been enacted in other States that this Government has not put in place. I say that with regret because road safety is an area about which we should have a strong bipartisan approach because as I said at the outset, we are all agreed that our aim is to reduce road deaths and road trauma.

MR PENDAL (South Perth) [8.24 pm]: I support the Bill. However, I will comment on clauses 20, 42 and 65 of the Bill. Broadly, I congratulate the Government for bringing forward a number of measures that are designed to give a greater level of effectiveness to a number of the Acts before us tonight for amendment.

It probably does not mean a lot to many people that I have some reservations about clause 20; that is, the clause by which we will end the practice in Western Australia of drivers being able to choose not to have their photographs on their motor vehicle licence. That means that, if the legislation passes, a person's photograph will be required to be on his or her licence. I remind members that this is the last gasp of the Australia Card debate. I am surprised that a coalition Government has introduced this amendment, albeit as part of a wider package. The original provision was introduced in the late 1980s when debate on the Australia Card was at its peak in Western Australia in particular. Thousands of people walked to Parliament to protest about the proposed introduction of the Australia Card by the then Federal Hawke Government. That was regarded by many people who took an interest in civil liberties and rights as being another intrusion by governments, Federal and State, into the lives of ordinary Australians. If my memory serves me correctly, the compromise reached at the time in state law was to give people the option to not have their photographs on their drivers licences, so that it did not become a de facto Australia Card. I was one Western Australian who used the provision and to this day I do not have my photograph on my drivers licence and that is a small, perhaps token, protest from those days when the Australia Card argument was so serious.

While I intend to support the legislation - clearly there will be no move to withdraw this clause - I want recorded my reluctance to support it. I do not think that repeal of the section and its replacement with a system of photographs on licences will do a great deal to better identify drivers and I am not sure whether a great deal of evidence has been put before the Parliament to suggest that there have been many forgeries as a result of a lack of consistency in that section. I mourn the fact that, today, by removing the option from people to have their photographs on their drivers licence, we are watching the passing of the last vestiges of opposition to the Australia Card.

Secondly, I commend the Government again for what it has done in clause 42. From memory, this clause caused an outcry last year, particularly among a number of prominent car dealers who believed that it was impossible to police. It is no secret that I was approached by people like John Hughes in Victoria Park, a reputable individual who runs a business with a good level of integrity. He said that he, and people like him, would be put in a very difficult position. I will quickly interpolate to say that I have no personal interest in this matter. Most of us as members of Parliament recognise our onerous position. I recall a Liberal senator in this State last year who tried to escape the provisions of the Road Traffic Act by making the police do the impossible - prove that he knew who was driving the car allocated to him at the time. I am one of those people, like the member for Perth, who has contributed generously to the State's exchequer in the past couple of years with a number of speeding fines. I am not particularly proud of that but, when one has one's mind on other things, speed tends to creep into the equation. On all of those occasions, the Ministry of the Premier and Cabinet was quick to determine who was in possession of the car. Like other members, I have not sought to evade responsibility and have paid my fines, unlike the senator to whom I referred.

I therefore have no difficulty with the notion that there should be an onus on the driver of a car to know generally who is using the vehicle. It is relatively easy for me and probably most other people in this Chamber to be aware that, if they are not driving the car at a particular time, they may have given it to a spouse or, as I believe the rules permit, other family members. For us it never has been onerous to determine who has been driving one's car. That is not so easy in the case of Mr Hughes and others who have hundreds of vehicles at their disposal and, who on the face of it, should know who has a vehicle at a particular time. However, the practicalities mean that it is more difficult to know who is the driver than seems to be the case at first blush.

I believe that as a result of protests from within the government ranks and from people like me and others, the Government has included in the Bill proposed new section 102C which will effectively give people controlling large fleets of vehicles, who in good faith are not able to immediately determine the driver of the vehicle, the opportunity to sign a statutory declaration as set out on page 33 of the Bill, thus giving them a legitimate exit from the provisions of the Road Traffic Act. That is a good compromise. I have had no additional approaches from the people who approached me last year; therefore, one assumes this compromise has been well accepted in the industry. I congratulate the Government for that.

My final comment refers to clause 65 by which we will be repealing the requirement for the annual review of the random breath testing program. Why are we doing this? No compelling reasons were given by the minister in the second reading speech. For example, on page 21 of his speech - I presume referring to random breath testing - he said that although it is felt the program in Western Australia is highly effective, it is no longer considered necessary for formal reviews of this program to be conducted on an annual basis. I am not convinced by that. Given the nature of random breath testing, an annual review should remain part of the Act. Like most people in this place, I am an admirer of the Police Force in general. However, there are acts done in the name of the law by officers and the like - mainly because we give them the legislative capacity to do them - that do not add to the sum cause of safety and public security in Western Australia. I am forever amazed at the police personnel who can be placed at a location for a mobile random breath test in such ways and numbers who never seem to be able to turn up when a crisis of another kind occurs, for example, breaking and entry in suburbia. By far the biggest crime to which local people are subjected in my electorate is home invasion and burglary. Sadly, this issue must be debated on another occasion, but the minister and the commissioner have made a decision to deny the Parliament access to those figures on a suburb-by-suburb basis after having provided those figures in past years.

However, as this refers to another piece of legislation, I will come back to it on another occasion. The reason I used it as an example is that there seems to be no difficulty in assembling 15 or 20 police officers for random breath testing but always difficulty in getting police officers into the suburbs to deal with a crime that is running rampant. I will underscore that: By my reckoning, in the past 14 years there has been about a 115 per cent increase in the number of home invasions in this State. I regret to say that all of them seem to occur in my electorate. Clearly, that is said in jest; nonetheless I am aware that people in this Chamber who live in my electorate have been the target of home invasions, as have many of my

constituents. I am bemoaning the fact that we are dealing with the question of random breath testing in this Chamber and the repeal of the requirement to report annually on its effectiveness. I do not believe that we should be repealing that provision at a time when, by comparison, the real object of police concern gets very little attention.

Incidentally, the Government will find difficulty with this legislation as it approaches the election. I will not continue talking about home invasions long enough to be reminded that it has nothing to do with the Bill. However, given the explosion in the numbers of home invasions, I am happy to draw that parallel between the overt and active ways in which the Government puts resources into random breath testing and relatively few resources into policing home invasions. I am sure that come the election when clearly law and order will be an issue, as it always seems to be, people will be satisfied that the Government has done more and more to impose a culture of random breath testing in Western Australia and has devoted fewer and fewer resources, or so it seems, to attacking the crime that is most prevalent. To come back to the point, there has been only that brief mention by the minister as a justification for removing and repealing the annual review. I understand, for example, that currently it costs about \$28 000 to carry out the annual review. It is interesting that when I read the Police Force's annual report, which I did quickly tonight in preparation for this debate, I could not find a reference to the annual requirement that we are removing. People are in a position where they are not necessarily making decisions based on the best available information.

Having said that, and I make no apologies for my negative attitude towards what we are doing over random breath testing, nonetheless I commend the Government for what it is doing in the broad term, which is to amend a number of Acts of Parliament, most of which, but not all, because I have made some exceptions, are worthy of support. To that extent I support the Bill.

MR CARPENTER (Willagee) [8.42 pm]: I also obviously support the broad thrust of this legislation, although there are some points where the Government has basically shirked the issue. I will address them in a little more detail as we go on. For example, to continue to allow the use of hand-held mobile phones while driving is not a positive move nor is allowing people to ride in the back of utilities, a practice which will cost lives every week. The failure of the Government to come to grips with the issue of enforcing the wearing of seatbelts on school buses is also regrettable. I hope it does not come back to haunt the Government in the future, but it may do.

As is the way with these kinds of debates, most of the issues have been extensively covered by the time we get to this hour of the night. However, I would like to refer to a few points made by a couple of speakers before I move to other points. The member for South Perth referred to a requirement which is now before the community to have our photographs on our drivers licences. Like the member for South Perth, I have never had my photograph on my drivers licence. I do not really know why. I probably had views similar to those of the member for South Perth at some stage or another about encroachment on privacy. When I cast back my mind to the Australia card debate to which the member referred, I tend to think that probably the opposition at the time was somewhat hysterical and unfounded, and the passage of time has demonstrated that. I recall that it was driven as a civil liberties issue. One of the major proponents of that attitude was the former member for Cottesloe, Hon Bill Hassell. There is a rather deep irony there. Let us all remember that when Hon Bill Hassell was a member of this Parliament and a minister in the then Government, he oversaw the introduction of section 54B of the Police Act which made it an offence for more than two people to gather in a public place in Western Australia without police permission. There he was, reincarnated in some afterlife as an upholder of civil liberties and the protector of people's rights not to have their photographs displayed on the card. The opposition to the Australia card was probably hysterical and driven for political purposes. As I say, as time has transpired the fears that were generated then have been proven to be quite groundless. I applaud the requirement to have photographs on drivers licences and I look forward to seeing my own photograph on my drivers licence.

Mr Cowan: No-one else will.

Mr CARPENTER: That is one of the reasons I have never had my photograph on my drivers licence. I am probably one of the least photogenic people of all time. I do not like the prospect of looking at an ugly mug staring at me every time I need to produce my drivers licence but I am prepared to accept it for the good of the common cause.

Mr Cowan: You could go for having a shave every morning.

Mr CARPENTER: I can do that without using a mirror. I use a sharp stone. Another point was brought up by the member for Midland.

Ms MacTiernan: You are covering the range of everyone's comments.

Mr CARPENTER: Why not? The member for Midland lamented the absence of a provision to allow people to ride pushbikes on footpaths. I tend to agree with her in that regard, although there should be a very strict limitation as to who should be allowed to ride a pushbike on a footpath.

Ms MacTiernan: What about pedestrians' rights?

Mr CARPENTER: I think commonsense could be used in the extension of legislation into this area.

Ms MacTiernan: Not to anyone who wears lycra.

Mr CARPENTER: I can tell a story about that. An elderly male constituent of mine came into my office some time last year. He had been a frequent correspondent with me both by mail and on the phone, imploring me to pressure the City of Fremantle Council to lop the trees over the footpaths in Hilton because he found it difficult to ride his pushbike along the

footpaths without getting swiped by the branches of the trees. I tried to explain to him that I was having some difficulty in convincing the council that this was a genuine reason for lopping the branches of the trees. I asked him to come in to see me. He came in. I did not pick it up at first but I knew there was something a little odd about him. I went through the issues with him and asked him what was the problem with the branches. He said that he could not ride his pushbike on the footpath with the branches hanging down because they kept striking him because they were too low. I asked him why he did not try riding his bike on the road. He said he could not do that because he was blind. Some people prefer to use the footpath if they can, and he was one of them.

Mr McGowan: Did you get the trees lopped?

Mr CARPENTER: No. I have seen him using his pushbike on the footpaths in Hilton but he does not take his life in his hands and go out onto the road.

Mr Pendal: We have a couple of people like that on the government front bench.

Mr CARPENTER: At the moment.

The DEPUTY SPEAKER: Order!

Mr CARPENTER: We are in an evolutionary process with road safety. All Governments have inched forward incrementally along that path. This Government is doing the same. If we look at the statistical revelations of history, we can see that we have come a very long way with road safety in Western Australia and across Australia. I hope that none of these fascinating details has been provided to the House already by other speakers. If members cast back their minds to the 1970s, they will see that, in retrospect, the road fatality statistics at that time were quite amazing because they were so high. I well remember the debates about the introduction of seatbelts, which was looked on as another infringement of civil liberties, about random breath testing and 0.08 and so on. The counterargument was that these measures would save lives. If members look at the trend in road fatality statistics, they will see that those measures have saved lives. In 1973 in Western Australia there were 358 road fatalities in a population of 1.06 million and with 500 000 registered motor vehicles on the road. In 1974, when I got my licence, there were 334 road fatalities and in 1975 there were 304 road fatalities. If my memory serves me correctly, 1974 was the year in which the use of seatbelts became compulsory in cars that were fitted with them.

From that period on the statistics drop away quite dramatically. That was a simple measure, which was resisted by many people at the time, which has probably saved thousands of lives in the intervening 19 or so years. The requirements for drivers licences have also become more realistic and rigid. When I got my motorcycle licence in 1976, I was living and working in Wellington in New South Wales with a group of people who had motorcycle riding among their indulgences which I can report to the Parliament. I joined in and bought a motorcycle in 1976. It was a 350 Honda XL trail bike which enabled me to go on and off road, because I wanted to do that. The day I went to get my motorcycle licence in Wellington in 1976 was not unlike today - overcast, rainy, cold and wet. I rode the bike to the local police station, went inside and told the sergeant what I was there for. He told me to go outside with him. He stood on the front verandah, peered out at the rain and told me to ride my bike down to the end of the road, turn left, go around the block, come back past the police station, turn right and do the same on the other block - in effect, a figure eight - while he watched me. I got on my bike, headed off down the road, got to the corner and turned left. I looked back at the police station to see the policeman going back inside out of the rain. I did the figure eight, negotiated it safely, got back to the police station and went inside. He asked me how I went, and I said, "I got back all right." He said, "That's good enough for me" and he stamped the paper and gave me my licence. I then got on the motorcycle, rode around the corner and fell off in front of an oncoming vehicle. Fortunately I was not injured, and there were no other serious accidents.

The number of fatalities among the people I and the member for Albany know in the God's Garbage motorcycle gang, with whom I went to school and who would have got their motorcycle licences around that time, is phenomenal and in a real sense very tragic. It is a good thing that the application to get motorcycle licences and drivers licences has become more difficult. Incidentally, to follow up with my story, I continued to ride the motorcycle. I rode it up and down the east coast of Australia, around the Birdsville Track, across the railway line and back to Western Australia. I then had a very bad accident on Woogenilup Road in the Porongurups, which I was genuinely lucky to survive. I realised then that it was time to give it away; it was too dangerous and my riding skills were not up to it. It is a pity that some other people do not have that same realisation before it is too late. I was lucky; I gave up riding motorcycles and survived a couple of years of high-risk activity.

Mr Day: You weren't going too fast, I suppose?

Mr CARPENTER: Yes, I was going fast. Woogenilup Road is a curving, gravel road around the side of the Porongurups and I shot straight off the edge of it. I was tangled up between boulders and the fence. I was very lucky that I did not break my neck. I hurt my back and neck, but I survived. I applaud the provisions in this legislation which require greater studiousness and preparation for the drivers licence test. It is a good thing and it will save lives. We will see that in the statistics that follow from when this legislation takes effect. By far the greatest proportion of people who are killed in motor vehicle and motorcycle accidents in Western Australia and across Australia are young people under the age of 25 years. Most of those are young men who are involved in risk-taking activities. If members have ever had the misfortune of visiting the Shenton Park rehabilitation clinic - I think it is still the major rehabilitation clinic for people who are injured in car accidents - they will see the ravages of car and motorcycle accidents. It is distressing to see. It is almost exclusively males whose lives are completely destroyed by an instant of inattention, foolishness, stupidity or just plain bad luck. This

legislation will go some way towards alleviating that frightful cost to our community. I do not know what has happened under this Government, but it seems as though its record in preventing road fatalities and general road trauma is not what it should be.

That statement is borne out by the statistics provided in the report titled "Reported Road Crashes in Western Australia 1998." In 1993 in Western Australia there were 209 road fatalities at a rate of 12.2 deaths per 100 000 head of population. Although there are more fatalities in the last-recorded year of 1998, the fatality rate is still 12.2 deaths per 100 000 population. There was a decrease in the fatality rate in every other State over the same period. In 1993, in New South Wales the fatality rate decreased from 9.7 deaths per 100 000 head of population to 8.8; in Victoria, the rate decreased from 9.5 deaths per 100 000 in 1993 to 8.4 in 1998; in Queensland the rate decreased from 12.6 deaths per 100 000 in 1993 to 8.1 in 1998; in South Australia the rate decreased from 14.8 deaths per 100 000 in 1993 to 11.3 in 1998; in Tasmania it decreased from 12 deaths per 100 000 to 10; and in the Northern Territory, which boasts of having no speed limit, the rate in 1993 was 25 deaths per 100 000 - more than twice as high as that in Western Australia - which increased to 36 deaths per 100 000 in 1998. That figure is three times higher than the rate of any other State or Territory in Australia. The rate in the Australian Capital Territory, which had a very low figure in 1993, decreased as well, although the statistical size of the ACT is small and the number of deaths in 1993 was very small. The rate of road fatalities in all other States, apart from the Northern Territory, per 100 000 people has declined significantly, but in Western Australia it has not. Yet during the 10 years leading up to 1993, there was a considerable and steady decline in the road fatality statistics. I do not know how one attributes blame to a Government over that period for its failure to bring down the road fatality statistics, but clearly not enough was done.

There has been a lack of will from this Government to tackle the issue as it relates to country areas and non-metropolitan Western Australia in which the rate of road fatality is so high. This is only a proposition, but I think that is affected by politics, in that so many members of the Government represent rural and regional Western Australia and, as has been the tradition in this State, those members are reluctant to upset conservative local communities by introducing more rigorous road safety laws and requirements.

I followed the debates of backbenchers of this Government about allowing people to ride in the back of utilities. This same factor has hamstrung the Government to some extent in its move forward with this legislation. That is unfortunate, and will cost lives. At one stage the statistics that were presented to this Parliament on how many people were killed in utility rollovers in Western Australia, which were classified as avoidable deaths, was between six and 10. Just a few weeks ago, I went to the Kimberley with Hon Tom Stephens and we drove from Kununurra to Wyndham and passed two groups of local people who were riding in the back of a utility. There must have been six or eight individuals in the back of those vehicles. The facts are well documented: Riding in the back of an open vehicle is extremely dangerous and will cost lives. It is regrettable that the Government was driven by its backbenchers not to make that practice illegal in Western Australia, because people will die from that.

Ms MacTiernan: A person came to see me and said that one of the great ironies could be seen as they pulled up outside the school where parents were strapping themselves into the front of the ute and the children were getting into the back where they were unrestrained.

Mr CARPENTER: It is a matter of community attitudes. When we were passing vehicles in the opposite direction on the road from Kununurra to Wyndham I asked in conversation with Hon Tom Stephens how difficult it would be in the Kimberley and outback areas to enforce a law that made riding in the back of a utility illegal. He said it was a matter of changing attitudes. Attitudes can be changed, and the Government has demonstrated that. Its attitude towards things has changed. I may be saying this unjustly, but strong opposition came from some members of the National Party about lowering the blood alcohol content allowable in people driving vehicles, from 0.08 per cent to 0.05 per cent. At the time, people said it would have a devastating effect on country communities. Eventually, the conservative parties in Western Australia accepted it. It was implemented and it is now broadly accepted by the people of Western Australia that a limit of 0.05 per cent BAC is preferable to 0.08 per cent BAC. It is unfortunate that the Government has not bitten the bullet on people riding in the back of utilities.

Ms MacTiernan: Like many things, it will do it one day!

Mr CARPENTER: It should be done as soon as possible. The next Government will have the opportunity of doing it and that is probably not too far away. The current Government will be able to cheer from the sidelines.

I understand that seatbelts on school buses would be a difficult regulation to implement. Having ridden on school buses as a child I can see that there are potential difficulties. However, again, attitudes have changed, especially since the horrific crashes on the east coast of a few years ago, when dozens of people were killed in single crashes. There was a time when nobody thought to wear a seatbelt when driving a car and when children stood on the front seat next to their mother or father while travelling at 65 miles an hour. No-one thought anything of children being unrestrained in the front or back seats. However, very few people - nobody in his right mind - would do that these days because attitudes have changed. Seatbelts on school buses is such an issue.

Governments must take the lead generally on these issues because opposition to them is always voiced more loudly and more forcefully than support of them. Once the changes are made, the community soon gets used to them and is appreciative of the fact that they have been introduced and that the Government has shown the lead. I trust that would be the case in relation to the requirement for children on school buses to be restrained with seatbelts. However, as I said, I realise it will create difficulties for the bus operators, although some arrangements could be made to help that transition period.

Owner onus has been referred to by various speakers. I was surprised by the revelations of the member for Fremantle on this subject. I was curious, because I have been the recipient of two speeding notices from my passing Multanova radars recently, one for which I was the driver of my lease-plan vehicle, and the other for which I was not, and I have not yet paid that fine. After listening to the member for Fremantle I realised that until I had confessed in here, I probably would not have had to pay the fine. However, I will pay it and accept responsibility for that car being in my control and for the person who was driving it, who was exceeding the speed limit. Unless we are all being misled by this clause, there is an anomaly in the legislation. The Government should have resisted the pressure applied by the sorts of people referred to by the member for South Perth. We cannot allow a situation in the State where the law applies differently to one group of people over and above the rest.

Ms MacTiernan: Mr Hughes wants his customers to be able to drive his vehicles around the streets of Victoria Park. Surely that is reasonable?

Mr CARPENTER: Yes, it is reasonable. I have worked for several employers where I have had the use of their vehicles, and it is simple to keep control of who is driving company vehicles by keeping a decent record of it.

Ms MacTiernan: Apparently things have changed - you hand out a Porsche to someone and do not ask the person his name!

Mr CARPENTER: I am not being critical of John Hughes because he has a particular view of this matter. It is the responsibility of the legislators and, as with all sorts of legislation, various opinions come forward from the community about the effect legislation will have on them and the desirability of it for particular people or groups of people. The arguments mounted by car dealers and other companies which have pools of vehicles should have been resisted, and the Government should have taken a different line on this issue. In my view, if a vehicle is involved in any infringement or breach of the law, unless it has been stolen the owner of that vehicle is responsible for it and that is where it stops. If the owner of the vehicle cannot force the person in control of the vehicle at the time to pay the fine, that is too bad and the owner must pay it. Somebody must pay. We cannot open loopholes in the law to allow people to slip through them.

If the member for Fremantle is correct - he has an incisive mind on many issues and I trust he is correct - it is ridiculous and outrageous that a group of people, such as politicians, should be presented with a loophole to avoid paying fines when the constituents we represent do not have the advantage of that same loophole. It should have been closed or never opened in the first place.

Grant Dorrington, the chairman of the Road Safety Council, who is a thorn in the side of various groups in the community, often makes good sense in the issues he brings to the attention of the public. He is pursuing a revised speed limit of 50 kilometres an hour in built-up urban areas. It might be argued that most people would resist that, but I have been reading a report in the Parliamentary Library about community attitudes to road safety. Research has been done on this subject - I hope it has not been doctored - and I was surprised to read that a large majority of the respondents to that survey are in favour of reducing speed limits in built-up urban areas from 60 to 50 kilometres an hour. I think this will eventually be introduced, and sooner or later a Government - probably a Labor Government in the next year or two - must look closely at this issue of speed limits in built-up areas. It is a matter of community attitudes. Roads close to schools have a speed limit during certain periods of the day of 40 kilometres an hour. That was imposed as a result of recommendations following a review chaired by Hon Barbara Scott, and it was a very good recommendation. There is no doubt that sooner or later that provision will save a life in this State, and it may already have done that. No doubt reducing the speed limit from 60 to 50 kilometres an hour in built-up urban areas will have the same effect.

Ms MacTiernan: It must be done on arterial roads - that is where it will have the effect. There is not much point doing it elsewhere.

Mr CARPENTER: The road I live in would not be described as an arterial road, and I quite often see vehicles powering along the road at speeds well in excess of 50 kilometres an hour and probably 60 kilometres an hour. I have four young children, and I would like to see the maximum speed in the area in which I live reduced from 60 to 50 kilometres an hour, because fatal accidents probably occur frequently as a result of the speed limit being 60 rather than 50 kilometres an hour. In general terms, this legislation is a step forward. However, it shows, once again, that the Government is not prepared to bite the bullet on the hard issues. That is a shame, because that will need to be done sooner or later. Those issues will be addressed by the next Government, and lives will be saved as a result. However, there are some good measures in this legislation, and those measures we support.

MR BROWN (Bassendean) [9.10 pm]: In introducing the Road Traffic Amendment Bill 1999, the Minister for Local Government is recorded at page 3700 of *Hansard* as saying, "This Bill focuses on reducing the carnage on our roads." No-one can quibble with the fact that strong action needs to be taken to reduce the carnage on our roads and to reduce the number of lives lost and the horrific injuries that occur all too frequently. However, a number of the initiatives that have been suggested by the general public in letters to the Editor of *The West Australian*, on talkback radio and in other public forums do not seem to be present in this Bill.

One initiative that has been talked about is the need for greater scrutiny of the trucking industry, particularly the insistence that the people in charge of significant rigs keep logbooks to ensure that they do not drive for an inordinate number of hours and thereby put other road users at risk. There is nothing in the minister's second reading speech to require the upgrading or greater scrutiny of logbooks with regard to time spent behind the wheel, or whatever. In television programs over the past few days, concerns have been expressed by people in the transport industry that the recent significant increases in fuel prices and the ever-increasing demands by the customers of transport companies not to increase prices is putting greater

pressure on road transport companies and individual drivers to keep costs down by driving for a greater number of hours. In a recent visit that I made to Geraldton, I spoke to a gentleman who operates a transport company, and he indicated that the pressures in the marketplace were such that his company found it extremely difficult to compete, notwithstanding the fact that it prided itself on having high quality vehicles and highly experienced drivers, because when it came to getting a fair share of the market, people looked for price and price alone. Other less than ethical operators have vehicles that are not roadworthy and drive for excessive distances, thereby putting other road users at risk. I am keen to know from the Deputy Premier why nothing is being done to place greater scrutiny on the road transport industry, particularly by the keeping of logbooks, to ensure that people do not drive an excessive number of hours with heavy rigs and thereby put other road users at risk.

Perhaps the Deputy Premier can tell me by way of interjection why that is not in the legislation and where else it is covered. On the other hand, perhaps he will tell me that it is not an important issue; that, in the great scheme of things, it does not rate. To many, it is an important issue, particularly when we have seen increasing fuel prices and immense pressure on transport companies and individual operators not to increase prices. In attempting to do so, they are driving longer hours each day. Surely something along those lines should have been included in the legislation, particularly when we see large signs in country areas telling us not to drive when we are tired and when we hear advertisements encouraging people to stop and walk around their vehicles when they are tired. Many operators in the road transport industry are being subjected to enormous pressure to minimise or lessen costs and thus are being pushed into driving longer and longer hours.

The other provisions I looked for in the Bill but cannot see are those relating to the use of a hand-held mobile phone in a motor vehicle. We have been witness to extensive debate in the public arena - letters to the editor and so on - about whether Western Australia should ban the use of hand-held mobile phones in motor vehicles. That does not mean that people would be precluded from using hand-held mobile phones; rather, they would be precluded from using one hand to operate the phone while having the other hand on the steering wheel.

Mr Minson: It is better than using two hands to operate the phone!

Mr BROWN: That is true.

I understand, but I may be corrected, that legislation in other States allows people to use hands-free mobile phones in motor vehicles. A couple of years ago, installing a hands-free kit in a motor vehicle was very expensive. When I first bought one some years ago it cost about \$300 or \$400. So, for many people they were not viable. However, that has changed and it is now possible to purchase an earpiece and microphone device that attaches to the phone for about \$25. That enables a driver to stop at a traffic light or a stop sign, or to pull off the road, dial a number and use the phone without needing to hold it - it can be in a pocket or wherever. It is just like speaking to a passenger.

I am surprised that this legislation, if it is about reducing the road toll, does not prohibit or make it an offence to use a hand-held mobile phone when driving. A listener rang one of the talkback shows the other day and talked about seeing a driver pass by using one hand to hold a mobile phone and the other to make notes. Driving the car was purely incidental. The only problem was that the vehicle was travelling along the road and the person concerned was supposed to be driving it. The driver was focused on talking on the phone and writing a message. That does not seem to be covered by this legislation. Perhaps it is a matter for the Police Act, but one Bill can pick up amendments to various pieces of legislation. If there were an interest in ensuring that this Bill led to a reduction in the number of road accidents, deaths and injuries, surely it would include provisions relating to that issue. Again, the Deputy Premier may care to elucidate why this issue is not a concern in Western Australia although it is in a number of other States.

Another issue dealt with in this Bill is the use of Multanovas. A great deal of debate has taken place about Multanovas being put at the bottom of hills, where a car will naturally speed up, about their being placed immediately in front of signs indicating that the speed limit is to increase from 70 to 80 kilometres per hour, or their being placed in other areas where it is easy to catch somebody and increase revenue as opposed to deterring speeding. In this regard, there does not seem to be any inclination to follow with Multanovas what happens with cameras at traffic lights. As members know, in the metropolitan area and maybe in some regional centres, cameras, or at least camera boxes, are at the traffic lights at certain intersections. Prior to the traffic lights is a large sign which indicates that a camera is at the intersection. Therefore, when approaching the intersection, the motorist knows that a camera is there. The motorist is not startled by the fact that a camera, or at least a camera box, is there because he is warned. If the motorist elects to go through the traffic lights when he should not, he knows that the possibility is that his photograph will be taken and he will finish up with a fine.

We all know that there are many more camera boxes than cameras. I do not know how many cameras there are - maybe a dozen, maybe 30. However, there seem to be many camera boxes and many signs. Therefore, they certainly have a deterrent effect. Along the route I take to Parliament, there are possibly two, and maybe even three intersections at which it is clear for all to see that there is a camera box. Whether a camera is in the box is another matter, but there is a camera box. People know that if they choose to run the lights, they do so at great risk. The end result is that people in most instances do not elect to take the risk, and that has a positive effect on road safety.

The question I have posed from time to time, to which I have never received an answer, is: If that system works at intersections, why does it not work with Multanovas; that is, why is it not possible to have Multanova boxes or whatever one might call them? Whether or not a Multanova is in the box one might not know, but at least a large sign in front would say, "Multanova here." People would then have the option to speed past the Multanova box at 20 or 30 kilometres per hour over the limit, knowing that a machine might be sitting inside the box.

Mr Minson: The reason is that there are so many Multanovas that it does not have to be done.

Mr BROWN: The point is that it does not need to be done if it is a revenue-raising exercise. If it is about slowing down people, it will be done one way; if it is about raising money, it will be done another way. If the Government wants to raise money, it will not tell people where the Multanovas are and they will be caught out. Therefore, it is a good revenue raiser. However, if the Government wants to slow down the traffic, it should warn people where the Multanovas are - not the television warning that somewhere on West Coast Highway next week there will be a Multanova, because that means nothing. People should be warned where they are and they will slow down because they will know that there is or might be a camera there. However, that is not done. What is done is that Multanovas are put all around the place. In some instances, I dare say they are put in areas where there have been accidents and problems. However, in other instances they are put in areas where they are revenue raisers.

A short time ago I was fortunate to be taking my 89-year-old mother for a drive - one of the pleasures she has. We were driving in the member for Joondalup's area, I think, where the speed limit goes from 70 to 80 kilometres per hour. Just before reaching the 80 kilometres per hour sign, I was travelling at about 82 kilometres per hour, and my photograph was taken. It is either unsafe to drive at 80 kilometres in that area, in which case the sign should not be there, or that was simply revenue raising. It was an opportunity to fine somebody and get a dollar. It is that type of thing that makes people extremely angry. If the signs are in black spot areas where people know there have been problems or where the road is tricky or whatever else it might be, they might say, "That's a fair cop." However, when they are in a place like that, the police incur a lot of anger from motorists because they cannot see that there is a danger because that speed limit commences 20 metres up the road; or if they were driving at that speed limit before the sign, they may be doing only one or two kilometres over that limit at an area where there is no intersection, no traffic lights and no pedestrian crossing in between. That is a simple revenue raiser and is not about road safety at all. That is what makes many people cynical about the use of Multanovas. Multanovas have no doubt had an effect and I accept what the minister said in the second reading speech. However, there is doubt as to whether they are having an effect and whether people accept that they do a good job or whether they regard their use as a revenue raising process. Many people in our community, although accepting the deterrent value of Multanovas, do not accept that they are always placed in strategic positions designed to reduce the road toll. Many people believe that some of them are placed in strategic locations for the sole purpose of giving the Government greater revenues. In any event, that matter must be examined.

Another issue of danger that does not seem to be catered for in this Bill relates to the very large trucks which the community must contend with in the metropolitan area. Members may not have driven much around the metropolitan area, but enormous trucks drive down single lane roads. I am not referring to triple bogie road trailers but to trucks of enormous length. Motorists are slowed down by those trucks and have no chance in the world of overtaking them because they are slow and extremely long. These vehicles have been allowed in built-up areas.

Ms MacTiernan: In Kelmscott, we have one small, single lane street, Railway Avenue, which has 300 road trains a week on it.

Mr BROWN: The member for Armadale makes the point more graphically than I can. As everyone knows, motorists should have a great deal of patience when they drive; in an ideal world, everyone would have. However, if people find themselves behind these exceptionally slow vehicles, they just cannot overtake them. If they find themselves behind a small truck, they can overtake easily; however, they must travel a heck of a long distance to overtake one of these enormous vehicles. They therefore sit behind those trucks for quite a while, which causes them frustration and then to take a punt on passing them. That is when problems arise. Nothing in this Bill addresses that problem; the reverse is the case. The other day when I was driving into the city, I could not believe my eyes when I saw an enormous vehicle turn into William Street. To cap it off, it had a trailer on the end of it. The trailer had something that looked like a bobcat on it. It was going down William Street in Perth! People ask why traffic accidents occur. They ask why drivers are impatient. It must be accepted that there will be these problems if such massive vehicles are allowed onto roads for which they are not suited. The coalition's 1993 policy stated it would introduce designated truck routes.

Ms MacTiernan: There are designated truck routes. Railway Avenue, Kelmscott, is not a designated truck route, yet 300 road trains are allowed to go down it every week. It is extraordinary.

Mr BROWN: I have been corresponding with the Minister for Police about standard traffic fines. I invite the Deputy Premier to speak about this issue in his response. There are a lot of low income earners in my electorate. One gentleman told me how he saves for Christmas by putting a \$2 coin into a test tube each week. At Christmas he has 50 \$2 coins - \$100 - which is his Christmas present to himself. That is when he has a good time and splashes out. It is the one time of the year when he has some discretionary money; a whole \$100. If low income earners go through a Multanova radar - they should not be speeding but neither should anybody else - they might cop a \$100 fine. One hundred dollars is an enormous amount of money to a low income earner. For members of Parliament, \$100 is neither here nor there and it is petty cash to a minister. For many in the community \$100 is nothing; they will write out a cheque without blinking an eyelid. However, for many, including the people in my electorate who are battling, \$100 is an enormous amount of money. I am not suggesting that the Government should introduce a system whereby one is asked how much one earns and is fined accordingly. However, a means-tested system could be introduced. For example, a lower fine could be imposed if someone is on a pension or receives the family allowance. This would not be because it is a less significant offence, but because standard fines disproportionately affect lower income earners. A few of my constituents feel extremely strongly about this issue. One in particular comes to see me about it because he is battling. He does not have any discretionary money.

Mr Minson: Should a means test apply across the board to all fines? I have given this matter a lot of thought. Along with jail, fines are our main form of punishment. Does the member think that ought to be carried further?

Mr BROWN: I have not given much thought to how the concept would apply across the whole system. I need to think it through. I think logic says that yes, if it is done in this area it should apply in others. However, I have not thought about it laterally. It is true that \$100 is an enormous amount of money for low income earners. My electorate has a high number who fall into that category. It is an unbelievable amount of money. If one went to some people in my electorate and gave them \$100 they would think that they had won lotto. I really think that it is important for this to be considered. At the moment it is not even being considered. I do not profess to come up with a solution and say that it should be a certain amount of money. I know that there will always be the anomaly of someone being on unemployment benefits but getting something extra, and the problem of comparing and contrasting, but we do make concessions in other areas. If the fine is designed to be a penalty, which it is, because someone has done something wrong, at least let it be a proportionate penalty. Let it have the same effect on different income groups; for the high income groups, whoever they may be, \$100 is the cost of a good night at a restaurant.

Mr Bloffwitch: They can go to the court and get time to pay. They can pay it off at \$5 a week.

Mr BROWN: This is the problem. One of my constituents said he could not pay and required time to pay. Do members know what then happened? He went to the fines enforcement registry which allows time to pay, but they now charge a fee. One now has to pay \$100 for the fine and \$47 because it is not paid off in one go. One has to pay \$147. We talk about equity in the system, but this absolutely stinks for low income earners and it is highly inequitable. I have been urging the Minister for Police and the Attorney General to address this problem. We have been exchanging correspondence, and I think it is the minister's turn to reply to me; when he replies he may get another letter back. I intend to push this matter because there is gross inequity in the way the current system operates.

I am pleased that this Bill does not include one matter and that is the proposal that was to be included but that has been pulled out by the Minister for Transport. The proposal was to allow people who received a licence to drive an automatic vehicle to get a licence to drive a manual vehicle after 12 months or two years. Major concerns were raised by a number of people who came to see me, and I and others made representations to the minister and it is my understanding that the provision has now been removed from the Bill. Although I am concerned about some provisions that are in the Bill, I am pleased that the minister has decided that it was an inappropriate clause.

Many initiatives in the Bill are worthy of support. There is an obligation on government, whatever its political colour, to try to do whatever is possible to reduce the road toll. The minister said in his second reading speech that some of the initiatives that are dealt with in the Bill will have that effect; however more could be done. Some of the areas that I have had outlined would also contribute to lowering the road toll, in terms of both death and injury, and by not including such initiatives we leave people vulnerable on our roads.

MR COWAN (Merredin - Deputy Premier) [9.40 pm]: When dealing with an issue associated with motor vehicle licences, the first conclusion one must draw is that because the majority of us in this Chamber possess a motor vehicle drivers licence - not necessarily an all-category licence, but certainly a standard motor vehicle drivers licence - it seems that some members believe that makes them an authority on road safety issues. That may well be the case. Certainly, members' experiences give them, as it seems from debate, some claim to be authoritative on road safety issues. So they might be. The other feature of this debate is that the analysis of this legislation focused more on issues which people thought the legislation should contain as opposed to what is in the Bill. A number of members spoke about issues not covered by the legislation. It is not my intention to comment on many of those aspects. I will remark on the general debate which focused on the issues contained in the Bill.

First, I thank the Opposition members who spoke in support of the Bill, notwithstanding my criticism -

Mr Brown: Cynicism.

Mr COWAN: I will leave that judgment for others to make. Notwithstanding my criticism, members indicated, after all their comments, that they support this legislation. The Government appreciates that support. The lead speaker for the Opposition was the member for Armadale, who raised some issues which deserve an answer. Regarding the issues she raised concerning owner onus, these provisions in my view strike a fair balance between the rights of the individual and the need for effective law enforcement. Unquestionably, irrespective of the interpretation of the member for Armadale, there are no classes and distinctions. A person is listed as the responsible person. If a car belonging to a company or corporate body is photographed with the driver passing illegally through a Multanova or a red light camera, the responsible person nominated by that company or corporate body will receive a notice.

Ms MacTiernan: Where does it say that? Where is this responsible person?

Mr COWAN: It might have been legitimate to ask that question of the responsible minister and expect an immediate answer.

Ms MacTiernan: I cannot see it in proposed section 5A.

Mr COWAN: We have to look for the definition of "responsible person" in the first instance -

Ms MacTiernan: I don't think you have the scheme right there.

Mr COWAN: I am sure I have it right.

Ms MacTiernan: Can you clarify that? You actually believe that when a company owns a vehicle, it must nominate a responsible person.

Mr COWAN: That is my understanding.

Ms MacTiernan: I can tell you that that is not in the Bill.

Mr COWAN: I will find it for the member and draw it to her attention in the consideration in detail stage. I am sure the member will have plenty of opportunity to discuss the individual clauses and I will bring the provision to the member's attention when we reach the clause of the Bill which delivers that. Believe me, if that responsible person does not nominate who the driver was, does not sign a statutory declaration or say that the vehicle was stolen, that person is liable for a penalty which is twice the standard penalty. The member for Armadale and some of her colleagues have claimed that we will have a two-tier system. We will not have a two-tiered system. When we get to the consideration in detail stage, I will have the information and will be in a position to show the member where a responsible person is nominated within a company. If I am wrong about that and cannot find it, I will be the first to apologise to the member for Armadale for misleading her and the House.

The member for Armadale also raised some questions about the transitional arrangements for the transfer to the national drivers classification. As she alluded in her comments, they are a matter for regulation and are not contained in the Bill. The member raised an issue about someone simply sending a letter to give some authentication to the requirements of this Bill. If the member believes that needs to be strengthened, I am sure the Government will give consideration to the use of a statutory declaration. I was surprised by the member's comments about requiring a statutory declaration as opposed to a letter because at one stage in her contribution, the member for Armadale said a statutory declaration was worthless. That comment was backed up by her colleague the member for Fremantle.

Ms MacTiernan: You have to see that in the context. That's only because the statutory declaration -

Mr COWAN: We must always see things in the context.

Ms MacTiernan: That's because we are relying on photographic evidence.

Mr COWAN: I agree that one does. However, I am telling the member the context in which I saw her remarks and that is that they were contradictory.

Ms MacTiernan: No, they weren't.

Mr COWAN: I will not allow the member for Armadale to have a second debate in the second reading stage. I listened to her in comparative silence and it is not my intention at this stage to deal with issues which will be dealt with in the consideration in detail stage of this legislation. I will do that tomorrow or whenever the Leader of the House dictates.

I will go through the issues raised by the member for Armadale upon which I can make some comment starting with the provisions related to the requirement for a photograph and a signature and for the digital storage of the photograph. Again, should the member be overly concerned about unlawful possession of that information, the Government would be prepared to receive from her some proposal which might ensure that there is adequate safeguard against those persons who might have unlawful possession of a photograph or a signature.

A number of members have asked questions about the issue of demerit point notices. A considerable amount of regret was expressed that these demerit point notices would be forwarded by post. It will be by registered person-to-person mail. That, of course, means that the person to whom the notice is addressed must collect the letter personally. The person will have to produce identification and must sign to confirm that he or she has received that letter. That puts into place enough safeguards to ensure that those letters will not fall into the hands of people to whom they are not addressed and that people cannot argue that they did not collect them. If there is not a collection, as members know, Australia Post requires the letters to be returned to the sender. I am quite sure that the sender will take alternative measures to ensure that those notices are delivered.

Some questions were also asked about the quality of the kits that might be used for blood testing or urine samples. I assure the House that quality criteria will be included in any tender that would be called for the supply of test kits. There is no doubt at all that any successful tenderer will be required to meet satisfactory conditions. The member for Armadale raised a number of other matters which I do not think are relevant to this legislation. I have no doubt that she will exercise her prerogative and raise them again during the consideration in detail stage and so challenge the capacity of the chairman at the time to maintain some decorum and to ensure that we are dealing with the issues before the Chamber. The member for Fremantle began what seemed to be a common theme running through the remarks made by members of the Opposition. That was that they saw this Chamber as a modern confessional, so they all must own up to some terrible -

Ms Warnock: Misdemeanour?

Mr COWAN: Yes, some misdemeanour that they had committed. They may have felt that they cleansed their soul. I am not sure. The member for Fremantle echoed the comments made by the member for Armadale that we had a two-tier system. I guess he elaborated a little more on this two-class society. May I assure the member for Fremantle that where a company does not identify the driver, he can be sure that the company will pay a fine, which is double the fine that would

be applied to an individual. The company must nominate a responsible person who must sign a statutory declaration to say that the company does not know who was the driver. I will find the relevant provision in the legislation for the member for Armadale. I am sure we will debate that in the consideration in detail stage. I found it interesting that the first four speakers for the Opposition were all lawyers. I did not find too many common threads running through their opinions on the provisions of this Bill, other than those which it did not contain. I assume - I do not know whether it is because I try to avoid the law as much as I can - that if a person signs a statutory declaration, it is a relatively serious matter. If a person makes a false statutory declaration, that is a serious offence.

The member for Kalgoorlie referred to one of the key principles in this legislation; that is, the graduated driver training and licensing system. She is correct; it provides a great deal more in testing the practical capability of young people. It is those young people of Western Australia who are vulnerable. I see drivers on P plates driving on a country road or even driving up the freeway at speed and they test the capability of their vehicles all the time by some of the manoeuvring that they undertake purely out of ignorance. No-one has given them an opportunity in a properly structured driving course to test the capability of a motor vehicle and what it will do in certain circumstances. It is pleasing to see these graduated driver training and licensing systems being put into place, and I will run through them quickly for the benefit of members. It begins with a pre-learner phase, which starts at primary school. Students will be taught the knowledge and attitudes they will need to be safe road users. Then at high school at 16 years of age, they will go to a learners permit test and once they have passed that test they will move to learner phase 1. That will provide supervised on-road learning, and that is a great advantage. When students reach certain skill levels, after going through learner phase 1 and passing a practical driving test before moving to learner phase 2, they are then encouraged to undertake a comprehensive program of driver skills, assessment and supervision in varying conditions. That also is very important. At 17 years of age, provided the students can pass a computer-based hazard perception test, they will be granted a provisional or probationary licence. They must then go through that probationary licence phase for two years, not one year as it stands at the moment. That will be a considerable advantage because it will teach young drivers not only about their ability to drive a car, but also about how that motor vehicle responds in certain situations which they might not normally encounter. When they do encounter those situations, it is far too late and they cannot prevent an accident.

The member for Kalgoorlie also raised the issue of rebates for drivers licences when drivers come from another State. That is not covered by this legislation. Every other member who spoke on this legislation raised issues which, to my knowledge, I have answered, other than those general comments which relate to their views and opinions about road safety. I do not dispute that they are entitled to their view. It is important that when we get to the consideration in detail stage members concentrate on the subject matter within the clauses with which we will be dealing and not deal with all of those things which seem to be the substance of much of the debate tonight; that is, what individual members think has been omitted from the Bill. I thank members for their support; sometimes it seemed to be reluctant support. That reluctance is perhaps because many members felt the Bill should contain a great deal more. Issues such as travelling in the open load space of a motor vehicle or a utility, or hand-held mobile telephones are not covered in the legislation and I do not intend to discuss those matters during the consideration in detail stage.

Question put and passed.

Bill read a second time.

House adjourned at 10.02 pm

Table 1 Comparison of Fatalities and Fatality Rates (per 100,000 Population) Between Australian States and Territories, 1993-1998

State	1993		1994		1995		1996		1997		1998	
	n	rate	n	rate	n	rate	n	rate	n	rate	n	rate
WA	209	12.2	211	12.4	209	12.0	247	14.1	197	11.0	223	12.2
NSW	581	9.7	646	10.8	620	10.2	585	9.4	578	9.2	560	8.8
VIC	435	9.5	378	8.4	418	9.2	417	9.2	377	8.2	391	8.4
QLD	396	12.6	422	13.2	456	13.9	383	11.4	358	10.5	279	8.1
SA	218	14.8	163	11.1	181	12.3	181	12.2	147	9.9	168	11.3
TAS	58	12.0	59	12.0	57	12.1	64	13.5	31	6.5	48	10.2
NT	44	25.2	41	24.0	61	35.1	72	40.5	60	32.1	69	36.3
ACT	12	3.9	17	5.7	15	4.9	23	7.5	16	5.2	22	7.1
AUST	1,953	10.9	1,937	10.9	2,017	11.2	1,972	10.8	1,764	9.5	1,760	9.4

Note: Number of fatalities for 1998 quoted from Federal Office of Road Safety web site (except for WA).
Population data for each state and territory taken from ABS, Catalogue No. 3101.0 June 1998.

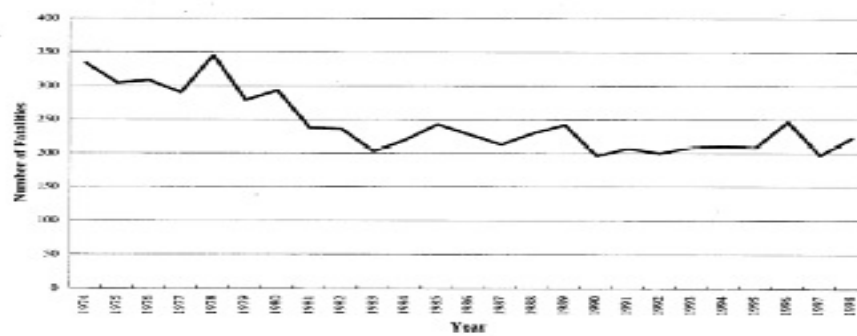
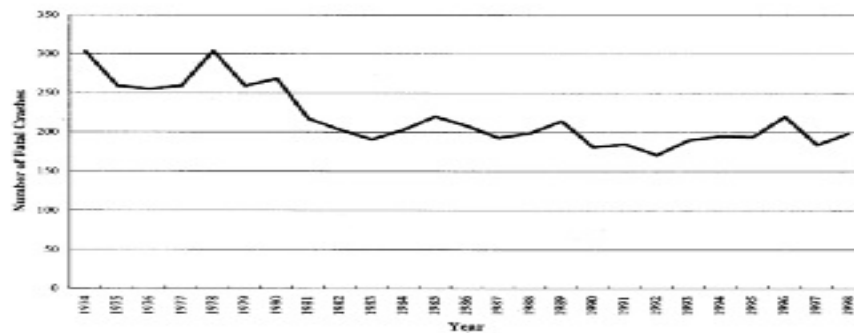
Figure 2 Road Fatalities, 1974-1998**Figure 3 Fatal Crashes, 1974-1998**

Figure 4 Serious Casualty Rates, 1980-1998

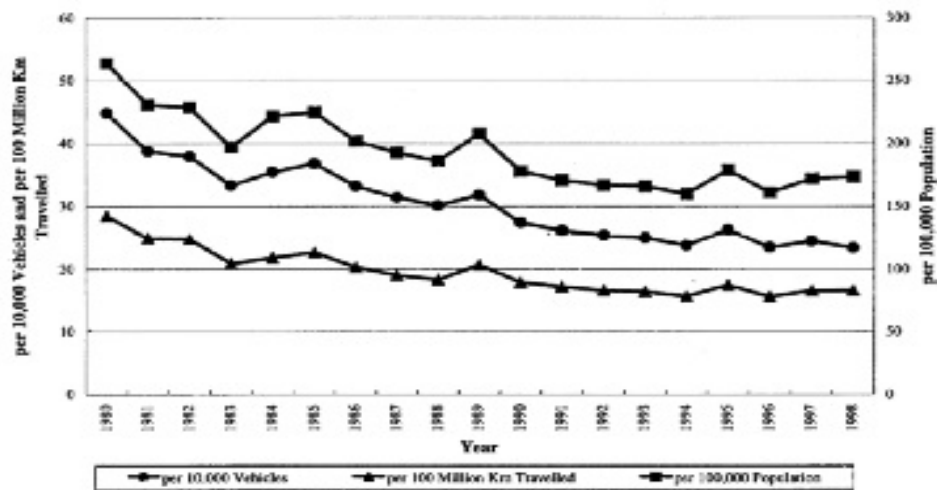
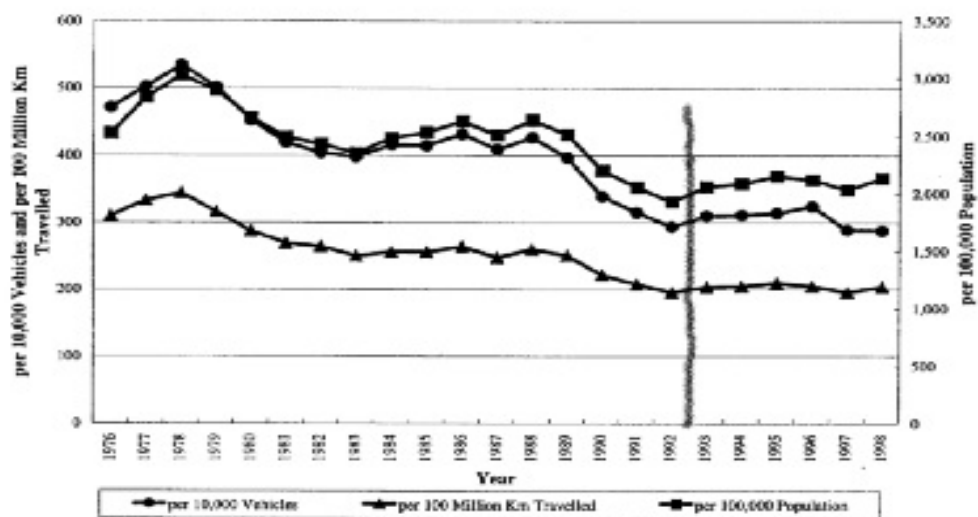


Figure 5 Total Reported Crash Rates, 1976-1998



QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1498. Mr BROWN to the Minister for Primary Industry; Fisheries:

- (1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?
- (2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?
- (3) If not, in what way does the Government seek to fulfil that commitment?
- (4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?
- (5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?
- (6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?
- (7) If so, what were the circumstances of that non-compliance?
- (8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?
- (9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr HOUSE replied:

- (1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEOs to comply with the objective of supporting regional economic development.
- (6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.
- (8) The Compact applies to all Government agencies.
- (9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1502. Mr BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?
- (2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?
- (3) If not, in what way does the Government seek to fulfil that commitment?
- (4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?
- (5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?
- (6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?
- (7) If so, what were the circumstances of that non-compliance?
- (8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?
- (9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with

the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr SHAVE replied:

- (1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEOs to comply with the objective of supporting regional economic development.
- (6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.
- (8) The Compact applies to all Government agencies.
- (9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1503. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

- (1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?
- (2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?
- (3) If not, in what way does the Government seek to fulfil that commitment?
- (4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?
- (5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?
- (6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?
- (7) If so, what were the circumstances of that non-compliance?
- (8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?
- (9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Dr HAMES replied:

- (1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEOs to comply with the objective of supporting regional economic development.
- (6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.
- (8) The Compact applies to all Government agencies.
- (9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1504. Mr BROWN to the Minister for Local Government; Disability Services:

- (1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?
- (2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?
- (3) If not, in what way does the Government seek to fulfil that commitment?
- (4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?
- (5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?

- (6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?
- (7) If so, what were the circumstances of that non-compliance?
- (8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?
- (9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr OMODEI replied:

- (1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEOs to comply with the objective of supporting regional economic development.
- (6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case in my portfolio where the Compact has not been complied with, he could give me specific details.
- (8) The Compact applies to all Government agencies.
- (9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1505. Mr BROWN to the Minister for Health:

- (1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?
- (2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?
- (3) If not, in what way does the Government seek to fulfil that commitment?
- (4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?
- (5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?
- (6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?
- (7) If so, what were the circumstances of that non-compliance?
- (8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?
- (9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr DAY replied:

- (1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEOs to comply with the objective of supporting regional economic development.
- (6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.
- (8) The Compact applies to all Government agencies.
- (9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, REGIONAL PURCHASING COMPACT

1507. Mr BROWN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

- (1) Does the Government have a policy commitment towards ensuring that Government work in the regions is allocated in a way that provides the best economic advantage to the region?
- (2) Does the Government endeavour to fulfil that commitment through its Regional Purchasing Compact?
- (3) If not, in what way does the Government seek to fulfil that commitment?

- (4) Does each department and agency under the Minister's control take steps to ensure that as much of the work it has in regional areas is allocated in the way which benefits such regional areas?
- (5) Does each agency and department under the Minister's control strictly comply with the Regional Purchasing Compact and particularly the preference for regional businesses as provided for under that compact?
- (6) Is the Minister aware of any cases where any department or agency under the Minister's control has not complied with the Regional Purchasing Compact?
- (7) If so, what were the circumstances of that non-compliance?
- (8) Are there any Government departments or agencies under the Minister's control that are exempt from the Regional Purchasing Compact, and if so why?
- (9) Is it true that at least one or more of the departments or agencies under the Minister's control has not complied with the Regional Purchasing Compact when allocating a contract due to the additional costs of applying the preference arrangement?

Mr BOARD replied:

- (1)-(5) The Regional Buying Compact is a Government policy that all agency Chief Executives must implement within their purchasing and contracting activities. The Compact outlines the obligations on CEOs to comply with the objective of supporting regional economic development.
- (6)-(7) The Government, through its agencies, awards many contracts throughout the State. If the member is aware of any case where the Compact has not been complied with, more specific details should be provided to the appropriate Minister.
- (8) The Compact applies to all Government agencies.
- (9) See question 6 and 7.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1520. MR BROWN to the Minister for Primary Industry; Fisheries:

- (1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?
- (2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?
- (3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?
- (4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?
- (5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?
- (6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?
- (7) If not, why not?

Mr HOUSE replied:

- (1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The compact compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEOs", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.
- (5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission

is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.

- (7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1524. MR BROWN to the Minister for Lands; Fair Trading; Parliamentary and Electoral Affairs:

- (1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?
- (2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?
- (3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?
- (4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?
- (5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?
- (6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?
- (7) If not, why not?

Mr SHAVE replied:

- (1) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The compact compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEOs", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.
- (5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.
- (7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1525. MR BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

- (1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?
- (2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?
- (3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?
- (4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?
- (5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?
- (6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?

(7) If not, why not?

Dr HAMES replied:

- (1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEOs", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.
- (5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.
- (7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1526. MR BROWN to the Minister for Local Government; Disability Services:

- (1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?
- (2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?
- (3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?
- (4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?
- (5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?
- (6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?
- (7) If not, why not?

Mr OMODEI replied:

- (1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case in my portfolio, he could provide me with details. The State Supply Commission recently issued a note to all CEOs, titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.
- (5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.
- (7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1527. MR BROWN to the Minister for Health:

- (1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?
- (2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?
- (3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?
- (4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?
- (5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?
- (6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?
- (7) If not, why not?

Mr DAY replied:

- (1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The compact compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEOs", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.
- (5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.
- (7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, CONTRACTS AGGREGATED IN REGIONAL AREAS

1529. MR BROWN to the Minister for Works; Services; Youth; Citizenship and Multicultural Interests:

- (1) Since 1 July 1997, have there been any occasions when departments and agencies under the Minister's control have aggregated or bulked up Government contracts let for work to be carried out in regional Western Australia?
- (2) Is it true that one or more departments or agencies under the Minister's control have preferred to aggregate or bulk up a number of smaller contracts into one larger contract for ease of administration or some other reason?
- (3) If not, will the Minister advise if any department or agency under the Minister's control has aggregated or bulked up a number of smaller contracts to one large contract for administrative or other reasons?
- (4) Is the Minister aware that some small regional based contractors have been unable to secure work as a consequence of only large contracts being let?
- (5) What steps does the Minister intend to take to ensure that regionally based contractors are not excluded from obtaining Government work as a consequence of contracts being aggregated or bulked up?
- (6) Will the Minister issue instructions to all departments under the Minister's control confirming that contracts are not to be bulked up or aggregated so that small business and small business contractors are not excluded (by virtue of size) from obtaining Government work in their region?
- (7) If not, why not?

Mr BOARD replied:

- (1)-(4) Government, through its agencies, awards many contracts. The structure of contracts is a matter for agency Chief

Executives, who are best placed to consider how to achieve their agency's outcomes efficiently and effectively. The Government's *Regional Buying Compact* illustrates our commitment to regional Western Australia by giving regional suppliers an enhanced opportunity to bid for government contracts. The company compels government agencies to give a level of financial preference to "local" suppliers in regional areas and educates those suppliers on how to take advantage of preferences available. Under the Government's Regional Buying Compact, agencies have an obligation to consider the key principles of the Compact, which include matters dealing with competition, packaging of work, value for money, devolution and the social implications of their decisions. The matters raised by the member will need to be considered on a case-by-case basis, and if the member has a specific case, this can be examined by the responsible Minister. The State Supply Commission recently issued a note to all "CEOs", titled "Are You Doing Enough" to remind them of their obligations under the Compact and how best to achieve the Government's objectives. The Regional Buying Compact has a grievance process, which can be accessed by contractors who have concerns with the application of the Compact by agencies. These concerns should be directed to the State Supply Commission.

- (5)-(6) The State Supply Commission is reviewing the effectiveness of the Regional Buying Compact. The Commission is developing a new policy to improve opportunities for regional suppliers to bid for government contracts which is designed to promote competitive local industry.
- (7) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES, ANNUAL REPORTS

1650. Mr RIEBELING to the Minister for Planning; Employment and Training; Heritage:

- (1) For each department or agency under the Minister's control, what was the total cost of producing the 1998-99 annual report?
- (2) What was the cost of -
- (a) artwork;
 - (b) publication;
 - (c) distribution; and
 - (d) writing?
- (3) Was the 1998-99 annual report produced wholly within the department or agency?
- (4) If not -
- (a) what services were provided by contractors; and
 - (b) at what cost?
- (5) Who printed the 1998-99 annual report?
- (6) How many copies of the 1998-99 annual report were printed?
- (7) If the annual report was designed by a contractor, what was the name of the contractor?

Mr KIERATH replied:

The following answer was correct as at 8 February 2000:

PLANNING:

Western Australian Planning Commission

- (1) \$10 670
- (2)
- (a) \$200
 - (b) \$9980
 - (c) \$490
 - (d) Nil.
- (3) No.
- (4)
- (a) Printing
 - (b) \$9 980
- (5) Scott 4 Colour Print.
- (6) 1000 copies.
- (7) Not applicable – designed in-house.

Ministry for Planning

- (1) \$11 956
- (2)
- (a) \$86
 - (b) \$11 380
 - (c) \$490
 - (d) Nil.

- (3) No.
- (4) (a) Printing
(b) \$11 380
- (5) Scott 4 Colour Print.
- (6) 1000 copies.
- (7) Not applicable – designed in-house.

East Perth Redevelopment Authority

- (1) \$18 073
- (2) (a) \$2 900
(b) \$8 328
(c) \$48
(d) Nil.
- (3) No.
- (4) (a) Proof reading, design and production
(b) Proof reading \$275
Design and Production (includes printing) \$17 798
- (5) Vernon Jones Design Graphics who outsourced to Frank Daniels Pty Ltd.
- (6) 500 copies.
- (7) Vernon Jones Design Graphics.

Subiaco Redevelopment Authority

- (1) \$11 282
- (2) (a) \$3 102
(b) \$8 080
(c) \$100 [estimate]
(d) Nil.
- (3) No.
- (4) (a) Artwork and publication
(b) \$11 182
- (5) Arranged by Gameren & Hobbs.
- (6) 500
- (7) Gameren & Hobbs.

EMPLOYMENT AND TRAINING:

Western Australian Department of Training and Employment

- (1) \$14,400
- (2) (a) provided in-house
(b) \$12,800 (printing)
(c) \$1,600 (approx: postage varies, 344 mailed out)
(d) provided in-house.
- (3) No.
- (4) (a) printing
(b) \$12,800
- (5) Frank Daniels Pty Ltd.
- (6) 1,500
- (7) Not applicable – designed in-house.

Colleges established under the *Vocational Education and Training Act 1996* report on a calendar year basis. Figures provided are for the College 1998 Annual Report.

Central Metropolitan College of TAFE

- (1) \$20,483
- (2) (a) \$1,800
(b) \$4,425
(c) Distribution was managed in-house throughout the year and the cost is not able to be estimated.
(d) \$3,000 (estimate of staff time)
- (3) No.

- (4) (a) Desktop publishing/artwork, publication and printing.
(b) \$17,483
- (5) MJB&B Advertising and Marketing.
- (6) 1,000
- (7) MJB&B Advertising and Marketing in line with the College's established corporate style.

West Coast College of TAFE

- (1) \$15,875
- (2) (a) \$5,391
(b) \$10,484
(c)-(d) Provided in house.
- (3) No.
- (4) (a) design
(b) \$5,391
- (5) Scott Four Colour.
- (6) 500
- (7) Egg Design.

South East Metropolitan College of TAFE

- (1) \$21,316
- (2) (a) \$10,523
(b) \$9,377
(c) \$500
(d) \$916
- (3) No.
- (4) (a) artwork, publication, distribution, writing
(b) \$21,316
- (5) Frank Daniels Pty Ltd.
- (6) 1,000
- (7) Binnie Design Group.

South Metropolitan College of TAFE

- (1) \$11,345
- (2) (a) \$7,295
(b) \$3,900
(c) \$400
(d) provided in-house
- (3) No.
- (4) (a) printing, design
(b) \$11,195
- (5) Advance Press.
- (6) 500
- (7) Graphic Design Group.

Midland College of TAFE

- (1) \$19,000
- (2) (a) \$330
(b) \$9,060
(c) \$250
(d) \$9,360
- (3) No.
- (4) (a) publication
(b) \$9,060
- (5) Print West Pty Ltd.
- (6) 400
- (7) Not applicable.

South West Regional College of TAFE

- (1) \$3,354
- (2)
 - (a) \$1,314
 - (b) \$2,040
 - (c) postage for approximately 20 copies
 - (d) provided in-house
- (3) No.
- (4)
 - (a) artwork, publication
 - (b) \$3,354
- (5) South West Printing and Publishing.
- (6) 250
- (7) South West Printing and Publishing.

Great Southern Regional College of TAFE

- (1) \$13,500
- (2)
 - (a) \$4,030
 - (b) \$9,475
 - (c)-(d) provided in house
- (3) No.
- (4)
 - (a) design, publishing
 - (b) \$13,500
- (5) Frank Daniels Pty Ltd.
- (6) 1000
- (7) Albany Design and Publishing.

Central West Regional College of TAFE

- (1) \$7,642
- (2)
 - (a)-(b) \$7,503
 - (c) \$139
 - (d) provided in-house
- (3) No.
- (4)
 - (a) artwork, publication
 - (b) \$7,503
- (5) Jam Design Studio.
- (6) 210
- (7) Jam Design Studio.

Hedland College

- (1) \$7,592
- (2)
 - (a) \$4,480
 - (b) \$3,112
 - (c)-(d) provided in-house
- (3) No.
- (4)
 - (a) artwork, layout, design, printing
 - (b) \$7,592
- (5) Frank Daniels Pty Ltd.
- (6) 150
- (7) Whistling Moose Graphics.

Karratha College

- (1) \$4,487
- (2)
 - (a) \$1,740
 - (b) \$2,747
 - (c) \$131
 - (d) provided in-house
- (3) No.

- (4) (a) artwork, publication
(b) \$4,487
- (5) Professional Printers.
- (6) 200
- (7) Design was largely handled in-house. Some artwork was provided by the printing company (Professional Printers).

HERITAGE:

Heritage Council of Western Australia

- (1) \$12 529
- (2) (a) \$8784
(b) not yet invoiced however cost breakdown for printing in the quote is \$3 833
(c) not yet distributed – estimated cost \$900
(d) provided in house
- (3) No.
- (4) (a) Artwork/production services, photography, negative preparation and printing
(b) \$12 529
- (5) Advance Press.
- (6) 420
- (7) Design Add.

GOVERNMENT DEPARTMENTS AND AGENCIES, ADVERTISING AND PUBLIC RELATIONS BUDGET

1672. Mr RIEBELING to the Minister for Planning; Employment and Training; Heritage:

- (1) For each department or agency under the Minister's control, what is the total 1999-2000 budget for -
 - (a) advertising (television, print and radio);
 - (b) pamphlets, brochures, bulletins and other forms of printed information, excluding annual reports and "in-house" bulletins; and
 - (c) public relations and events management?
- (2) For the period 1 January 2000 to 30 June 2000, can the Minister advise of the planned -
 - (a) advertising campaigns (television, print and radio);
 - (b) pamphlets, brochures, bulletins and other forms of printed information, excluding annual reports and "in-house" bulletins; and
 - (c) public relations campaigns and events management?
- (3) For the period 1 January 2000 to 30 June 2000, can the Minister advise of the estimated cost and approximate commencement or publishing dates of -
 - (a) advertising campaigns (television, print and radio);
 - (b) pamphlets, brochures, bulletins and other forms of printed information, excluding annual reports and "in-house" bulletins; and
 - (c) public relations campaigns and events management?

Mr KIERATH replied:

The following answer was correct as at 21 December 1999:

I am not prepared to devote the considerable resources which would be required to provide the information sought. However, if the member has a specific question, I will endeavour to provide the information.

GOVERNMENT DEPARTMENTS AND AGENCIES, PRINTED INFORMATION

1694. Mr RIEBELING to the Minister for Planning; Employment and Training; Heritage:

- (1) For each department or agency under the Minister's control, what brochures, pamphlets, bulletins and other forms of printed information, other than annual reports and "in-house" bulletins, were produced during 1998-99?
- (2) For each brochure, pamphlet, bulletin and other form of printed information, will the Minister advise -
 - (a) the original and final costs;
 - (b) the purpose; and
 - (c) the names of any contractors involved in the production, and the services they provided?

Mr KIERATH replied:

The following answer was correct as at 21 December 1999:

Due to the amount of printed matter produced as a result of the nature of the agencies and departments within my portfolio responsibilities, I am not prepared to devote the considerable resources which would be required to provide the information sought. However, if the member has a specific question, I will endeavour to provide the information.

METROPOLITAN CEMETERIES BOARD, FINANCIAL STATEMENTS

1727. Mr RIPPER to the Minister for Local Government:

- (1) Did the Auditor General's Public Sector Performance Report No. 7 of November 1999 find that the Metropolitan Cemeteries Board had a significant variation between the published and audited financial statements for 1997-98?
- (2) In what way did the published financial statement, which would have appeared in the tabled annual report, vary from the audited financial statements signed off by the Auditor General?
- (3) What was the reason for this variation?
- (4) What action has been taken to ensure that the Metropolitan Cemeteries Board does not again place itself in such an embarrassing situation?

Mr OMODEI replied:

- (1) The Auditor General's Public Sector Performance Report No 7 of November 1999 did list the MCB as having 3 Exceptions and 7 Non-Disclosures in the 1997-98 Annual Report. Of these, 2 Exceptions and 1 Non-Disclosure relate to the published and audited financial statements.
- (2) The Auditor General, in a letter to the MCB regarding this issue, advised that "Comparison of the audited financial statements and performance indicators to those published in the annual report identified a number of editing and printing errors."
- (3) The editing changes and printing errors were of a minor nature and occurred at the printers. These errors were not detected prior to the final copy of the Annual Report being printed.
- (4) The MCB has advised the Auditor General that the discrepancies have been noted and will be taken into account for the preparation of future reports.

METROPOLITAN CEMETERIES BOARD, PERFORMANCE INDICATORS

1728. Mr RIPPER to the Minister for Local Government:

- (1) Did the Auditor General's Public Sector Performance Report No. 7 of November 1999 find that the Metropolitan Cemeteries Board had a significant variation between the published and unpublished performance indicators for 1997-98?
- (2) In what way did the published performance indicators, which would have appeared in the annual report, vary from the unpublished performance indicators signed off by the Auditor General?
- (3) What was the reason for this variation?
- (4) What action has been taken to ensure that the Metropolitan Cemeteries Board does not again place itself in such an embarrassing situation?

Mr OMODEI replied:

- (1) The Auditor General's Public Sector Performance Report No 7 of November 1999 did list the MCB as having published performance indicators in its 1997-98 Annual Report that differed from the audited performance indicators.
- (2) The published performance indicators included a graph that was not in the audited performance indicators.
- (3) The inclusion of the graph was an editorial oversight and was not detected prior to the final copy of the Annual Report being printed.
- (4) The MCB has advised the Auditor General that the discrepancy has been noted and will be taken into account for the preparation of future reports.

LAND AUTHORITY, FINANCIAL STATEMENTS

1729. Mr RIPPER to the Minister for Lands:

- (1) Did the Auditor General's Public Sector Performance Report No. 7 of November 1999 find that the Western

Australian Land Authority had a significant variation between the published and audited financial statements for 1997-98?

- (2) In what way did the published financial statement, which would have appeared in the tabled annual report, vary from the audited financial statements signed off by the Auditor General?
- (3) What was the reason for this variation?
- (4) What action has been taken to ensure that the Western Australian Land Authority does not again place itself in such an embarrassing situation?

Mr SHAVE replied:

LandCorp

- (1) No. However, there was one minor discrepancy.
- (2) The published financial statements showed total non-current assets as \$216,075K whereas the audited financial statements showed \$216,072K.
- (3) The error occurred between the approval of the printers proof (which was checked rigorously) and the final printed version.
- (4) The Authority now demands a final pre-production proof prior to printing of any Annual Report.

KARRAKATTA CEMETERY BOARD, MAY HOLMAN'S GRAVE

1762. Mr PENDAL to the Minister for Local Government:

I refer to the Karrakatta Cemetery Board's excellent heritage trail relating to "heritage-type" graves including that of John Curtin and ask –

- (a) is the Minister aware that the grave of May Holman, the first female Labor MP in any Australian Parliament (elected in 1925) is in a poor state of repair;
- (b) is the Minister aware that the grave is probably unique in the world in that it contains the remains of three Labor MP's, all from the one family – J.B. Holman, his daughter May Holman and son E.J.F. Holman;
- (c) is the Minister aware that 3 April is the 75th anniversary of May Holman's election as Australia's first Labor female MP;
- (d) will the Minister and the board consider restoring the grave and adding it to the excellent heritage trail within the cemetery; and
- (e) if not, why not?

Mr OMODEI replied:

- (a) The memorial upon the grave of May Holman is intact, including 3 headstones. Through age, the monumental work has deteriorated and is in need of repair.
- (b) Cemetery records confirm that JB Holman, May Holman and E.J.F. Holman are interred in the grave.
- (c) Historical records confirm that May Holman was elected as Australia's first Labor MP on 3 April 1925.
- (d)-(e) Maintenance of a monument is the responsibility of the holder of a grant of right of burial (the grantee). The Metropolitan Cemeteries Board will endeavour to contact descendants of the grantee and assist in facilitating necessary restoration work. The Holman family grave is included in the second walk trail developed by the Board in 1998. The associated booklet includes a heritage cameo and photograph of the late May Holman.

SEWERAGE, GNARABUP BEACH PTY LTD

1811. Ms MacTIERNAN to the Minister for Water Resources:

- (1) Why did the Water Corporation give approval for the early release of building lots to Gnarabup Beach Pty Ltd when there was not an adequate sewerage treatment facility?
- (2) When was this approval given?
- (3) What commitments were given by Gnarabup Beach Pty Ltd to the Water Corporation to cover costs of transporting sewerage made necessary by this early release of lots?
- (4) What is the cost incurred in providing such transportation to date?
- (5) Has the developer paid those costs?
- (6) Will the Minister table all related correspondence between Gnarabup Beach Pty Ltd and the Water Corporation?

Dr HAMES replied:

- (1)-(2) It is normal practice to give approval for lot release before completion of sewerage treatment plant works on the basis that the time taken to sell the lots and then be developed by the new owners is generally sufficient for the treatment plant works to be completed before they are required.
- (3) On the basis that carting was not anticipated, no written undertaking was sought by the Water Corporation or made by Gnarabup Beach Pty Ltd to cover costs of transporting sewage.
- (4) The cost of carting sewage from the Gnarabup Wastewater Treatment Plant since carting commenced in January 2000 up to 13 March 2000 is \$32,481.40.
- (5) There has been no recoup of cartage costs from the developer to date. The Water Corporation has advised the developer's consulting engineer that a recoup of cartage costs would be sought by the Corporation.
- (6) No.

STAR SWAMP RESERVE, NORTH BEACH AND WATERMAN

1816. Mr KOBELKE to the Minister for Lands:

- (1) For all the land now comprising the Star Swamp Reserve in North Beach and Waterman, what are the names of all prior owners of portions of land that now form this reserve?
- (2) For all portions of land that now comprise the Star Swamp Reserve, what was the date of all transfers of ownership, the owner or party who sold the land and the price at each sale?

Mr SHAVE replied:

Department of Land Administration

- (1)-(2) The Start Swamp Reserve was set aside for the conservation of flora and fauna and passive recreation in April 1987. It comprises 95.9144 ha and is vested in the City of Stirling. To provide an answer to these questions in greater detail would necessitate substantial application of Department of Land Administration (DOLA) resources and research. However DOLA has advised that if the member can provide more specific details of his area of interest, the department would be happy to assist. If the member would like to take up DOLA's offer Mr Andy Kempton, Acting Manager, Tenure Information Services can be contacted direct on 9273-7318.

LOCAL GOVERNMENT, VEHICLE PURCHASES

1847. Mr GRILL to the Minister for Local Government:

- (1) When Local Government and Municipal Councils purchase new motor vehicles, are councils bound to accept the lowest tender for the specified vehicle?
- (2) Why don't Local Government and Municipal Councils put used vehicles to auction in the same way that Government departments do?

Mr OMODEI replied:

- (1) No. The Local Government (Functions and General) Regulations 1996 require local governments to decide which tender "it thinks would be most advantageous to the local government to accept".
- (2) Each local government determines its own policy in regard to disposal of used vehicles.

ANIMAL WELFARE BILL

1939. Mr McGOWAN to the Minister for Local Government:

- (1) When does the Minister expect to bring on debate on the new Animal Welfare Bill?
- (2) Is it the Minister's intention to have the Bill passed before the next State Election?

Mr OMODEI replied:

- (1) This Bill is important in the Government's legislative program and will be progressed accordingly.
- (2) The member for Rockingham would know that with the Government not having a majority in the other place it is impossible to guarantee any Bill's passage.

QUESTIONS WITHOUT NOTICE**ONE NATION, PREFERENCE DEALS****589. Dr GALLOP to the Minister for Citizenship and Multicultural Interests:**

- (1) Will the minister mark Harmony Day in this House by urging the Western Australian Liberal Party to refrain from doing any preference deals with One Nation at the next State election?
- (2) Further, will the minister demonstrate his support for ethnic and migrant communities in this State by ruling out any preference deals with One Nation in his own electorate?

Mr JOHNSON replied:

- (1)-(2) I am more than happy to express my views on Harmony Day. It has been a fantastic day so far. I am totally committed to Harmony Day.

Dr Gallop: The most important issue for migrants is One Nation. The minister does not have the guts to stand up for those people; to stand up for our migrant communities. The minister is as weak as water. He does not stand for harmony. We know what he stands for. He has already supported One Nation in local council elections.

Mr JOHNSON: No, I have not. It seems the member who asked the question wants to answer it for me. It is very good of him, but sometimes I wonder whether members opposite have wonky dreams when they go to bed at night. They seem to wake up in the morning thinking it is reality. They come into this place with some fantastically fictitious stories.

The Labor Party benefited more from One Nation preferences at the last general election than did the Liberal Party. We lost four marginal seats.

Dr Gallop: We put One Nation at the bottom of the ballot paper!

Mr JOHNSON: The Leader of the Opposition benefited from its preferences. He has the hide to come in here with this hypocritic manner when his party in Queensland directed preferences to One Nation.

Dr Gallop: How does the minister have the gall to look the migrant community in the face? The minister supported a party that opposes multiculturalism!

Mr JOHNSON: The Leader of the Opposition should not come into the House acting righteous. He knows his party benefited in Queensland from One Nation preferences. He benefited here from One Nation, and in Queensland his party directed preferences to One Nation.

ONE NATION, PREFERENCE DEALS**590. Dr GALLOP to the Minister for Citizenship and Multicultural Interests:**

Does the minister's refusal to answer the question indicate that he is doing deals with One Nation in his electorate?

Mr JOHNSON replied:

I say again, the Opposition must have funny dreams at night. I have done no deals with any political party other than the Liberal Party.

Mr Kobelke: You are assisting One Nation.

Mr JOHNSON: The member for Nollamara says some unbelievable things. I do not know how he could say that. I have done no deals. I keep repeating it because members opposite are either hard of hearing or do not want to listen.

Mr Kobelke: On Harmony Day, the minister must make a stand for tolerance in our society and put One Nation last or go down as supporting racists. It comes down to that.

Mr JOHNSON: Did the member for Nollamara supply his students with earplugs when he taught them?

Mr Kobelke: Answer the question.

Mr JOHNSON: I have already answered the question.

THE SPEAKER: Members of the Opposition know, as every member of the House knows, that they must not continue to interject when I am on my feet. I think I have been too lenient because I allowed so many interjections. I reminded members last week that questions must relate to the minister's policy and portfolio. What the House just experienced was a question not only to a minister, but also to a local member. That is not what question time is for.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD, INVESTMENT PORTFOLIO REPORT**591. Mr BAKER to the minister assisting the Treasurer:**

Given the negative comments the Opposition has been making about the Government's financial management, can the minister inform the House about the investment portfolio report of the Government Employees Superannuation Board for the December quarter?

Mr KIERATH replied:

I thank the member for the question. I am pleased to announce the preliminary unaudited figures for the investment portfolio of the Government Employees Superannuation Board. I remind members that these are figures for an organisation that was pillaged by the Labor Government to fund its fiscal insanity, which was a characteristic of that Government. The report is a result of the Treasurer's prudential guidelines for investments, which requires the board to review its investment performance on a quarterly basis. Under the guidance of its current executive director, the board does those reviews monthly, and also undertakes a much more detailed review quarterly. The public servants in this scheme will be relieved to know that under the good financial stewardship of this Government, the total investment portfolio yielded a return of 9.52 per cent for the December 1999 quarter. Compared with a benchmark of 9.17 per cent, it can be seen that we were in front with a return higher than our benchmark. That gives a 17.84 per cent yield for the full calendar year compared with a benchmark of 15.87 per cent. By any indicator, our figures are better than the benchmarks. That will be a pleasing result for all public servants in Western Australia whose financial future is reliant on responsible financial management rather than the irresponsible management of the past.

KINGSTREAM, NATIVE TITLE CLAIM FUNDING**592. Mr RIPPER to the Minister for Energy Resources:**

- (1) Does the minister support in principle the actions of Kingstream Resources in funding native title claims over the mining tenements of their commercial competitors?
- (2) Is this practice widespread in the Western Australian mining industry and is it supported by the State Government?

Mr BARNETT replied:

- (1)-(2) I thank the member for the question. If the member did a little more research he would find that in the earlier stages of its development proposal, Kingstream was examining the feasibility of a gas supply from the Apache project, which would have included a lateral pipeline from the offshore facilities into the main pipeline.

Mr Ripper: Did it ever apply for a lease?

Mr BARNETT: Hang on. Kingstream was looking at gas supply. The agreement Act that went through this Parliament, with bipartisan support, gave Kingstream the right to have an independent gas pipeline constructed from the north west coastal area to the site at Oakajee. It is proper for the company to deal with Aboriginal claimants in the area. It is not unusual for mining groups to assist Aboriginal people in putting claims together.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD, INVESTMENT PORTFOLIO RESULTS**593. Mr BAKER to the minister assisting the Treasurer:**

Given the excellent results of the investment portfolio report for the Government Employees Superannuation Board, is the minister aware of how these results compare with financial responsibility and accountability under the Labor Government in general and under the Leader of the Opposition in particular?

Ms MacTiernan interjected.

Mr KIERATH replied:

I remind the member for Armadale of the GESB's performance under this Government and under the previous Government. In 1992, the State Government had to find an extra \$200m mainly because of WA Inc deficiencies that came to light in the Treasurer's statement that was tabled on a non-sitting day. He did not have the courage to table it when Parliament was sitting.

There was a further loss of some \$41m because the Labor Party had miscalculated the number of members who would opt for the new scheme. The minister at the time, now the Leader of the Opposition, said there was no question of the board's being able to meet the members' entitlements. I find that rather fascinating. In some respects, I admire the totally unfounded optimism of the then minister, given the financial context of the disaster in that statement.

When Labor was in power the previous year, government loan liabilities increased by more than \$1b in one financial year and the total liabilities increased by nearly \$2b. In a desperate attempt to cover what I believe is an appalling truth, the Labor Government committed the ultimate economic sin of using borrowed money to recover recurrent expenditure. At the same time, the member opposite was saying, "Don't worry, that's fine, everything will be all right; we will be able to meet the payments."

Mr Shave: The Leader of the Opposition said at the time he wasn't surprised. I think he was disappointed.

Dr Gallop: I have you people on the run; you are petrified.

The SPEAKER: Order! I know ministers can pause and allow people to interject. However, we now have interjectors who have nothing to do with the minister, so perhaps he could bring his answer to a conclusion.

Mr KIERATH: I was trying to remind members opposite that when the ALP was in government it was running an IOU of some \$750m when the then minister, the Leader of the Opposition, was saying there was nothing wrong with unfunded

schemes. That is a joke and a sad day for the finances of this State. Many public servants do not share his carefree, cavalier attitude. This Government has shown the people of this State that it is a responsible financial manager.

Heaven help us should he ever be in charge of these state finances again, because his track record is an unmitigated disaster.

POLICE, FINANCE BROKERS INVESTIGATION

594. Mr McGINTY to the Minister for Police:

- (1) Will the minister confirm that police associated with the finance brokers investigation have, in an internal memo rejecting a joint police-Ministry of Fair Trading inquiry, said of the Finance Brokers Supervisory Board and the Ministry of Fair Trading that Mr Ross Fisher, a director of MFA Finance Pty Ltd, who is a person of interest in a loan brokered through that firm for \$2.3m, has recently stood down from that board and there is a real risk that information of a confidential nature would be released, damaging their investigations?
- (2) Is the minister aware that, as recently as yesterday, an officer from the Ministry of Fair Trading has been following police around and requesting copies of statements given to police by the aged victims of finance brokers?
- (3) Does this compromise the integrity and security of the finance brokers investigation by police?

Mr PRINCE replied:

The member gave me a copy of this question as he walked into the House, so I have had three or four minutes notice of it.

- (1) Yes, there is an internal memorandum. I saw it some time ago; I do not have a copy with me. Part of the memo refers to Mr Fisher, and part of it talks about the fact that Mr Fisher stood down from the Finance Brokers Supervisory Board. That is a matter of public record, and Mr Fisher did that of his own volition some time ago.

Dr Gallop: Can you remind the House that the Premier said that he did not need to do that?

Mr PRINCE: If the Leader of the Opposition wants to ask a question, he should do so, and he should stop interjecting when I am answering a question asked by his former leader.

With regard to the rest of the memo, I do not have it in front of me so I cannot recall the details, but I know that a good deal more is said in it.

- (2) I am not aware that an employee of the Ministry of Fair Trading is following police around. However, in my home town I have met with quite a number of people who have been affected by what has happened with the finance broking matters, particularly those relating to Mr Grubb and Global Finance. Some are former clients and friends from my days in legal practice. I think they have been very badly done by. I met with a group of them as recently as last Friday. They want to see not just a proper inquiry, but also people prosecuted if they have committed criminal offences. That can be done only by the police carrying out a proper inquiry. The police are resourced to do that; they have experienced, trained and competent detectives doing that. Other experts are brought in to do that. There is no question at all about resources in that matter.
- (3) With regard to the rest of the matters raised, the member raised this as a political exercise and he has said quite openly that it is a matter of personality politics between him and the Premier and his family. That is despicable. It is the lowest of the low, and it is the worst way to conduct politics in this State. The member for Fremantle, above all, should know better. This is a revolting way to run any form of public debate. The people adversely affected are not interested in this and the member for Fremantle, by politicising these matters in a personal way, runs a grave risk, by frightening people off because they do not want to be involved, of in some way adversely affecting a police inquiry. He should back off and learn that the end does not ever justify the means. That is something tattooed on the foreheads of members of the Labor Party: The end always justifies the means. That is what the member is doing.

NATIONAL HARMONY DAY

595. Mrs HOLMES to the Minister for Citizenship and Multicultural Interests:

Given that today is National Harmony Day, will the minister please advise what the Government is doing to ensure that Western Australia is a more tolerant, fair and just society?

Mr JOHNSON replied:

I should acknowledge that the member for Southern River, like me, is a migrant to this country, and she has made a significant contribution to it. As I have said many times, this is a country of opportunity to which people from any country in the world can migrate. Within four years of my coming to this country, I became the mayor of the City of Wanneroo, the largest city in this State, and I met many interesting people there. I met many people from ethnic communities, including people from my own country. I believe all of those people play a significant role in Western Australia. The riches that they bring to this country with their cultures and traditions are to be admired by everyone.

I am a bit disappointed that the Leader of the Opposition is not wearing a Harmony Day ribbon. That shows his commitment. A lot of initiatives are taking place today. We had a wonderful start to the day with a superb breakfast at Hyde Park.

Mr Court: Well cooked!

Mr JOHNSON: Yes. It was cooked by the Premier and me, and a tremendous lady called Dorinda Hafner. She is truly a wonderful lady who spoke to the audience, many of whom were children, and we could see that they were extremely enthralled. She has a lot of experience.

Another event that is taking place today on National Harmony Day is the recognition of the children of Terezin, which is a very serious issue. During World War II, 15 000 children were interned in Terezin, of which only 100 survived. Later today, the public of Western Australia will be able to see many of the paintings and drawings that were left in suitcases by those children who did not survive.

GOODS AND SERVICES TAX, IMPACT ON ELECTRICITY AND GAS CHARGES

596. Mr RIPPER to the Minister for Energy:

I refer to the impact of the goods and services tax on electricity and gas charges.

- (1) Can the minister confirm that electricity and gas charges will increase by 6.6 per cent and 3.9 per cent respectively, as outlined by the Howard tax package?
- (2) If not, can the minister confirm whether the price increases will be higher or lower than those outlined in the tax package?
- (3) If the increases are likely to be higher, can the minister tell the Parliament what are the expected increases?

Mr BARNETT replied:

- (1)-(3) I am unable to answer the question relating to gas charges; however, the answer would probably be fairly similar to that for electricity charges. The estimates for electricity charges that have been prepared by Western Power, which have been independently assessed, including by the Australian Competition and Consumer Commission, indicate that the price of electricity will rise by around 9.3 per cent. The simple reason is that there are very few offsets in terms of fuel savings or the removal of excise. The only offset for Western Power relates to diesel fuel used essentially for regional power and some of its internal transport needs. Similarly, I expect only minimal offsets for AlintaGas. The effect of the GST will be in the order of 9 per cent for electricity and gas. One of the ironies is that in Tasmania, which has a high proportion of hydro power, there is no fuel offset and the GST will be 10 per cent.

KING EDWARD MEMORIAL HOSPITAL FOR WOMEN, INQUIRY

597. Ms McHALE to the Minister for Health:

I refer to the inquiry into King Edward Memorial Hospital for Women.

- (1) Will the minister confirm that the Government appointed this inquiry to investigate unexplained and unexpected deaths and birth defects, as was outlined to me by the Chief Medical Officer?
- (2) Why was it conveyed to the public, as reported in *The West Australian* on 10 February, that the review was about accessing services and not about unexpected deaths and defects?
- (3) Why has the review only just commenced when it is clearly about serious and grave allegations about due process and procedure?

Mr DAY replied:

- (1)-(3) The Government has not established the review into the provision of services at King Edward Memorial Hospital for Women; rather, it has been established by the Metropolitan Health Service Board, which has made me aware of what it intends to do. The opposition spokesperson for Health has also been briefed.

Concerns have been expressed about the provision of services at the hospital and the MHSB is taking action to ensure that services provided in the future will be well resourced and provided in an appropriate manner. Dr Andrew Child, the Director of Obstetrics and Gynaecology at King George VI Hospital in Camperdown, New South Wales, and Ms Pauline Glover, the senior lecturer in midwifery at the Flinders University School of Nursing, have been appointed to undertake the review. The MHSB has deliberately appointed reviewers from outside the State to avoid any question of conflict of interest.

If any major concerns are brought to light as a result of this review of clinical practices and procedures - whether they relate to past practices or future plans for the provision of services - I have made it clear to the MHSB that I want to be made aware of them. If concerns are raised about past practices, I will ensure that they are thoroughly and appropriately investigated.

KING EDWARD MEMORIAL HOSPITAL FOR WOMEN, INQUIRY

598. Ms McHALE to the Minister for Health:

Will the minister indicate what the review is really about?

Mr DAY replied:

As I said, the Metropolitan Health Service Board has established this review, not me as minister nor the Government. I have been briefed by the MHS that the review is designed to ensure that obstetric services at King Edward Memorial Hospital for Women are appropriately provided and resourced. If anything is brought to light about past practices - that is, if there has been inappropriate supervision or similar problems - I have made it clear I want to know about it, and I will take appropriate action.

WESTERN AUSTRALIAN MUSEUM, EDUCATION PROGRAM

599. Mrs HODSON-THOMAS to the Minister for the Arts:

Students from my electorate recently attended the Western Australian Museum as part of their ongoing education. As I am not aware of the full extent of this program, will the minister inform the House of some of the new initiatives of the WA Museum?

Mr BOARD replied:

I thank the member for some notice of this question. The Western Australian Museum and museums generally have not been addressed in this House for some time. I point out that 800 000 Western Australians or people visiting Western Australia went to the Museum last year. Very importantly, 50 000 of those visitors were Western Australian school children participating in the Museum's education program, which is often overlooked. It is a very strong and growing program. I am sure that our new maritime museums at Geraldton and Fremantle will also be part of that very strong education program.

Last week, thanks to the chairman of the board of trustees, Ken Michael, and the new chief executive officer, Gary Morgan, we opened a world-class exhibition entitled "Diamonds to Dinosaurs". This exhibition is nationally and internationally prestigious. I commend all members and their constituents to visit the Museum. The Government has committed \$330 000 to this exhibition, which has been nine months in construction. It includes exhibits collected by the Museum which date back three and half billion years. I commend what the Museum is doing in education in Western Australia.

REGIONAL DEVELOPMENT

600. Mr BARRON-SULLIVAN to the Premier:

On radio both yesterday and today in Bunbury, the Leader of the Opposition said that the Labor Party is adopting a new approach to regional development and that more needs to be done for the south west region. Will the Premier outline to the House what steps the Government is already taking to ensure that the needs of the region are being identified and met?

Mr COURT replied:

Yesterday I was asked to comment on the ABC on a new approach to regional development by the Leader of the Opposition. I listened to his interview, of which about five minutes consisted of personal abuse of the Deputy Premier and the National Party.

Dr Gallop: You call holding the National Party to account for its failings personal abuse?

Mr COURT: Yes, it was, if people had bothered to listen to it.

The Labor Party has a new approach to regional development. The first thing it has done is to get rid of its regional members. Its regional development spokesperson has left the party, as have Hon Mark Nevill and the member for Kimberley. After 34 years, the former Minister for the South West, David Smith, has left the Labor Party.

Mr Cowan: The member for Eyre is just waiting to take over.

Mr COURT: Yes. Therefore, there is a new approach to regional development.

The Leader of the Opposition said that the Labor Party would have a minister for the south west. In this Government, I, as the Treasurer, and the Deputy Premier, as the Minister for Regional Development, are directly involved in the key decisions affecting the development of our regions. The south west region is an outstanding success story. From the time when the Labor Party was in government, it has gone from record levels of unemployment, around 12 or 15 per cent in some areas, to low levels of unemployment. The Labor Party put up a sign saying "proposed new hospital". This Government has built a magnificent new health campus in the south west. It is building new police facilities and schools. Instead of talking about it, we are doing it. That region is growing very quickly, and this Government is proud of its direct involvement. I commented yesterday that we do not have one minister responsible for the south west; 17 ministers are responsible for the south west. The Labor Party's new approach to regional development is novel, but by the time it goes to the elections, at the current rate it will not have any members in the regions.

MOTORSPORTS COMPLEX

601. Mr MARLBOROUGH to the Premier:

- (1) Will the Premier explain to the people of Hope Valley, Kwinana and Rockingham why the Government will build a motorsports complex next to their homes, consisting of a speedway and drag-racing strip?
- (2) Will he explain why these people will be subjected to noise levels three times louder than Environmental Protection Authority standards permit?
- (3) Will he explain why community opposition to the Leighton Beach redevelopment was enough to force the Government to back down, but community opposition in this case has been ignored?

Mr COURT replied:

- (1)-(3) The Minister for Planning is the appropriate minister of whom to ask this question. However, I will make some comments. This has not been an easy decision for the Government, and it has certainly not been rushed. We have looked at all of the sites available for a motorsports complex in the metropolitan area. I think the member who asked the question would agree that there is strong support in the Kwinana-Rockingham area to have the motorsports complex located in that area. A number of sites were considered. One site that was heavily promoted, in addition to the site at Kwinana, was the site at Henderson. However, that site was ruled out because it would involve building in the Beeliar Regional Park, which was not acceptable to the Government or to the local councils.

Mr McGowan: Nor was it acceptable to the Kwinana and Rockingham councils.

Mr COURT: I can assure the member for Rockingham that I have spoken with members of the Rockingham City Council and they are very keen for the motorsports complex to go down there.

Mr McGowan: You obviously don't know anything about it.

Mr COURT: I would bet the member for Rockingham would be one of the people at the opening saying what a great facility it is.

Mr Brown: I'll bet you I won't be at the prison opening when you open that, contrary to the wishes of the people in Bassendean. You won't answer that. You saved your mates sitting alongside you there.

The SPEAKER: Order! I remind the House that all interjections are disorderly, particularly when they have little to do with the matter before the Chair, which is the question that is being asked.

Mr COURT: I spent a large part of my life living very close to the speedway.

Dr Gallop: A drag strip!

Mr COURT: The reason the speedway left Claremont had nothing to do with noise but with the future expansion of the Royal Agricultural Society.

This has not been an easy decision but, in weighing up all the options, I believe that the concerns have been addressed and that the motorsports complex will be an outstanding success.

PORT GEOGRAPHE DEVELOPMENT, COASTAL ZONE IMPACTS

602. Mr MASTERS to the minister representing the Minister for Transport:

During the past three years, many Busselton residents have expressed concerns to me about coastal zone impacts of the Port Geographe development. Can the minister please advise -

- (1) Which government agency is responsible for ensuring that coastal management conditions, including sand bypass, are monitored and enforced?
- (2) What roles do the Department of Environmental Protection, Transport WA and the Shire of Busselton have in monitoring and enforcing these conditions?

The SPEAKER: I will allow the question to the Minister for Transport to be answered by the Deputy Premier.

Mr COWAN replied:

According to the amount of punishment that has to be meted out in this place, Mr Speaker, I now represent the Minister for Transport in this House.

Ms MacTiernan: It is just as well the Liberal Party doesn't have to clean up the National Party's mess.

Mr COWAN: No, we are very capable of doing that ourselves, as the member for Armadale knows, because last week it was she who was left with egg all over her face.

I am advised by the Minister for Transport that the relationship between the Shire of Busselton, the Department of Transport and the Port Geographe developer, Axiom Properties, as well as the responsibilities of each party, is detailed in the

"Development Deed, Port Geographe, East Busselton". This legal document covers a number of issues concerning the development, including the developer's responsibilities and obligations in terms of sand bypassing, sediment movement and seagrass management. The Shire of Busselton monitors the developer's compliance with its responsibilities and obligations, with advice on coastal management issues being provided by Transport. Power to enforce the requirements of the deed is provided in the form of security bonds lodged by the developer with the shire.

In addition to the above, the following documents also contain a number of commitments and requirements of the developer in relation to sand bypassing, seagrass wrack management and beach stabilisation -

- (1) Report and Recommendations of the Environmental Protection Authority, EPA Bulletin 386, May 1989; and
- (2) Port Geographe Environmental Monitoring and Management Programme, LeProvost Environmental Consultants, December 1990.

The conditions of development as detailed in both these documents are monitored and enforced by the Department of Environmental Protection under the Environmental Protection Act 1986. It is therefore clear that either the shire and Transport can enforce the requirements of the development deed, or the DEP can take action against the developer for non-compliance with the Act.

GOODS AND SERVICES TAX, IMPACT ON GOVERNMENT REVENUE

603. Dr GALLOP to the Premier:

I refer to the Premier's claim made in the Parliament last Wednesday 15 March that the impact of the goods and services tax on revenues in Western Australia was a moving target. Given that the Premier had previously claimed in the Parliament that Western Australia would be better off after only three years of the GST -

- (1) Under the Premier's calculations, how many years will it be before Western Australia is better off under the GST?
- (2) How much compensation is being sought by the Government in each year the budget will be worse off?

Mr COURT replied:

- (1)-(2) It was very interesting at the meeting on Friday of the Ministerial Council of Commonwealth, State and Territory Treasurers to see the expression on the face of the Treasurers of New South Wales and Victoria when Peter Costello explained the history of this "moving target". When the goods and services tax proposals were first released after the last federal election, they incorporated a GST on food. Certain calculation were made under that arrangement, and States like New South Wales and Victoria, for example, were to have positive revenue flows quite early in the process. However, the situation changed when food was taken out of the proposals following negotiations with the Australian Democrats.

I will give the Leader of the Opposition the full table of figures, which run through to 2007-08. The estimates released at the ministerial council indicate that in 2000-01, Western Australia will receive \$237.5m; in 2001-02, \$66.4m; in 2002-03, \$100.8m; and in 2003-04, which is a sort of break-even year, \$2.7m. The 2001-02 figure is the net assistance estimated to be provided after repayment of that component of the 2000-01 payment, which the Commonwealth is treating as an interest-free, one-year loan. The amounts actually paid will vary depending on actual outcomes. For example, the compensation will be increased if GST collections are lower than anticipated; alternatively, compensation will be decreased if GST collections are higher than anticipated. Western Australia may benefit from tax reform before 2003-04. The estimates I table show the situation with States like Victoria and New South Wales.

Western Australia will be the second State to go into a positive position, with the first being Queensland, which is a huge winner out of this exercise; as Queensland did not previously have a financial institutions duty and a petrol tax, in effect, it will have new taxes without experiencing any political pain. New South Wales and Victoria are now well out. A lot of mutterings were heard about why the Labor Party did not, as Paul Keating said would happen, support the package when it was voted for at the federal election. The Labor Party did not support the package, and those States find that they already have a GST roll-back, and that this will affect their finances worst when compared with the situation for all other States.

[See paper No 757.]