



# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
THIRD SESSION  
1999

LEGISLATIVE COUNCIL

Tuesday, 9 November 1999

# Legislative Council

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

## **SCHOOL EDUCATION BILL 1997**

*Assent*

Message from the Governor received and read notifying assent to the Bill.

## **EAST TIMOR, INTERFET FORCE**

*Letter from Major General P.J. Cosgrove*

**THE PRESIDENT** (Hon George Cash): I have received the following letter from Major General P.J. Cosgrove, AM, MC, Commander of the International Force East Timor, addressed to the President, Legislative Council, Parliament House, Perth, and also the Deputy Speaker, Legislative Assembly, Parliament House, Perth. It reads -

Dear Mr President and Mr Deputy Speaker

Thank you both very much for the words of support and encouragement, on behalf of the members of the Parliament of Western Australia, to all the men and women of the INTERFET Force in East Timor. We have received words of encouragement from all over the globe and the on going support from the people of Western Australia is very much appreciated.

INTERFET continue their good work to bring peace and security to the people and we pray and hope for a speedy and safe return soon.

Warmest regards

P.J. Cosgrove

Commander  
18 October 1999

## **BATTERY CAGE SYSTEM OF EGG PRODUCTION**

*Petition*

Hon J.A. Scott presented a petition, by delivery to the Clerk, from 1 person requesting that the Government allow the phasing out of the battery cage system of egg production.

[See paper No 361.]

## **COMMUNITY BASED MIDWIFERY**

*Petition*

Hon J.A. Scott presented a petition, by delivery to the Clerk, from 1 person requesting that the Government ensure that community-based midwifery is included in the state health service.

[See paper No 362.]

## **URBAN DEVELOPMENT NEAR COOLBELLUP**

*Petition*

Hon J.A. Scott presented a petition, by delivery to the Clerk, from 1 person requesting that the Government consult the local community and council to plan and implement the rehabilitation of the bushland on the corner of Stock and Sudlow Roads, near Coolbellup for urban development.

[See paper No 363.]

## **NUCLEAR WASTE DUMP**

*Petition*

Hon Giz Watson presented a petition, by delivery to the Clerk, from 12 239 persons opposing the proposal to locate a high level nuclear waste dump in Western Australia.

[See paper No 364.]

## **SOUTH COAST PURSE SEINE MANAGED FISHERY**

*Urgency Motion*

**THE PRESIDENT** (Hon George Cash): Today I received the following letter -

Dear Mr President,

At today's sitting it is my intention to move under SO72 that the House at its rising adjourn until 9 am on 25 December 1999 for the purpose of discussing the mismanagement of the South Coast Purse Seine Managed Fishery.

The letter is signed by Hon Kim Chance, member for the Agricultural Region. In order for this matter to be discussed, it will be necessary for at least four members to rise in their places.

[At least four members rose in their places.]

**HON KIM CHANCE** (Agricultural) [3.42 pm]: On behalf of Her Majesty's loyal Opposition I move -

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

Last week, on 2 November, the Executive Director of Fisheries Western Australia signed a letter addressed to "To whom it may concern" in which he advised that an officer of the Rural Adjustment Finance Corporation had been appointed by the Minister for Fisheries to report on the case for financial assistance to the south coast pilchard processing sector. Among the officer's duties will be the duty to outline the costs and exposure to government which may arise from any approach for assistance to the industry. The officer is also required to facilitate industry in the presentation of its collective case for assistance and to report by Thursday, 11 November. On the face of it, this is a sound and compassionate approach by government to meet the economic trauma which has been brought about by a catastrophic event - the disease outbreak which has impacted on the south coast small pelagic fishery. The document contains references to "the uniquely exceptional disease incursion events over the past four years".

I have no doubt that the disease outbreak has been serious in its impact on this fishery, and none of us would want to deny the processors access to assistance in these difficult times. Sadly, the representation that the cause of the clearly understood difficulties is simply a consequence of the disease outbreak is deliberately false and misleading. The fact is that the Albany-King Sound zone of this fishery has been overfished for years, in the knowledge that it was being overfished, and that actions taken by and assented to by the minister have added to the pressure on the fishery to such an extent that the disease outbreak has been no more than the straw which broke the back of this fishery. The series of actions has been a scandal of immense proportions, and the Minister for Fisheries has not only failed in his duties as minister, but also he has contributed to the demise and the economic stress which is being experienced in Albany as a result.

This claim of overfishing is not new. It has been known at least since 1995, and probably well before that, that overfishing has been a factor influencing the stock results in this fishery over that period and longer. In the "State of the Fisheries Report 1996/1997", the whole fishery was reported as being fully exploited. However, when the fishery was broken down by zones, the Albany and Bremer Bay zones were also described as fully exploited, while the Esperance zone was described as under exploited. In the same year, 1996-97, the Albany zone's breeding stocks were described as low, while those in Esperance were described as adequate.

In spite of this clear indication of the state of the fisheries, a catch of 4 370 tonnes of small pelagic fish was permitted in the Albany zone. The Esperance zone, with much better indicators, was permitted only 1 330 tonnes. Therefore, a fishery which was in trouble was being permitted to catch 4 370 tonnes, and a fishery in which the stock level indicators were good was being permitted to catch 1 330 tonnes. The outcome of this was that the already overfished Albany zone continued to be overfished, while Esperance, which could have quite safely increased its catch, was held back, thus inhibiting the development of both the catching and processing sectors in the Esperance region.

This was clearly an embarrassing and unsustainable situation for the minister, and indeed for Fisheries WA. What did they do? They smudged the figures. The "State of the Fisheries Report" in the following year, 1997-98, did not report on each zone. Instead, it advised that the whole fishery was now fully exploited and that the breeding stock levels across all zones were adequate. If it were not so serious, this would be a joke. By the simple expedient of reporting as an amalgamation of the zones rather than zone by zone, the breeding stock levels in the Albany zone were hypothetically promoted from low to adequate, despite an unsustainable 4 370 tonnes being caught during the previous year.

Management in this fishery is by output controls - in other words, quota. Each zone is determined to have a sustainable annual yield. This is called the total allowable catch. Although the total allowable catch is not a specific function of the plan - it is not even mentioned in the management plan - it is, in effect, how the system works. The total allowable catch is then divided among the licensees as their quota for the year. What has marked the fishery is that the Albany zone of the fishery has consistently been allowed to catch 100 per cent, and sometimes even more than 100 per cent, of its total allowable catch, while the Esperance zone until last year has never been allocated more than 50 per cent of its total allowable catch. Half of the potential sustainable catch in Esperance has been left in the water. That is what is known as the unallocated quota. Incorrectly but aptly, that is literally what it is.

Last year this was nominally increased, but the fishery was closed down before that increased quota was caught due to the outbreak of disease. Therefore, the Esperance zone of the fishery has always been limited to 50 per cent or less of its sustainable catch. Why that situation has existed, where one zone is permitted to take 100 per cent and another is limited to 50 per cent, I do not understand. More importantly, why have we had a management structure which has tolerated an exploitation rate in the Albany zone which has amounted to 41 per cent of its breeding biomass, and on occasions as high as 50 per cent of its biomass, which is clearly unsustainable, while the exploitation rate in the Esperance zone has been held to generally below 10 per cent of the biomass? That raises the question: What does the minister have against Esperance?

This is where the problem starts. We have been presented with a view that this financial assistance is justified by a catastrophic environmental event. Most of these small pelagic species have a lifespan of between eight and 10 years; indeed,

after seven years, the individual animal is on a decline. The animal does not reach sexual maturity until about the age of two years, although I am not certain of that. One does not need to be a rocket scientist to work out that if an animal has an average lifespan of eight years and we exploit between 41 per cent and 50 per cent of the biomass of that animal, we will have a problem with maintaining the stock. That is precisely what has been happening, and it has been happening in the knowledge that we have been running into a declining stock.

The situation becomes worse. There have now been no less than three separate attempts to hive off the Esperance unallocated quota, which would in any other fishery in Western Australia be effectively the property of the Esperance licensees, to Albany licensees. Those three attempts to hive off either the physical quota or the monetary value of that quota were, in order, plan 99, which was introduced to this House as the south coast purse seine management amendment No 2, which was disallowed by this House on 21 August 1997; the failed plan 110; and the stillborn so-called Morgan plan. Plan 99 did not set out to reduce overexploitation of the Albany zone. Indeed, that rate of exploitation would have remained at 41 per cent of the stock. Instead, it provided for the unallocated Esperance quota to be given to Albany licensees, who, it was later revealed, would have lost money had they attempted to travel to Esperance to catch the amount of quota that they would have been allocated.

Plan 110 would have reduced effort in Albany to some degree, but it involved Esperance and Bremer Bay licensees buying their allocated quota, with the funds from the sale being used to buy out excess quota in the Albany zone. Had this occurred, it would have been the first time any commercial fishermen in Western Australia had been required to buy access to sustainable stock levels in the fishery that they had developed. The Morgan plan, the third of the trilogy, was so bad that it never got a number. This was a Fisheries-promoted and funded proposal that required Esperance fishermen to buy their unallocated quota and to pay their money to a broker, who in turn would pay that money to the Albany licensees, who in turn would not be required to reduce their effort in the Albany zone; it would remain at 41 per cent.

Members may not believe this, but it gets worse. When I have attempted by way of parliamentary questions to draw the minister's attention to the ridiculous situation which exists on the south coast, I have been told that the zones do not matter; it is now all one fishery and there is no such thing as unallocated quota. That same entity that the minister tried to give away on three occasions does not exist any more because it is embarrassing to recognise its existence. Despite the clear warnings about overfishing in the Albany zone, despite the fact that this zone was being fished at a rate of 41 per cent of the biomass while another zone was being fished at below 10 per cent, despite the fact that Albany was already fishing at 100 per cent of its total allowable catch, and more, and despite the fact that a comprehensive, if not illogical and unfair, management plan was in place, in 1998, by a process of exemption, the executive director and the minister permitted an additional 400 tonnes of small pelagic fish - yellowtail scad - to be taken by selected licensees. This was over and above the 41 per cent exploitation rate in that fishery.

What is really disturbing is that changes made by exemption under our law are not required to be gazetted. They are not required to be tabled in this place where they may be treated as disallowable instruments and they are not subject to the jurisdiction of the fisheries objections tribunal. We do not know about those exemptions which can circumvent the management plan - in itself subsidiary legislation - until they are listed in the annual report 18 months later when it is too late; the damage has been done and the back of this fishery has been broken. At the same time as this additional 400 tonnes was permitted - which in itself circumvented the management plan - the Executive Director of Fisheries WA, presumably with the minister's knowledge and consent, commenced an action in the Supreme Court of Western Australia to overturn a fisheries objections tribunal decision to allow a meagre 120 tonnes additional quota allocation in the Esperance zone. This cost hundreds of thousands of dollars to resolve. The matter has been resolved, it is no longer before the Supreme Court. However, it cost hundreds of thousands of dollars for what? It was designed to prevent a tiny increase in effort which was well within the safe limits of that fishery when the department's own concomitant actions had just caused a 400-tonne increase in effort in a fishery already acknowledged to be dying. Why did the department do it? It did it to establish a point of law. However, there were other ways this could have been done, ways which would not have involved these fishermen in that huge cost. The matter could have been raised in the tribunal before being raised in the Supreme Court as a case stated. A case stated on this issue was going on at the same time. Had there been a delay in this matter, had it not been forced into the Supreme Court, it could have been resolved at that level and everyone would have saved a lot of money, but no, this matter went to the Supreme Court in what seems to have been a deliberate attempt to cost these people money. These people have been a burr under the saddle of the minister.

It gets worse. The circumvention of process continued as recently as 18 May this year. Members should remember that date. I will have to rely on Hon John Halden to complete my point.

**HON JOHN HALDEN** (South Metropolitan) [3.57 pm]: From the comments made by Hon Kim Chance it is already clear that this particular exercise by the Minister for Fisheries amounts to nothing more than chicanery. What has happened here has been a gross abuse of the fishery and of proper processes. It is not the disease which has led to the demise of the Albany and King George Sound fishery but ministerial incompetence of the highest order. However, as Hon Kim Chance said, I will continue with some highlighted points about how the minister continued to try to circumvent the process outlined by Hon Kim Chance. On 18 May, the minister gazetted a prohibition on fishing for blue mackerel - another of the small pelagic species already covered by the management plan. Having prohibited the fishing of blue mackerel on one day, the very next day, 19 May, the minister issued an exemption order which permitted seven selected licensees to take a total of 72.5 tonnes of blue mackerel over and above the already unsustainable fishing levels. There is no limit to this man's incompetence. There is no limit to the degree to which he will go to sustain fishing in the Albany zone even though it has the potential to lead to the destruction of that fishery. This is a man charged by ministerial oath to preserve the fishery and the wild stock contained within it.

The minister stands condemned for his appalling mismanagement of this fishery, which has led directly and inevitably to the present situation. He is guilty of playing favourites between the three zones of the fishery. In the process, he has disadvantaged one fishery and very nearly killed another. Based on any fair assessment of this scenario, I do not think it is beyond the realm of reasonableness to suggest that this minister should resign. I do not say that lightly. The documented evidence of chicanery, manipulation, playing favourites and total disregard for the state of this fishery cannot, and should not, be allowed to continue, and the Government should act to ensure that these sorts of actions by a minister do not continue.

The Minister for Fisheries has one supreme duty - to ensure the preservation of our fish stocks. He has not only comprehensively failed to acquaint himself of that duty, but also breached his ministerial oath to carry out his duties without fear or favour. No-one who is aware of the degree to which the minister has attempted to sideline the Esperance industry could argue that it has been for any reason other than to take revenge for the support of the motion of the Opposition to disallow the recommendations in "Fisheries Management Paper No. 99". It is certainly impossible to argue that the minister has treated all participants in the south east purse seine managed fishery fairly and equitably. I am not as well versed in fisheries matters as is Hon Kim Chance. As he said, if a fish stock has a lifespan of about eight years when an exploitation rate of 41 per cent is allowed each year - it is up to 51 per cent in one zone of this fishery - a person does not need to be a Rhodes scholar to work out how much of that stock will be left after a few years.

Added to that is the decision permitting increases in the total allowable catch, with total disregard for that stock and for the livelihood of the people involved in that fishery. Then there is the ludicrous situation of trying to compensate fishers at the expense of the people in the Esperance fishery. It is unbelievable that a minister of the Crown can act in such a capricious, arbitrary and, I suspect, totally nonsensical way, driven by whatever motives; I have suggested some, as has Hon Kim Chance. Whatever the motives may be, they fall far short of those required from a minister of the Crown with the responsibility in this area.

Not only has Hon Kim Chance a duty to raise this matter today, but this House has a far a greater duty - to hear this matter other than by way of this urgency motion. The debate on this motion will come to a conclusion without any more than an airing of the issues. Having today been acquainted with the facts, I believe further and far more serious action should be taken against the Minister for Fisheries, assuming that he cannot sustain why he has taken these courses of action which would appear to be totally stupid. If adequate answers are not provided to this House, I encourage Hon Kim Chance to pursue this matter with the gusto that should be expected. I am sure his constituents in Esperance would demand that. I am convinced that those constituents of the town of Esperance, who are also represented by other members in this place, should be taking this matter further in this place and trying to ascertain why these puzzling, to say the very least, decisions have been made.

**HON M.J. CRIDDLE** (Agricultural - Minister for Transport) [4.05 pm]: The management of any fishery is a very difficult exercise, as Hon Kim Chance knows. In 1993 when the lobster industry was under some stress, there was a move to reduce the pot numbers by 18 per cent. It was a difficult time. I remember going into those areas and trying to convince fishermen that it might be a good move to reduce the catch by reducing the number of pots by 18 per cent. It was a very difficult argument, and Hon Kim Chance must agree with that. We put that proposition forward. I wonder whether he was in favour of that at the time, bearing in mind that some of our friends in Kalbarri and other places were giving the Government a very difficult time. He may reflect on that timing.

Hon Kim Chance: I plead the fifth amendment.

Hon M.J. CRIDDLE: I am sure the member does. It was a very interesting time. Now that those changes have been put in place, it is a very good fishery. This fishery has had a very difficult time. In 1995 the first disease swept through the area around the coast, and that resulted in a reduction in the industry of between 10 and 15 per cent. Again this year there was a reduction of 16 per cent, on top of the existing problems. The difficulties in Albany go back almost to the commencement of the fishery when, in 1989, a catch of 8 500 tonnes was allowed. I wonder which party was in government when that happened. In fact, the Labor Party was in government when that quota of 8 500 tonnes was set. There has been a problem with research because it was a new fishery. Also, the fishery had to deal with the disease that swept through the area in 1995. I admit the fishing effort in that area was substantial and there were some problems with recruitment. There are three issues of concern in Albany.

The Esperance fishery did not start until 1995, and there was talk of its not having been over-exploited. Following the experiences in other fisheries, it was recognised that the worst thing that could possibly be done would be to over-fish the area. The Esperance fishery has been established more slowly to allow it to develop. On the basis of the experience in 1995 and the reduced catch because of the virus, and the events in 1999, it was probably the best thing to do. These fish have a short lifespan and mature in two years, and that presents a problem for the fishery.

I will touch on a number of issues. The first is the way the quota is struck - the local management advisory committees have some input into that - on the basis of advice from fisheries officers. They reach an agreement with the minister before the level of catch is struck. Last year's quota was struck at 10 per cent of the biomass. There was a recent announcement by the minister in relation to the fishery, and the measures taken to ensure the long-term future of that purse seine fishery which, of course, is a managed fishery. Following advice from the purse seine management advisory committee and Fisheries WA, the minister has reduced the quotas in the south coast fishery for the remainder of the 1999-2000 year. The reduced quotas resulted from the impact of the virus to which I have referred, which significantly affected the pilchard stocks on the south coast in late 1998 and early 1999. Those reductions of up to 60 per cent have had a huge impact. The minister announced the following new quotas: In Albany, the new quota will be 430 tonnes - previously it was 1 500 tonnes; in Bremer Bay,

630 tonnes - previously 1 900 tonnes; and in Esperance, 1 040 tonnes - previously 1 800 tonnes. That calculation is a tenth of the estimated remaining biomass and is based on current available information. The information regarding this fishery is gathering momentum.

Dr Kevern Cochrane, a very experienced person in this area, has recently produced a report. He has extensive experience in South Africa with the United Nations Food and Agriculture Organisation, so he certainly has the qualifications to produce such a report. He has suggested that these techniques are the best for the fishery. The management of the zone structure is also good, and using the business rules as an aid for the management advisory committee is appropriate in determining the total allowable catch. He has presented information clearly indicating that the way we are proceeding is correct, bearing in mind the overfishing which has resulted from the disease in the area. That has certainly created a large problem, and a great deal of work has been done in that area.

The exemption issue indicates a problem in identifying what this fishery is all about. Under section 7 of the Fish Resources Management Act, the minister or the executive director may provide exemptions to existing regulations. The minister may do this for any purpose; however, the powers of the executive director are more clearly defined. At the request of the industry, a number of exemptions have been provided to people within the south coast purse seine fishery. In particular, separate exemptions have been provided to allow the catching of limited quantities of yellowtail and blue mackerel. They are not the same species of fish as the pilchard and there is some confusion.

Hon Kim Chance: The yellowtail are in the plan as one of the species at risk; the blue mackerel are not.

Hon M.J. CRIDDLE: The member has identified it as a species at risk.

Hon Kim Chance: Yes.

Hon M.J. CRIDDLE: That is a difference of opinion.

These exemptions apply for a limited period and the right of renewal is not inherent. The exemptions were issued because the applicants demonstrated that they had access to the new market when the pilchards were not available. The decision to provide access to these other species did not compromise the resource sustainability objectives because the current concern is limited to pilchards, and the nature of the access limited the total take to conservative levels.

This issue has been managed in a very reasonable manner by the minister and it has been well researched by Dr Cochrane, who has extensive experience in this area. We realise the difficulties. The minister has taken it upon himself to look at the issues and difficulties arising in the area. In a recent press release he stated that the Government will continue broad industry consultation to explore the various areas in which assistance may be provided to the south coast fishery. The Government recognises the difficulties the industry is facing and it has not forgotten that it must be protected. The people and their welfare have been well and truly taken into account.

**HON KIM CHANCE** (Agricultural) [4.13 pm]: One can always rely on the Minister for Transport, my friend and associate, to mount a courageous defence of his colleague. Despite that brave attempt, there is nothing that the Minister for Primary Industry or Fisheries Western Australia can argue in their defence in this matter. The minister mentioned Dr Cochrane of the United Nations Food and Agriculture Organisation and his report. I make it clear that Dr Cochrane did endorse the zone management system for this fishery. However, he did that when Fisheries WA had abandoned zone management; that is, he still believed Fisheries WA was using the zone management structure when it was not.

I received an answer from the Minister for Transport representing the Minister for Fisheries on 8 December 1996, when I asked amongst other things why the Esperance fishery was being so restricted vis-a-vis the Albany fishery. This is what I was told in part -

Fisheries Western Australia's current assessment is that the South Coast Purse Seine Managed Fishery is fully exploited . . .

Gone is the concept of there being an unallocated quota of some 1 350 tonnes, which Fisheries made three separate attempts to hive off to Albany, including in the year this question was answered and in the next year, because one of the attempts was made in 1999. It continues -

. . . and any proposed increase in exploitation within a particular zone of the Fishery must take into account the overall exploitation rate across the whole fishery. The South Coast Purse Seine Managed Fishery is based upon one south coast pilchard breeding stock.

It is "one", not "zones"; in fact, the three zones aggregate separately and their fish breed separately. Their only link is that their external recruitment of juveniles is common. However, they breed independently and are separate populations of fish. The answer continues -

The value of units of entitlement within the Esperance Zone 4 of the Fishery equates to a quota level of 1330 tonnes for the 1998/9 season.

Those 1 330 tonnes compare with the total allowable catch in the fishery of 2 700 tonnes. Why is that the case? That is why I asked the question. Members have heard what purports to be the answer from the minister.

Let us go through the objective facts about what is known about the state of this fishery. A report entitled "State of the Fisheries" states -

The estimates from the most realistic model scenario suggests that the spawning biomass to be currently in the vicinity of 18 000 tonnes declining from values in excess of 20 000 tonnes which was present at the beginning of 1994.

So from 1994 to 1995 the spawning biomass has gone from 20 000 tonnes to 18 000 tonnes. The 1995-96 report "State of the Fisheries" states that the estimates from the model suggest that the spawning biomass at the end of 1995 was in the vicinity of 15 000 tonnes and may be as low as 9 000 tonnes at the end of 1996. It has declined from values in excess of 25 000 tonnes at the beginning of 1994 to 20 000 tonnes, to 18 000 tonnes, to 15 000 tonnes. I am not quoting something out of the air but Fisheries data from its "State of the Fisheries" report.

Hon M.J. Criddle: Did you predict the disease?

Hon KIM CHANCE: No, of course not. However, what happens when people start fishing at 41 per cent of the biomass with an eight-year age group is that there will always be a reduction in its stock. The reduction was no secret but was disclosed at every stage in the Fisheries publication "State of the Fisheries". The Minister for Fisheries was allowing more and more exploitation of the fishery when he knew this was happening. That is the issue.

Motion lapsed, pursuant to standing orders.

### **SITTING HOURS, MODIFICATION**

#### *Motion*

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [4.19 pm]: I move, without notice -

That until 31 December 1999, or unless otherwise ordered, Standing Order No 61 is modified as follows -

|            |                                     |
|------------|-------------------------------------|
| Wednesday: | commence 3.00 pm;                   |
| Thursday:  | commence 10.00 am, adjourn 6.00 pm. |

I foreshadowed this motion last Thursday. It results from consensus reached between various parties of the House to extend the sitting of the House by three hours a week. The motion means we will sit earlier on Wednesday and an hour earlier on Thursday, and sit until 6.00 pm on Thursday.

Tomorrow, to compensate for the earlier start, I will move without notice to amend Standing Order No 61(a) to ensure that consideration of committee reports on Thursday concludes at 12 noon rather than 1.00 o'clock.

Question put and passed.

### **ORDERS OF THE DAY**

#### *Motions for Disallowance - Discharged from Notice Paper*

On motion by Hon Tom Helm, resolved -

That the following orders of the day be discharged from the Notice Paper -

No 2 - Botanic Gardens and Parks Regulations 1999

No 3 - Town of Vincent - Local Law relating to Fences, Floodlights and other External Lights

No 6 - By-laws of the Western Australian Trotting Association - Notice of Amendment

### **PRISONS AMENDMENT BILL**

#### *Second Reading*

Resumed from 28 October.

**HON GIZ WATSON** (North Metropolitan) [4.21 pm]: When I spoke the week before last on this matter, and earlier on the Court Security and Custodial Services Bill, I raised the issue of a private organisation and private employees having the right to use "legitimate force". As I said, in the opinion of not only me but also others, it is crucial that control of the right to use legitimate force remain within the State rather than be handed over to private enterprise.

In an article on private prisons in *Incite*, the University of Western Australia's political science department's magazine, Merinda Logie says -

Prison officers similarly to police; rely on direct force, amounting to a significant delegation of the state's "monopoly of legitimate use of force". In particular they have extensive discretionary power, the exercise of which can reflect a systematic policy or style, with profound effects on prisoners. Alongside the formal disciplinary system, there also exists an informal or 'shadow' system involving sanctions 'in the interests of good order and discipline' - segregation, confinements, withdrawal of privileges, transfers, disciplinary reports, etc. . . . argues that this quasi-judicial role exercised by private employees contradicts the principle that punishment has to be determined by courts representing the state and only administered by private entities. The use of discretion in these matters is very difficult to subject to external scrutiny in any prison, and may be merely complicated by vested interests in private facilities and the conflicts between regulators and the independent operators.

The next item I move on to is the assertion raised in this debate by the Australian Democrats that the Government would go ahead and privatise prisons anyway. The Democrats used that assertion as the basis for facilitating the Government's agenda of creating private prisons in this State. The Democrats contended that if they did not cooperate with the Government by providing a safety valve in the form of an inspector, the Government nevertheless would privatise prisons. I received two legal opinions on this matter, both of which contradict that view. One opinion, from the Society of Labor Lawyers (WA) in a letter sent to Hon Helen Hodgson on 23 July, reads -

Re: Privatisation of Prisons

Thank you for your (undated) letter explaining the position your party has adopted in relation to the above issue.

We welcome your acknowledgement that there are concerns about the morality of the proposal to privatise state prisons and we urge the Australian Democrats to reconsider its position.

It appears that this position is predicated entirely on the assumption that the Government does not need to amend the *Prisons Act* in order to proceed with privatisation of prisons, and the South Australian experience is cited in support of this assumption.

In our view, this assumption is incorrect.

An examination of the South Australian legislation, the *Correctional Services Act* 1982 (SA), reveals that it differs markedly from the WA *Prisons Act*.

The WA *Prisons Act* is geared entirely toward prisons being run by the Government.

Prison officers are appointed by the Minister on the recommendation of the Public Service Commission. The Act sets forth very onerous obligations and responsibilities on officers and gives them extensive powers, such as the power of search and even to shoot people in certain circumstances. These powers must be exercised in the public interest. There are also numerous rights of appeal and complex disciplinary procedures contained in the Act.

In the absence of amendments to the *Prisons Act*, a private prison in WA would have to be staffed by public officers. It is difficult to see how public officers, with their considerable public powers and responsibilities, could be supervised and disciplined by private operators who are not publicly accountable, and whose sole motivation is profit-making.

The South Australian legislation does not contain similar provisions to the WA legislation. It is, quite clearly, lacking the very strong underlying assumption contained in the WA legislation, that prisons will be managed by the Government. There are, consequently, not the same impediments to the establishment of private prisons in South Australia as there are here.

If you have obtained legal advice to the contrary, we would be pleased to receive a copy of it.

The letter goes on to say -

. . . we urge you to reconsider your position, based as it is upon incorrect information.

I then sought a further legal opinion which basically said the same thing. However, I wish to mention a couple of specific sections of the *Prisons Act* which were pointed out to me in the second legal opinion from Greg McIntyre of 26 June 1999 which reads -

An examination of the *Prisons Act* 1981 suggests that it would not be possible to manage a prison under the law as it presently stands with the use of personnel other than persons appointed pursuant to the *Prisons Act* and under the *Public Sector Management Act* 1994.

Section 6 of the *Prisons Act* provides that the responsibility for administration of the Act is vested in the Minister, persons employed by the Minister on the recommendation of the Public Service Commissioner, and officers employed under the *Public Sector Management Act* 1994, including a Chief Executive Officer and an Executive Director (Corrective Services).

Section 8 provides that the Chief Executive Officer may only delegate his powers to another officer.

I will not read the entire advice but basically he notes about 10 further sections under the current *Prisons Act* that will be problematic unless the amendments that we are currently debating in this place are passed.

Therefore, the argument that this will happen anyway is based on a wrong assumption and is severely flawed. In fact, if the Democrats had stood their ground on this, we would not be contemplating locking this State into private prisons for at least the next 20 years. The trade-off in this whole equation is that we will have an independent inspectorate. Indeed, everyone to whom I have spoken on this issue and who is involved with prisons and prison justice accepts that the idea of an independent inspectorate is welcome and long overdue. However, in this case it is merely a window-dressing for the Government to pursue its agenda of privatisation. It has not been accepted by anyone with whom I have consulted that this in any way makes acceptable the move to private prisons in this State. In fact, this State needs an inquiry into the prison system. A full public inquiry is about the only thing that would get to the bottom of the dire situation of overcrowding and appalling conditions in our prisons. Numerous other watchdog bodies which have been set up in this State have failed to provide accountability and openness; that is, the Anti-Corruption Commission and the Public Sector Standards Commission. I note that we have not seen an ombudsman's report on the prisons in this State and somehow it has not appeared in the



public arena. I question what faith we will have that the system which is established under a private inspectorate will deliver the goods and will be resourced in a way that will allow it to operate as a truly independent inspectorate.

Concerns have been raised by social justice groups about the impact of privatisation on their accessibility to the prison system in terms of looking after prisoners' concerns and ensuring that prisons are administered fairly. I have received a letter from the Social Responsibilities Commission of the Western Australian Province of the Anglican Church of Australia which is dated 1 July 1991, but I will not go into it in great detail. In part it states -

In particular it is concerned about the impact of management contracting on the role in the prison system of prison chaplains and other community-based providers of prisoner support services.

It goes on to state in some detail that it has concerns with the private system and that it would have even less access to the prison system than it does at this point.

It was noted as recently as the past week, but perhaps not yet in debate, that the new Victorian Government is doing all it can to get out of the contracts into which the former Government entered with the private providers for the prisons. It has recognised that the privatisation of prisons has not been a success, and it is doing all it can to get out of those contracts. If we enter into a 20-year contract in this State, we will be locking ourselves into a contract which we will not get out of easily.

In conclusion, as opposed to private prisons, we would like to see in this State a commitment to restorative justice; a tackling of the underlying problems of poverty, drugs and social alienation that are filling our jails; a true commitment to reducing recidivism; and an investment in the future which is not about privatising prisons.

**HON CHERYL DAVENPORT** (South Metropolitan) [4.34 pm]: I oppose the Bill before us. Over the 10 years that I have been in this place I have developed an interest in the whole issue of the prison system. One of the main reasons for that was drawn from what I saw during the juvenile justice debate that went on in the early 1990s. At that time I agreed with others in this place that prisons such as Longmore Training Complex and Riverbank Detention Centre were not up to scratch in such areas as rehabilitation programs for young people. However, Western Australia now has a very good prison for juvenile offenders that was built with public money. I congratulate the Minister for Justice on the work that went into the design of the Banksia Hill Detention Centre and into some of the rehabilitation projects in which young people can participate. If the public sector can build a suitable juvenile prison, I do not understand why it cannot build a new adult prison. Earlier this year I visited the Metropolitan Women's Correctional Centre at Deer Park, Melbourne, which is a Corrections Corporation of Australia facility. That is an impressive prison, and not unlike the Banksia Hill Detention Centre in Western Australia. I have visited both facilities. One of the things that disturbs me about CCA's women's correctional centre is that it is built on a barren salt plain and it is hard to grow anything. CCA may see the cultivation of trees as a challenge for the women who are in that prison. I will concentrate on that later in my remarks.

I have taken the opportunity to speak in this debate because I want to raise some of the issues referred to in the "Thirteenth Report of the Standing Committee on Public Administration in relation to outsourcing and contracting out: Investigations in the United Kingdom". During the committee's hearings in the UK, committee members spoke with Professor Keith Bottomley and Adrian James of Hull University who were contracted by the National Audit Office to monitor and evaluate the Wolds Remand Prison and to compare that prison with public sector prisons, in particular the newer Her Majesty's Prison Woodhill in London. Wolds was one of the first UK prisons to be privatised and built by the private sector. Wolds was not built as a prison for sentenced prisoners; it was built as a prison for remand prisoners. There is a big difference in contracting out those types of service. If we wanted to move to a private system, a remand centre would be an interesting case study to trial.

Wolds Remand Prison now takes sentenced prisoners. The UK authorities have found that the overcrowding problem that occurs in public prisons is now occurring in that prison. The notion that moving to a private system will overcome the problem of overcrowding that occurs in the public system is not necessarily the case.

Hon Peter Foss: The problem with building too many rooms is that people will fill them.

Hon CHERYL DAVENPORT: That is right. The Minister for Justice and I know that if the Government placed more emphasis on prevention, there might not be so many people in prisons.

Hon Peter Foss: One of the problems with empty prisons is that people will fill them.

Hon CHERYL DAVENPORT: That is right. When Casuarina Prison was built, it was not thought that it would be filled very quickly, but it is now full. We must look at other strategies, rather than just building more prisons to accommodate prisoners. The Minister for Justice and I know that in New Zealand, juvenile detention centres were closed down.

Hon Peter Foss: And they have been opened up again.

Hon CHERYL DAVENPORT: The minister may be aware of that, but I am not.

Hon Peter Foss: I went to look at them. There are now more juveniles in adult jails. The authorities pretended they had closed them down, but the juveniles are in adult jails. They are now building detention centres because they realise what they have done.

Hon CHERYL DAVENPORT: When I was in New Zealand in the early 1990s, there were closed detention centres, and I think at that time in the whole of New Zealand there was only something like 50 -

Hon Peter Foss: I think we were conned. I have had a look at them.

The PRESIDENT: Order!

Hon CHERYL DAVENPORT: The minister may feel that way. I have seen no evidence, although I have not been back there.

To continue my remarks on the situation in the United Kingdom, paragraph 5.9 on page 116 of the report of the Standing Committee on Public Administration refers to the Wolds study, and it says that the contracts have been renegotiated to allow for the introduction of sentenced prisoners. That has now resulted in a divergence of opinion on whether or not it is still the ultimate in private systems. The report says -

On one hand Wolds has lost its uniqueness in specialising in remand prisoners, whereas on the other, its increased function enables overcrowding concerns in relation to sentenced prisoners to be addressed.

I will move on to the concept that is addressed in paragraph 5.10.2, which states -

In comparison with public sector prisons the staff/prisoner relations at Wolds was better as they were not hierarchical and staff treated prisoners with more respect.

The type of philosophy behind that was called "management by relationship". What I saw at the corrections centre in Melbourne was a better relationship between prisoner and prison officer than I have seen in some of the prisons I have visited here in Western Australia. I guess I can make the comparison between the corrections centre and Bandyup Women's Prison. I am not sure of the reason for that, but I suspect it has something to do with the fact that, similar to the Wolds prison in the United Kingdom, the staff engaged were not necessarily prison officers. The staff were recruited locally, and the gender break-up in the Wolds prison was 80 per cent women and 20 per cent men. That would certainly be a major cultural change in a prison system which we have not seen here, where obviously the staff is male dominated. Even at Bandyup, my recollection from my visit there some 12 months ago is that the ratio is fifty-fifty. Therefore, there would be a difference in the way the Wolds prison would operate with a large number of the staff being women.

Another point is that economies of scale were achieved at Wolds because it was a new private prison. As I said, the gender mix was 80 per cent women, 20 per cent men. An interesting point was that in comparison with the public system, the staff ratio was one staff to 50 prisoners compared with three staff to 60 prisoners in some of the public prisons.

We were told when we met with the evaluators that one of the reasons that there was some cost benefit in that prison was that, because it was a new service, it could employ new workers and did not need to transfer workers from the public to the private sector. Under European laws, workers who are transferred from the public to the private sector are given a guarantee that their rate of pay will be maintained for at least 12 months. Therefore, because this prison did not need to transfer employees, it could pay its employees a lower rate of pay and also provide conditions of employment that were not as good as those in the public sector. However, while the union coverage of those workers was less than it was in the public sector, a union presence was operating within that private prison system.

The minister argued in his second reading speech that the Government is aiming to develop a prison system that is at least as advanced and effective as any in the world. I argue that that is the case now in our public prison system. The minister said also that the Government is purposefully seeking flexibility, efficiency, innovation, effectiveness and continuous improvement. I am interested to hear what the minister means by the word "flexibility".

Hon Peter Foss: We intend to use the same people for both the security and teaching jobs, which will allow us to have a lower staff ratio, because we will not have one lot of people standing on guard while another lot of people are delivering the programs.

Hon CHERYL DAVENPORT: I have read some of the history of what has happened at some of the CCA prisons in the United States. One of the criticisms of the United States system is that correctional officers do both things. A United States General Accounting Office analysis of private prisons in Tennessee revealed that they cut corners with regard to the number of people who were employed to do the job. In the case of the escapes from Youngstown prison, which has been mentioned, there was a misaligned motion detector fault which was not noticed for several weeks, because the corrective services officers who were responsible for those security technologies argued that they were not meant to be maintenance crews -

Hon Peter Foss: The experience in Australia has led to a better attitude on the part of security officers, because rather than just being on guard, they are engaged in the business.

Hon CHERYL DAVENPORT: Can there not be negotiation to achieve that sort of outcome in our public prison system?

The minister referred in his second reading speech to the introduction of contestability as a means of benchmarking and improving the performance of our public prisons. I guess the minister is trying to say that he would expect an attempt to set up a benchmark between the public and private sectors to be an outcome of moving to privatisation. The second reading speech states -

To the extent that financial considerations do count, it is in the context of value for money in achieving a prison system that is safe and succeeds in reducing repeat offending.

I think I see what the minister is getting at, but why does he think the private system does a better job of reducing repeat offending than the public system?

Hon Peter Foss: They offer more programs for a lesser price. We cannot deliver those programs under our current budget - with theirs we can.

Hon CHERYL DAVENPORT: The minister is saying there is no potential in the public sector to contract out those services.

Hon Peter Foss: I think there is, but until such time as we have the comparison, we will not be able to change the public sector. I think there is that potential.

Hon CHERYL DAVENPORT: I have talked about workers' wages, and something we learnt in the United Kingdom from the folk who conducted this evaluation was that while there were lower levels of pay for the actual workers, the correctional officers, there was not for senior management - their pay rates were higher than those in the public sector. I imagine that would occur here.

Hon Peter Foss: Do you see that as bad?

Hon CHERYL DAVENPORT: Why is there this resistance to paying ordinary workers a reasonable wage?

Hon Peter Foss: There is no resistance to that.

Hon CHERYL DAVENPORT: Across the private sector there is a push to reduce or maintain workers' wages at a particular level. There have not been great rises in workers' wages for many years but we know in Australia and other countries that, by comparison, management rates of pay have gone through the roof. The gap between the rich - or those in management positions - and ordinary workers has changed remarkably over the past 10 or 15 years. It seems that this is simply a continuation of that attitude to working people.

Another area I am interested in, and Hon Giz Watson mentioned this earlier, is the whole question of monitoring in this system. I concur with what Hon Giz Watson said. If we are worried about the standards within the public system, why can we not have an independent prisons auditor, ombudsman or the like? Do we need to have a private prison to have that kind of system operating? We could legislate to have that now without moving to a private system.

Hon Peter Foss: We have it now without legislation.

Hon CHERYL DAVENPORT: We do not have an independent auditor.

Hon Peter Foss: It is independent of the prison service.

Hon CHERYL DAVENPORT: I can see that there needs to be strength in the whole question of monitoring. This Government has moved to privatise so many things. We saw that some of the submissions made to the inquiry into the Rail Freight System Bill 1999 called for a whole-of-government regulator. We could deal with these issues. The minister is saying that in effect we need to privatise to set up this kind of monitoring system. I do not believe that is the case. We could do it now and use that whole of government regulator to monitor the privatised services and public access, as well as the present public system. That could be done now without the need to privatise the prison system to achieve that outcome.

While we were in the United Kingdom, we spent some time with the Prisons Ombudsman, a very interesting person. He said that he was not an apologist for the prison system, but not necessarily on the side of prisoner either; however, he must show prisoners that they can expect fairness from the system. I again argue that if that is his attitude, why can we not have that system without the need to move to a private prison. During his meeting with the committee, the ombudsman noted that a greater number of assaults on prisoners in the private system seemed to have been reported. He suggested that this may have been because of the lower levels of supervision. I mention this earlier: Whereas in the private system there is only one correctional officer to 50 inmates, in the public system the ratio is 3:60. Those figures suggest that a significantly higher safety mechanism is provided in public prisons. He was also concerned about some anecdotal evidence that was starting to emerge in the private prison system. Paragraph 5.25 on page 122 of the document reads -

Although not proven, it had been stated that many complaints from private prisons were resolved internally via a "slush fund" from which compensation could be paid to the prisoner to avoid a complaint getting to the Ombudsman.

Although that is anecdotal evidence, it came from the mouth of the Prisons Ombudsman and, therefore, I suggest it has some validity, otherwise he would not have said it. Although, on the face of it, the privatised system may seem to be pretty good, a whole range of hidden problems emerge the longer the system is in place, and that is one of them.

We also heard that HM Inspectorate of Prisons aims to visit every establishment at least every five years. That seems an awfully long time between visits. When people are looking after the wellbeing of those who are imprisoned, I hope they will look -

Hon Peter Foss: They will have a continuous presence, a full rotational presence.

Hon CHERYL DAVENPORT: The aim in Britain is to inspect these facilities at least every five years. I imagine the difficulty is that there is a bigger population and many more prisons there.

My final point about the British experience - it was touched on earlier during the debate - is that when an Opposition is seeking office, its philosophical perspective is different from that of the Government of the day. Contracts involving prisons are a classic example of arrangements that will go for a very long time. It would be very difficult for an incoming Government, despite the fact that it has a philosophical position, to get out of a contract which goes for, say, 25 years. Certainly the British Labour Government was very much stuck with the outsourced prisons, even though it did not agree with the policy.

[Questions without notice taken.]

Hon CHERYL DAVENPORT: Before question time I was about to raise the issue of recruitment and training for a privatised prison system. Given that there are barely enough prison officers to serve the public system now, I imagine that the minister would prefer new recruits rather than prison officers coming from the public system. What qualifications will people require to work in a private prison, where will the recruits come from and what contractual requirements will ensure that Corrections Corporation of Australia employs the right type of people?

I wanted to probe another area that was referred to in the second reading speech. I note that it is the Government's intention to introduce further legislation to expand the jurisdiction of the Inspector of Custodial Services to cover juvenile detention centres. If the Government proceeds with this privatisation arrangement, will the minister also privatise the juvenile system? I have real concerns about the protection of young people, and believe they should be cared for by the public sector until they at least come of age. I hope that there is no intention to go down the path of a private prison conducting the rehabilitation of juvenile prisoners.

I will conclude my remarks on this Bill by referring to the record of Corrections Corporation of America in a couple of areas in the United States. Some of these instances have been referred to in earlier debate, but members have not quoted from the articles that I have been able to locate. The first point I raise concerns the Youngstown, Ohio privatisation experience, which occurred in 1997. This is an interesting scenario. I will refer to an article that was given to me by a union official when I was in Victoria. The article is from *Public Employee*, the magazine that covers people who work in the prison system, and is entitled, "Youngstown: Will Justice Be Served? The privatization debate heats up after CCA disasters." The article states that for \$1, CCA could have 101 acres of land to build and then operate a prison, plus a 75 per cent tax abatement - which I assume is a tax break - for seven years. In return, Ohio would get its first private prison, and Youngstown, with at that time its suffering, steel-dependent economy, would get 450 jobs. Two years later, the new Mayor of Youngstown described CCA as the most deceitful, dishonest corporation he had ever dealt with, and he warned other States that might be proceeding down the path of privatisation to be very careful.

I refer now to *The Nation*. The publication date is 5 January 1998, and the article is entitled "Private Prisons: Over the next five years, analysts expect the private share of the prison 'market' to more than double." On page 12 it states -

Although private prisons have failed to save much money for taxpayers, they generate enormous profits for the companies that own and operate them. Corrections Corporation ranks among the top five performing companies on the New York Stock Exchange over the past three years. The value of its shares has soared from \$50 million when it went public in 1986 to more than \$3.5 billion at its peak last October.

That was October 1997. It continues -

By carefully selecting the most lucrative prison contracts, slashing labor costs and sticking taxpayers with the bill for expenses like prisoner escapes, C.C.A. has richly confirmed the title of a recent stock analysis by Paine Webber: "Crime pays."

"It's easier for private firms to innovate," says Russell Boraas, who oversees private prisons for the Virginia Department of Corrections. As he inspects a medium-security facility being built by C.C.A. outside the small town of Lawrenceville, Boraas notes that the prison has no guard towers - an "innovation" that saves the company \$2.5 million in construction costs and eliminates twenty-five full-time positions. "Think about it," Boraas says. "A state corrections director who eliminates guard towers will lose his job if a prisoner escapes and molests a little old lady. The president of the company won't lose his job, as long as he's making a profit."

Hon Peter Foss: Are you suggesting we should put guard towers at Casuarina?

Hon CHERYL DAVENPORT: No, I am not saying that; I am saying that there are ways to make short cuts in the private system that do not exist in the public system.

Hon Peter Foss: Yes, prison towers.

Hon CHERYL DAVENPORT: I am quoting from an article to make my point. It continues -

The crime rate nationwide remains well below what it was twenty-five years ago, but harsher sentencing has packed prisons and jails to the bursting point. There are now 1.8 million Americans behind bars - more than twice as many as a decade ago - and the "get tough" stance has sapped public resources and sparked court orders to improve conditions.

I now return to the article from *Public Employee* to highlight some of the problems that were outlined by the former CCA officers who testified on the National Broadcasting Company's *Dateline* program in January or February this year. CCA's philosophy was foremost to save money, and that was a greater requirement than the rehabilitation of its prison population. For example, correctional services officers were encouraged to go off their shifts early, even prior to staff changes, to ensure that they were not eligible for overtime payments. CCA cut costs in any way it could, even to the extent of holding back toilet paper for the inmates. I hope the minister will ensure that that cannot happen under this contract. The US General Accounting Office analysis revealed also that while cost benefits might have existed in the early stages, down the track the cost per inmate was \$37.86 a day in a publicly-run prison compared with \$53.50 a day at CCA's Youngstown prison.

Hon Peter Foss: We hope to have the same thing here. The good thing about private prisons is that they make public prisons drop their costs.

Hon CHERYL DAVENPORT: That has been alleged. However, while the costs in the United Kingdom dropped early in the piece, they are now climbing again.

Hon Peter Foss: I will read you a quote.

The PRESIDENT: Order! Let us worry about that in committee, when there can be some interaction between members of the whole House.

Hon CHERYL DAVENPORT: The other debacle with regard to CCA was the incident that occurred at the Houston Processing Centre for illegal immigrants. CCA chose to incarcerate in that institution some convicted sex offenders, one of whom had beaten and raped an 88-year-old woman. However, those fellows escaped and were on the run for 11 days. The Houston centre expected the Texas rangers to recapture the escapees, claiming it was not their function to catch them. However, the scenario that developed was that it proved easier to catch them than to charge them with a crime, because in Texas it was not deemed a crime to get out of a private prison. They could only be charged on the ground that they had assaulted a guard and taken a motor vehicle. I hope the minister has appropriate legislation to prevent that from happening in this State.

Hon Peter Foss: None of this has any relevance to Western Australia.

Hon CHERYL DAVENPORT: It will be a private prison.

Hon Peter Foss: Funny things happen in public prisons too.

Hon CHERYL DAVENPORT: The State is then responsible. What we will have here is private versus public, where the private prison can opt out and the State will need to pick up the tab and cop the odium for an escaped prisoner. It seems that there is a case to be answered in that context.

Hon Peter Foss: There will be a \$100 000 fine if somebody escapes

Hon CHERYL DAVENPORT: I hope there is. I am very concerned about the Government's move down the private path in terms of prison services. I am sorry that my friend, Hon Helen Hodgson, in her wisdom has chosen to support the Government's position. I can only say that from my perspective if it does not go right, the safety of Western Australians and the potential to rehabilitate prisoners to that extent will be on their heads. I do not support this legislation.

**HON HELEN HODGSON** (North Metropolitan) [4.45 pm]: Some members have already commented on the position the Australian Democrats will take on this Bill even though I have not yet spoken on the Bill in this Chamber. It has been a difficult decision because my original gut instincts were very much in line with the views already expressed by members on this side of the House. At first I found it difficult even to consider the idea of a prison being run by a private organisation. We needed to step back and look impartially at most of the issues which have been raised in this debate. Essentially, when I looked at the options available to us, I felt there were two potential courses of action with three possible outcomes. First, there is the possibility of this Chamber blocking the legislation and rejecting the Bills before it. I made some inquiries and members of this Chamber may remember the question I asked of the Minister for Justice on 23 June 1999 about the proposed contracting out of the Acacia Prison. We were advised in this place on that date that two versions of the contract had already been drafted and which form of the contract would be implemented depended on the outcome of the legislation. If we reject the legislation in this place, we will run the risk of going down the path of having a completely unregulated contracted-out prison. It is possible the prison contract will go ahead without the backing of any legislation.

The purpose of the legislation is primarily to put in place contract monitoring and contract obligations. There are one or two controversial clauses which we will come to in the committee stage but the bulk of the Bill concerns the function of monitoring contract performance between a private organisation and the Government. If we did call the Government's bluff and rejected the Bills, what would happen? The first possibility is that the Government would proceed anyway and we would be faced with a situation similar to that of South Australia. In that instance, the Legislative Council blocked the proposal to implement private prisons through legislation and the Government proceeded to engage private operators for the Mount Gambier prison through the backdoor. As there is no legislation, there are no statutory constraints on the prison operator, and no measures in place to ensure accountability to the people of the State. The only relationship between the Government and the prison operator is under the terms of the contract. I acknowledge that members of this Chamber have read out conflicting legal advice. We have heard that both Labor lawyers and Greg McIntyre - for whom I have a lot of respect - have advised that they do not agree that that is an option.

The next question is this: Who will challenge the Government if it proceeds anyway; who has the legal standing and the funds to take on the Government and the private operator of the prison? If it could not be done in South Australia and is illegal there, as has been suggested in some of the legal advice I have received, why has it not been challenged? Why has nobody taken steps to protect prisoners in South Australia from this supposedly horrendous spectre of private prison operators?

Others have suggested that if the Bill is rejected, the Government might drop its proposal for the private operator for the new prison. I suppose that is the preferred outcome of members on this side of the Chamber. My concern with that suggestion is that, apart from the liability that the State may well be up for in terms of damages, depending on the stage of the agreement between the Government and the private contractor - that should not be a significant part of our decision making here - some improvements are desperately needed in the prison system currently operated by the Ministry of Justice. Conditions in the prisons have been aired in a number of debates in this place. There is evidence that the management involved in the operation of the prison system in Western Australia is worse than that in many private prisons in other States. I need go no further than the recent "Report of the Inquiry into the Incident at Casuarina Prison on 25 December 1998", the Smith report. Paragraph 8.2.2 reads -

The Ministry of Justice and the Offender Management Division are a long way from where they need to be in terms of management of an effective prison system. The problems are entrenched and systemic. Changes will not occur overnight.

Paragraph 5.2.8 reads -

It became clear to the Inquiry team that the Division -

that is, the offender management division -

- had been a rather dysfunctional organisation to some extent for some time. The history - told to us by many individuals - appeared to be one where there were indications of a lack of systematic planning, a personality driven culture, the fragmentation of key officials into factions that were openly hostile to each other, a failure to make individuals accountable for their actions, a lack of management ability and vision, a lack of focus on the core business of running a Prison Service, distrust between Superintendents and Headquarters staff and vice versa, and individual power bases which often seem to work against each other.

The report is laced with comments about how poor the internal arrangements of the Ministry of Justice are and how they contributed to the conditions that led to the riot at Casuarina Prison on Christmas Day last year. I am not saying that I agree with the minister's views that a private prison will change the culture within our prison system; however, I note that in the recent report of the Standing Committee on Public Administration in relation to contracting out and privatisation, reference is made to evidence from people who believe that the prison culture in the United Kingdom has changed because of the introduction of private prisons. I do not subscribe to that belief, but something is needed. We need a catalyst for change. I believe tougher accountability can be that catalyst. I have heard members say in this place that they believe the idea of a fully external and independent inspector is a good idea and that nobody is arguing against that, and then ask why the Government does not introduce it anyway.

Some members may recall in another debate in this place a reference to the possibility of an inspectorate being operated within the Ministry of Justice. If it were left to this Government, that would be the best that we could hope for, on the basis of its record to date. Just tonight by way of interjection - I do not know whether it will be recorded in *Hansard* - we heard about an inspector who is operating independently of the prison service, but the arrangement is still within the Ministry of Justice. It has been put in place as an interim measure because of the proposals before the House today. It is still a matter of ensuring there are proper accountability and external measures. That will be the catalyst for change in the prison system. Why do I not simply introduce a private member's Bill to provide for that or even introduce amendments to other legislation? The answer is very simple. To provide the sort of inspectorate that will work, separate funding will be needed. That involves an appropriation, and all members are well aware that our hands are tied and our powers are very limited in respect of any initiative that will cost the Government money. It may cost the Government money to set up the new office, but the final outcomes of this initiative will probably save the Government money. I accept the comments of those who say the trade-off is too great. I understand exactly where they are coming from. However, the existing prison system is nothing to crow about and if this step must be taken to change it, I am willing to consider taking this step. That is the third option to which I referred earlier.

By introducing changes that apply to not only the private prison system but also the public prison system, I hope we can improve conditions for prisoners and ensure their rights are protected. It is clear that I am arguing for an office with powers greater than those of an ombudsman; it is a human rights watchdog. It is an office that has the power to look after the rights of prisoners. What is the key issue? Is it a case of who looks after the prisoners or of how they are looked after? I argue very strongly that we must work towards the best system of care for prisoners, which includes rehabilitation and other similar matters. It is essential that the transition be totally open and accountable and that standards be raised. After the standards are raised, they must be maintained in all the prisons across the State.

We have heard many comments in recent debate about the merits of a particular contractor. At this stage the contract is likely to be awarded to a particular contractor. However, I think many of the analyses and comparisons must be put into context. For example, all the academic writing on the prison system in the United States indicates that its whole attitude to imprisonment is different from the attitude in Australia. The United States has a culture of punishment, where prison is designed to lock people away, deprive them of their rights and strip them of their humanity. That culture applies whether it is a privately-run prison or a prison within the government sector. There are no systems of accountability for most of the private prisons in the United States. A couple of jurisdictions have implemented a form of contract monitoring, but they seem to be remarkably ineffective. That is the culture from which much of the information put on the record in recent debates emanates. The record of some of the government-run prisons in Alabama, Texas and the southern States is no better than the record of the privately-run prisons in the United States.

Hon Peter Foss: Even some of the federal prisons are quite horrible.

Hon HELEN HODGSON: The whole prison system in the United States and the underlying differences in the structure must be taken into account. A request for proposal is attached to the proposal before us today. I was fortunate enough to have the opportunity - many members were offered this opportunity - to look at the detail in the RFP. If some members had taken the opportunity to look at the RFP and satisfy themselves on some of the specific concerns they have raised in this place, they would perhaps have a different perspective. I am not saying it would change their philosophical views on whether prisons should be operated by a private contractor; however, matters raised in this place, such as the number of staff, use of watchtowers, and the use of internal security perimeters, are addressed in the RFP document.

*Sitting suspended from 6.00 to 7.30 pm*

Hon HELEN HODGSON: Before the suspension I was discussing some of the issues raised recently in this place about the individual private prison operator. Focusing on the individual tenderer introduces a red herring because this Bill sets up a framework. Any tenderer at any time in the future could be affected by this framework, so we must focus on the accountability mechanisms. We must ensure that the tendering process is open and above board and that the contracts are not only made publicly available but also that they are fulfilled. That is the importance of the contract monitoring function in this Bill.

As I have stated previously, the request for proposal is extremely detailed. One of the issues that arises regularly when dealing with contracting out is whether we can cover all the appropriate issues in a contract. The RFP covers many of the criticisms raised today about the way in which private prisons operate in other jurisdictions. If these issues were not covered in the RFP, we would need a fail-safe mechanism. That is the function of the independent inspectorate. It is the inspectorate's job to look after the prisoners' human rights, whether they be in the government system or the proposed private system.

Let us imagine that the contract does not detail the amount of toilet paper that should be available to each prisoner. I am sure the inspection team would consider that when inspecting the prison. I say that with the advantage of having seen the interim inspectorate team's report of its inspection of Bunbury Regional Prison tabled in this place last week. I understand that the Bunbury Regional Prison was selected as one of the first prisons to be inspected because, unlike Bandyup Women's Prison and Casuarina Prison, it does not have enormous problems. It was important to start the inspections at a prison with reasonable standards so that the team could get a feel for what was going on and find a starting point. The detail in the report and the specific matters raised indicate that the team members went in with their eyes wide open. They looked at many issues relating to accommodation, frequency of the laundering of clothing and so on. There is even a recommendation that new underpants be issued to prisoners on admittance. We hope that that detail is in the contracts, but that may not always be the case. There is sometimes an underlying assumption that these things will happen, and it would be understandable if they were overlooked.

Those are the sorts of things that the team will go in to inquire about. They will go in to find out what is going on, independently of who is the preferred tenderer for the contract. We need an accountable process under which the terms and conditions are made as specific as possible and with a failsafe mechanism, so that if matters are not specified in the contract, we can fall back on it. As I see it, that is the role of the Inspectorate of Prisons.

Another issue that regularly comes up is that of the need to fill beds in a private prison. That matter is again one for the terms of the contract. One of the differences in the way in which Acacia Prison is proposed to operate is that it is to be an integrated part of our whole prison system. It means that someone is not admitted to go to Acacia Prison but is sentenced, inducted through the remand centre and, it is hoped, will end up at one of the minimum security centres. Acacia Prison is a medium security facility, which is part of our prison structure. Because of that, there should be a through flow. All of these matters are incorporated in the request for proposal and the proposal before us. There are requirements for certain bed numbers and so on, but the contract will not enable the private operator to manipulate numbers in the way that private operators can in certain other jurisdictions and situations.

There is also much discussion about the comparisons between publicly run prisons and privately operated prisons in various jurisdictions and their safety and the opinions of inmates. I have a report from the Australian Institute of Criminology on "Trends and Issues in Crime and Criminal Justice: Report 120, Deaths in Private Prisons 1990-99: A Comparative Study". This report looks at some of the prisons that operated in Australia between 1990 and 1997. The prisons are basically Borallen and Arthur Gorrie in Queensland, Junee in New South Wales, Mount Gambier in South Australia, and Deer Park, Fulham and Port Phillip in Victoria. The report debunks the myth that in Australia at least there is any connection between publicly and privately operated prisons and the rate of deaths in custody in the prison population. The report refers to a table that is illustrated and states -

... it can be seen that the rate of death from all causes in private prisons is 2.93 per 1000 prisoners per year ... compared with 3.35 per 1000 prisoners per year ... in public prisons. While this difference may seem large, it is not statistically significant and therefore one cannot be claimed to be higher or lower than the other.

It is clear that public and private prisons are seen statistically to perform on a very similar level when it comes to deaths from all causes in prisons. It continues -

The difference between private and public prisons in relation to suicide is apparently not so great, however, with the rate for private prisons being 1.51 per 1000 prisoners per year ... compared with 1.57 per 1000 prisoners per year ... for public prisons. These two rates are clearly very close and their difference is not significant.

That applies to not only all deaths but also suicide. In fact, the report shows that the connection between the rate of suicide in prison and the type of facility is not a question of whether it is privately or publicly operated but whether it is a remand facility or a more general sort of facility. For example, it has been well established that remand prisoners, who constitute substantial numbers at Arthur Gorrie and Port Phillip, are more likely to commit suicide than are prisoners serving sentences. Other factors, such as high turnover, seem also to be relevant. In Australia, using Australian statistical data based on the prisons which are operating in other Australian jurisdictions, it is fairly clear that there is no statistical link between whether a prison is publicly or privately operated and the rates of deaths in custody.

While on the subject of prisons in other jurisdictions, I refer to the report of the Victorian Auditor General. It is quite rightly a damning report of the way private prisons are operated in Victoria. I respect the decision of the incoming Labor Government in that State to withdraw from the relevant contracts. It also appears clear that a number of breaches of contract

have occurred. Ample grounds exist for withdrawing from the contracts, whether they be ideological or based on breaches of contract. The key problem with the way the Victorian system has been established is the lack of independence of the monitoring function. Quite rightly, the Auditor General was damning of the fact that all the monitoring occurred within the Department of Corrections. He did not have access to information. Under Victorian freedom of information legislation the Liberal Government was able to prevent the Auditor General from having access to financial information. How can anyone be sure of what is occurring within prisons in that climate? What climate does that generate for prisoners and the public? It is not surprising that a total loss of confidence has occurred in the Victorian system.

We could call the Government's bluff and block this legislation, which would result in a prison system without any accountability mechanism whatsoever, left to establish its own internal arrangements. That would not be appropriate. We must ensure that the system is fully and openly accountable.

Some arguments have been made about whether the new facility is required. I have fought as hard as I can in this place to limit the number of people who are being sent to prison for relatively minor offences. When we recently debated the sentencing legislation, I moved a number of amendments, that were supported by the Government and the Australian Labor Party, to reinstate some community service orders that were to be removed. On that occasion the initial response of the ALP, which is screaming now that we do not need another prison, was that they could be removed.

Having settled that, the statistics are clear. Based on the number of people within our prison system, it is grossly overcrowded. As at late October the total number of prison beds was 2 242 and the actual number of prisoners sentenced or on remand as at 21 October was 2 922. That means that capacity was exceeded by 500.

Hon Peter Foss: You mean almost 700.

Hon HELEN HODGSON: That is right. Bandyup Women's Prison is a special case - the women there will receive no relief as a result of this proposal - because as at 21 October its total muster of 166 was double its capacity of 83. Therefore, Bandyup Women's Prison is still 83 over capacity. Whether I agree with trends in sentencing, the facts are that those trends are a response to community demands and to legislation passed by this place, which has meant that the numbers in the past year have dramatically increased and prisoners are now at serious risk of psychological and physical harm from overcrowding of our prison system. We will not be doing the right thing by our prison population if we turn a blind eye and say that although these people should not be in prison we will force them to endure these conditions because we do not want to build another prison. That attitude will only exacerbate the trend of the past decade when new facilities were not brought online when they were needed, which is the reason for the current overcrowding in our prison system. Whether I agree with trends in sentencing or with locking up people - and I do not - the fact is that they exist and if we do not deal with them by authorising the construction of a new prison, we will not be doing the right thing by our justice system or by the prisoners.

The system now proposed, after I entered into discussions with the minister, is based on the UK system, with an independent inspector of our prison system. It was pointed out earlier by Hon Cheryl Davenport that the Government had stated that this function would be extended to juvenile remand centres. I ask the minister to clarify on the record whether it is his intention to go that way.

Hon Peter Foss: I did that in the Sentencing Act.

Hon HELEN HODGSON: It is my understanding that it requires further amendment to the juvenile legislation and it would be appropriate for this Parliament to decide whether contracting out should be extended into the juvenile sector. However, all of our prisons, lockups and detention centres in this State will be subject to an independent and transparent system of monitoring. There is more independence in this model than in any other system that has been established in Australia. Other jurisdictions have contract monitoring but no State has a truly independent inspector. To show the merits of an independent inspector, I have with me an extract of a report on Wormwood Scrubs prison that I believe came from the Internet. The report was leaked by Sir David Ramsbotham, the UK Chief Inspector of Prisons.

Hon Peter Foss interjected.

Hon HELEN HODGSON: This report is headed "The leaked report on Wormwood Scrubs has now been published by Sir David Ramsbotham, Chief Inspector of Prisons". It is my understanding that the report relates to a prison which is not privately operated.

Hon Peter Foss: That is correct.

Hon HELEN HODGSON: The people who inspected this prison issued an absolutely damning indictment of the conditions in that prison. I believe that if Casuarina Prison were to be visited in the condition that it is in today, an equally damning report would be handed down on the conditions in that prison.

Hon Peter Foss interjected.

Hon HELEN HODGSON: I do not know. It is absolutely vital to have somebody who can fulfil the function of independently inspecting the prison. It was suggested last week that the Minister for Justice was heading down the path of having an independent inspectorate but that it would be an internal inspectorate. There are a huge number of problems with an internal inspectorate. First, to whom would an internal inspectorate report and to whom would it be responsible? Does it mean that the ministry which received the report could effectively sit on and not publish that report? I make no judgments when I say this, but suggestions were made to me that the ministry sat on the Smith report for a lengthy period. I leave it to the minister as to whether he wishes to comment on that suggestion. However, I was told that by people who work in the community and who are connected with prisons. As long as a system of internal reporting exists, there will be those



allegations. There must be a system where reports are published, and published in a way where it can be seen that there is no interference with those reports.

One of the problems with the British system, which was alluded to by Hon Cheryl Davenport, deals with the resourcing issue and whether the inspectorate gets to inspect all the prisons. Again, as long as an office is within the department of the minister who may have something to hide, we run that risk. That is why we have insisted that this office be funded separately with its own budget line so that the inspector puts forward his proposals and they are dealt with without any potential interference from the minister; that is, there can be no blocking of funds. I am not reflecting on any particular ministers because, hopefully, this office will last the test of time and survive numerous Ministers of Justice.

We have attempted to ensure that the method of appointment is as impartial as possible by saying that it should be done through a process which involves the Commissioner for Public Sector Standards in setting up a panel. We have taken on board these issues to try to ensure that it is genuinely independent and that the people in the community can have faith in what is handed down. I do not pretend it is perfect. One of the issues people have raised with me is why it is recommendation only, and why it must still be acted on by the minister. Unfortunately, that is one of the consequences of our Westminster system of Parliament. If we in the Legislative Council cannot do anything that requires us to appropriate funds, should we give one of the watchdogs the ability to appropriate funds in determining that something must be fixed? It is an issue that is beyond the scope of this debate. It is an issue with which we must come to grips at some stage. Which aspects of the Westminster system are appropriate and, as we move to further accountability, are there aspects of the Westminster system that we should start to discard?

Hon Peter Foss interjected.

Hon HELEN HODGSON: It can become very circular, and that is another issue. Ultimately, we must have in our current system of government the minister who is responsible for implementing recommendations. We have endeavoured to make the recommendations absolutely clear and to ensure that everybody can see the total independence of the person making those recommendations. If those recommendations are not acted on, the minister becomes responsible, and the minister is the one who, hopefully, will lose his portfolio, possibly his seat, if he does not act properly to rectify glaring problems in the system.

Hon Peter Foss interjected.

Hon HELEN HODGSON: We will see how we go with the new Bunbury report. This is the reason that the Democrats will allow this Bill to be passed. It is not because we philosophically support the privatisation of our prison system; it is because we believe that if enough safeguards are built in, we can reform the prison system as a whole in this State. Many of the issues that are raised about private prisons deal with the accountability mechanisms and with ensuring that contracts are adequate and complied with, that matters are not contractual and that the human rights of prisoners are regarded. I understand those people who say that philosophically they cannot cope with people making a profit out of prisoners. I also feel the same way; I do not feel that prisoners should be an object of profit. However, the reality is that we must do something. We need a catalyst to alter our prison system. I do not agree with the minister that establishing a private prison will be that catalyst. We can bring about other cultural changes through having a full, open and accountable regime. The best way to do that would be to include the inspectorate provisions. If the minister were prepared to bring in those changes independent of the contracting out Bill he would have my full support. Unfortunately, the only way I can ensure that these improvements are made to the minister's model is to amend the Bill, because I do not have the ability to introduce a private member's Bill that deals with this matter. Members may still have difficulty with the contracting-out issues, and I recognise their concerns with the length of the contract. I hope that the minister will address those concerns when he sums up. Out of this process, we will get a state-of-the-art facility with some innovative requirements in the programs that are available. The minister has said that these programs are not available in the public sector yet. I would like to put pressure on him to ensure that they are made available. The minister has made an undertaking to me to implement individual programs for prisoners and to bring these programs up to scratch. One of the first things that I will refer to the new Inspector of Custodial Services will be the commitments made by the minister during this debate to ensure that they are followed up.

I look forward to the swift establishment of the office that is currently operating on an interim basis within the ministry. Once the legislation is passed, a full appointment process can be undertaken. I look forward to some of the chronic problems within our prison system being addressed. I believe this Bill will make a real difference to equity and justice in custodial institutions in this State. Many of the issues raised in this debate can be dealt with through the accountability process introduced as part of the debate tonight. The Australian Democrats support this Bill and we hope it will have a speedy passage.

**HON MARK NEVILL** (Mining and Pastoral) [7.56 pm]: The speech by Hon Helen Hodgson was almost entirely misconceived. The lines of logic that one might try to follow through were contradictory in many ways. Often as not the member stated she did not like what she was doing yet felt somehow compelled to do it. I remember reading some news bulletins that members receive via email in which Hon Helen Hodgson was quoted as saying that a new private prison was inevitable. I know of no private prisons on continental Europe, so I cannot see why they should be inevitable here. A small percentage of the prison population in Great Britain is in private prisons. This debate should not be about whether we should have a private or a public prison, but whether we need a new prison at all. The evidence clearly says no. The Bill reflects a failure by this Government and the Minister for Justice when it comes to addressing the big picture. The minister has done a lot of good things, and I will mention those later on.

Victoria has a similar crime rate to that in Western Australia, yet Western Australia has three to four times the rate of imprisonment as Victoria. That is because we lock up non-violent offenders in ridiculous numbers. If we had what one

might call a "proper" imprisonment rate - if there is such a thing - it would be 100 per 100 000 population. That would be in accord with the rates in Holland, Germany, Great Britain and those sorts of countries and we would need 1 350 beds in this State; yet we have over 3 000.

If Hon Bruce Donaldson wants to interject would he speak up?

Over 3 000 prisoners are in our prison system now. By any reasonable comparative estimate, it means that there should be about 1 700 spare beds. Therefore, why are we building a 750-bed prison at south Wooroloo? It is an absolute waste of money. Although the minister has done many good things in the prison system, his whole approach to this new prison is entirely misconceived. I do not think there will be any cross-fertilisation of the culture in the Western Australian prison system as a result of this new prison. I have seen quite dramatic changes in the past 12 months without the threat of a new prison. The threat of a new prison came probably four or five years ago when the renegotiation of the industrial agreement with prison officers took place. That was done because they knew that if they did not change then, there would be a privatisation of the existing prison system.

I do not know whether I would vote against a proposal in this House that we should turn over Bandyup Women's Prison to Corrections Corporation of Australia. That would be far better. I am not philosophically opposed to private prisons, although I am not comfortable with them. When one considers alternatives to custody, those alternatives are often supplied by private providers which make a profit. Is that not terrible? I do not see a great difference between someone serving a sentence in the community and someone serving a sentence in a prison. Does that mean that only public servants will deliver programs in the community? What is the difference between a prisoner doing an educational program at the West Midland Primary School and doing it in prison? The responsibility is on the prisoner to turn up every day. In the prison system, the responsibility is taken off the prisoner. It is the same situation with Aboriginal affairs: We take the responsibility off the Aborigines. It is about time we put it back on them. What this prison system will do is take the responsibility off people.

It bewilders me that we are building a new prison, and bewilders me even more that we are building a new male prison, because the worst prison is the women's prison, and I have not heard anyone deny that. The conditions at Bandyup are third world; they are appalling. If members have not been there, they should go and look at it. Maximum security female prisoners are in the same prison as remand prisoners and minimum security prisoners. It is quite offensive.

Hon Peter Foss: We have taken out the minimum security prisoners.

Hon MARK NEVILL: Okay. If the Government builds a 750-bed prison at Wooroloo, does that mean that it will remove some capacity from the prison system? The Government needs to remove capacity not from the prison system in the metropolitan area but from the Eastern Goldfields Regional Prison. The maximum security section there is a cage; it is appalling. The facilities for the women in the Eastern Goldfields Regional Prison are also third world and substandard. There are maximum security prisoners at that prison, and there is no perimeter fence.

Hon Peter Foss: We are looking for a place there. That was built by the local council. It is substandard.

Hon MARK NEVILL: If the Government has the money to build a 750-bed prison, why does it not rebuild Bandyup or build a new women's prison? That is the first priority. The second priority is to rebuild the Eastern Goldfields Regional Prison. The third priority is to rebuild Broome Regional Prison. It has a maximum security section which is like a cage. Remand prisoners are held there for long periods. It is absolutely substandard.

Hon Peter Foss: All of those things are in the pipeline, and we are doing them. There was no planning prior to this, and we are doing all of those things. You are quite right.

Hon MARK NEVILL: Absolutely. The prison system in this State has had a pretty rough ride in the 1990s. I think David Grant was a capable administrator. He may have had his problems - I do not know. I know that the minister would not even speak to him, so there were problems in that area. However, following the loss of David Grant, there had not been any competent administrators in the prison system until the appointment of Alan Piper. I would not like to condemn David Grant by any means. He was brilliant in many ways. He might have boxed at a few shadows from time to time, but I believe that the problems that he got himself into politically were inevitable, because if prison intelligence reported to me that it had evidence of bribery by a politician, I would get it to report that to the Director of Public Prosecutions. I do not think the man had any other choice at that time.

Hon Peter Foss: Part of the divisions that are referred to in the Smith report are directly attributable to Mr Grant.

Hon MARK NEVILL: That might be the case. I am not judging David Grant. I believe he had the right idea, although his management style might not have been appropriate and might have had some shortcomings.

Throughout the 1990s there was a sense of inertia, almost paralysis, in the prison system. About a dozen different proposals were put to Cabinet for prisons here and modifications there, but nothing ever happened. However, that has changed this year, and with the appointment of Alan Piper, better systems have been established across the prison system. Dramatic changes will be made over the next two years, even without this new private prison. Therefore, I dismiss the proposition put by Hon Helen Hodgson and Professor Richard Harding from the University of Western Australia that we need to have a private prison in order to change the culture of the public prison system. I do not believe it will make much difference.

I have looked at the outline of what will be provided at the private prison. The Government is proposing to place all sorts of demands on the private prison. The demands that we place on a private prison should be no different from those that we place on our public prisons.

Hon Peter Foss: We have said that will be the case.

Hon MARK NEVILL: I think the Government will find it very difficult to do that.

Hon Peter Foss: I agree.

Hon MARK NEVILL: I notice that the Smith report refers to service level agreements. They are probably the way to go, but they will cost more than the current system, and the Government must be prepared to part with the money. It would have been better had the Government had service level agreements in the existing prisons before it built a 750-bed prison at Wooroloo.

If I were running the prison system, I would be trying to get the prison population down to about 1 300. It might take two or three years, but before the new prison was opened in 12 months, I am sure the Government could get the number down by 1 000 if it put its mind to it. There are about 600 people in the prison system today with sentences of under 12 months, and if those people could be diverted to other programs in the community, we would reduce the number of beds we needed in the prison system.

Hon B.K. Donaldson: Are you talking about sentences of less than 12 months?

Hon MARK NEVILL: Head sentences.

Hon B.K. Donaldson: Head sentences or statutory sentences?

Hon MARK NEVILL: Head sentences and statutory sentences. People do not necessarily do that time -

Hon Peter Foss: The average sentence is two years and two months.

Hon MARK NEVILL: It might be. I am saying that before the new prison was opened, many of the people who are being churned through the system could be diverted. I am confident that if the Government had the political will, it could get the prison population down to at least 2 000 before the new prison was opened. Prisons are a bit like hospitals - the more one builds, the more they fill. We seem to have no control at all over the magistrates in this State and I do not see what hope the Minister for Justice has of not keeping those prisons full. At the end of this period, this 750-bed prison will add 750 inmates to our system. We will have five times the rate of Victoria and the same rate of crime simply because the magistrates will continue slotting them into the jug.

Hon Peter Foss: It will be full as soon as it is finished.

Hon MARK NEVILL: And all the temporary beds will be back in action within a few months. That is the nature of the game. The Government's policy is to imprison the problem. That is basically what the Government is doing. The library has recently received a book entitled *The Politics of Prison Expansion; Winning Elections by Waging War on Crime*. It is a good analysis of the situation in America where, of the States with the same crime rate, some have six times the level of imprisonment than others. One common comparison is North Dakota with South Dakota - they are completely different. Members might think of Bill Clinton as some sort of left-of-centre President of the United States and this book neatly summarises his 1996 crime Bill. In the 1970s the Republicans had their "Winning the war on drugs". There is no difference in drug use between now and the 1970s when about 7.5 per cent of the population was in jail. Now 30 or 35 per cent of the population is in jail and drug use is the same. The wonderful war on drugs put people in jail but had no real impact on the drug situation. Not to be outdone Clinton got up and as this book states -

The trend toward greater punitiveness appears to be not only growing, but becoming more bipartisan. President Bill Clinton's 1996 crime bill stiffened mandatory sentences, created "trust funds" to build more prisons, allowed juveniles to be treated as adults for the purposes of criminal prosecution and extended the death penalty to fifty-two new crimes . . .

To get access to those federal prison funds, States needed to bring in mandatory sentencing. Talk about a crazy approach! Members may not realise it, but we are going in that direction in Western Australia. We have the highest level of imprisonment in Australia in any category - juveniles, women, Aborigines, whatever. We are leading the way.

Hon Helen Hodgson: The Northern Territory is higher.

Hon MARK NEVILL: No, it is not. Hon Helen Hodgson should have another look. Maybe Norfolk Island is higher too. If members want to rely on the Northern Territory, that is fine. The Government should name the prison after the Democrats. We could call it the Democrats prison or something like that.

Hon Peter Foss: Come on.

Hon MARK NEVILL: If Hon Helen Hodgson wants to argue about Western Australia's prison rate, if she cannot accept that it is inordinately higher than the Australian average in every category -

Hon Helen Hodgson: I don't deny that but you said it was the highest and the statistics I have here say that in 1998 the Northern Territory rate was 474.9 per 100 000 of population and Western Australia's was 170.4. There is a bit of a difference.

Hon MARK NEVILL: Members must remember that our prison population has risen by 29 per cent in the last month.

Hon Peter Foss: No, it has gone down in the last month.

Hon MARK NEVILL: I meant that, in the past 12 months, it has risen by 29 per cent. I know the Minister for Justice was not smiling at that but it is nothing to be proud of.

Hon Peter Foss: I can explain why it did go up.

Hon MARK NEVILL: It is something the Government will wear. The Democrats and Hon Helen Hodgson said it was inevitable that we would have a private prison. That statement is absolute nonsense. This idea of there being a trade-off with a prisons' inspectorate is also nonsense. A private system cannot be run by a public system which runs its own prison system. We must always have an independent body to look at the standards in the private prisons. That could never be done from within the public system. We may be able to inspect the public prisons, but an independent body is needed to administer the private prison. It would be a conflict of interest for the Ministry of Justice to do that. It is inevitable. It is not something on which the Australian Democrats can claim to have won any concession. I read a very good report by Bob Fitzgerald in relation to an inquiry into the Bunbury Regional Prison. It is very frank. I congratulate the Minister for Justice. He does not try to hide the ugly side of his portfolio. He tabled the "Report of the Inquiry into the Incident at Casuarina Prison on 25 December 1998", the Smith report. I am not worried that he held it for two months while he read it. By any standard, it was tabled in a reasonable time. It is unflattering. The Bunbury Regional Prison report is also not flattering. I give the minister credit for exposing what is happening. Eighteen months ago we were in a state of denial - we did not have drugs in our prison system!

Hon Peter Foss: I have never denied we had drugs in the prisons.

Hon MARK NEVILL: We also did not have sex in our prison system!

Hon Peter Foss: We did not have sex.

Hon MARK NEVILL: Let me take, for example, the matter of condoms in prisons. Although all prisoners have not been tested, we know that 13 per cent have hepatitis C, but that is all we know. The cost of treating hepatitis C when it becomes full blown is between \$10 000 and \$30 000 a year.

Hon Peter Foss: The Prison Officers Union still will not have anything to do with condoms in prisons.

Hon MARK NEVILL: It is about time we got the Prison Officers Union by the nose and gave it a tweak. For whose benefit is the prison system being run - the prison officers or the prisoners? Having 12-hour shifts is for the benefit of the prison officers, not the prisoners. How can we provide for the overlap of staff, for handovers and training while we have 12-hours shifts? It may be cheaper and good for prison officers, who may be able to have a second job, but it is not good for the prison system or the prisoners. We should have the spine to bring back 8-hour shifts for the prison officers, and to pay the extra cost. Long shifts make the prison system incredibly difficult to manage. Prison officers are important. By and large, they do an excellent job. We must look after the interests of everyone. The prison officers are too demanding in some areas, and their exceptions must be wound back, and I have no problems with that.

The net result of this new prison at south Wooroloo will be an additional 300 Aboriginal men in jail in the next 12 months to two years, as well as the incarceration of another 450 young people. It will not reform our prison system. In fact, it will compound the criminality problem in society because we all know that prisons are not a very effective way of dealing with people.

Another problem with the prison system is that as soon as a mistake is made, the media come down on the Government like a ton of bricks. Study release is no longer available in prisons, simply because about 15 years ago one person, Archie Butterley - he should never have been able to access it - robbed a bank while on study leave. Study leave was wiped out for everyone after one mistake was made.

I read in the newspaper the other day that someone was once killed because of a licence plate attached to the front of a motorcycle. As a result, no motorcycles have licence plates. There is a question of risk to be assessed, and whether that risk is acceptable. From what I have heard about Archie Butterley, I would never have let him out of Fremantle Prison. Archie Butterley and Ronald Joseph Dodd used to run the yard at Fremantle Prison. The prison officers did not run the yard; they took people around the back and disciplined them from time to time, but Butterley and Dodd ran the yard and were given certain privileges for doing that. They were unspeakable privileges. I can probably guess how Butterley was given permission to take study leave.

Hon Peter Foss: He was studying the bank robbery.

Hon MARK NEVILL: Yes, but he spoiled it for everyone else. Many of these things should be, and could be, done in the community by putting the responsibility back onto the prisoners.

Hon Peter Foss: Home detention and work release are back in there.

Hon MARK NEVILL: Yes. I note that Hon Helen Hodgson had a go at the Labor Party, but in an exchange during the debate, the Attorney General discussed putting home detention and work release back in. I noticed when we were debating the issue that the Attorney General was nodding his head, and I gather that he was starting to consider it. That was before any amendments were presented.

Hon Peter Foss: The Hammond report removed it but nobody is quite sure why.

Hon MARK NEVILL: The proposed prison at south Wooroloo is also a problem. How can people take study leave from south Wooroloo, and how can they have work release from there? The worst things in prisons around the world are the

visitors centres. They are full of women and young children. The women have bags under their eyes, and they are usually from low socioeconomic groups. They must visit their husbands. The husbands do not bring children to Bandyup Women's Prison to visit their mothers. However, if the wives do not take their children to visit the men in prison, they will usually cop it later on. Those are the people who will suffer and who must travel from Rockingham, Kwinana or Coolbellup to south Wooroloo. That is a good reason the prison should not be built in that location.

The day before the announcement was made, I went to the Leader of the Opposition, Geoff Gallop, and said the Labor Party should oppose the building of the prison. I said that if there was to be a new prison, it should be built near the Gnangara pine plantation which would provide easy access by bus to the rail network. There is a prison in the eastern suburbs and one in the southern suburbs, and one should be built in the northern suburbs even if they are marginal electorates. Dr Gallop was not the slightest bit interested because it was a bit too difficult. I said the question should be whether or not to build a new prison; in his view the question was whether it should be a private prison or a public prison. In my view we do not need a new prison. Currently there are 1 500 more beds than are needed. We need to improve existing prisons.

Hon Peter Foss: People are protesting about having any women's minimum security prison in the metropolitan area at all.

Hon MARK NEVILL: I would like to speak at some of those public meetings, if the Attorney General needs some support. I am happy to come along.

Hon Peter Foss: I will invite you to the next one.

Hon MARK NEVILL: Do that. During the July break, at my own expense, I visited a couple of women's prisons, one in California and one in New York. The Bedford Hills maximum security prison holds 1 800 prisoners, and it is an hour's drive north of New York in an attractive leafy area where Hillary Clinton was looking for a house for her senatorial campaign. One of the interesting features of Bedford Hills is that 200 families in that area - it is a swish area where Glenn Close the actress lives - provide a billet for the kids visiting the women in that maximum security prison. People need to change their attitudes. Of course, Bedford Hills was built long before the area became so swish, and people have grown up with it. It works well in that community. Members should imagine those 200 families billeting those kids. People need to change their attitudes.

Hon Peter Foss: They do not understand that the people who are visiting are the same people who live next door to them. They are not freaks.

Hon MARK NEVILL: That is correct. They also do not realise that 99 per cent of those in prison will be back in the community in five years. There is not a lot of difference between someone committing a crime the day before they finish parole and the day after. It is okay if it happens the day after, but it is a terrible statistic if it happens the day before.

There is no doubt that the CCA has great expertise, and we should be using that expertise to help set up programs in the community. If it can set up these wonderful programs at south Wooroloo, it should have the capacity to set them up in the community to deal with these people. We all know that prison is not the best place to reform people.

We in this place must also stop passing laws that lead to the imprisonment of more and more people. That is what we are doing when we remove discretion from judges. There is so much difference between each case that we must allow judges discretion. Some Aboriginals walk out of Broome Regional Prison because they have a crisis in their family, but they come back the next day. Escapes of that kind are very different from other escapes and they must be dealt with differently. Mandatory penalties lead to terrible distortions.

Hon Peter Foss: In most systems they are not treated as escapes but as walkouts.

Hon MARK NEVILL: I agree with that approach. Anyone escaping from a minimum-security prison is an absconder.

I had to organise for a prisoner from Broome Regional Prison to attend two funerals recently - one at Balgo and one at Halls Creek. The release document had to be signed by the Governor and two ministers. However, that same prisoner can go around Broome with a supervised work party doing gardening.

Hon Peter Foss: The Government has an amendment to deal with that.

Hon MARK NEVILL: I am glad.

Hon Peter Foss: The Governor will be glad too.

Hon MARK NEVILL: Why is the Governor's permission not required for that prisoner to go around Broome doing gardening? I am sure he is more a threat to people in Broome than he is to his family at Balgo.

Hon Peter Foss: Please do not mention that because I suspect he is not allowed to do that. I would rather you said nothing about that.

Hon MARK NEVILL: I have no problems with that.

Hon Peter Foss: Nor do I, but I do not think he is meant to do that.

Hon MARK NEVILL: Most Aboriginal people are completely innocuous. They get into trouble when they drink too much, but when they are sober they are not a problem. It does not worry me that these people are out gardening. If they have access to alcohol, that is a problem.

I mentioned the problem of magistrates in this State. I do not believe they are using alternatives to imprisonment

appropriately. There is enough range, at least in the metropolitan area, for magistrates not to imprison people. Magistrate McIntyre at Gosnells is responsible for many people going to prison for traffic offences.

Hon Peter Foss: We are changing that law too.

Hon MARK NEVILL: That is good. It is about time an analysis was undertaken of the sentences handed down by individual magistrates. Which magistrates do not use alternatives to custody? Which magistrates have a jailor's mentality and believe that if we build more prisons and fill them -

Hon Peter Foss: They are all currently presiding over independent courts. The Chief Stipendiary Magistrate has no control over them. That is already being changed under the magistrates courts Act.

Hon MARK NEVILL: I have read of studies being conducted in Germany on the sentencing patterns of judges. The studies divided sentencing patterns into hard and soft sentences. It is very hard to get objective measurements of success, but people can make comparisons. There has been no analysis of the sentencing pattern of magistrates in this State.

Hon Peter Foss: That is what the matrix is all about.

The PRESIDENT: Order! Let us have one person speaking at a time.

Hon MARK NEVILL: The matrix forces judges into a certain pattern of sentencing and takes away their discretion. That is covered by another Bill before the House.

I have covered most of the points that I wanted to make. The Minister for Justice has after a long time started to get things in the prison system on the right track. That is largely as a result of his having someone competent in the bureaucracy running the show.

Hon Peter Foss: I agree.

Hon MARK NEVILL: That is a critical issue. What the minister is doing in the prison system is excellent. The educational changes he has made and the systems he is putting in place are excellent. I can see vast improvements.

The whole idea of building a new prison out the back of Woop Woop was absolutely misguided and one for which we will pay. As I said earlier, if I were the Minister for Justice and I could get the prison population down to 1 300 or 1 400, I would be forced to have 750 inmates camped out at south Wooroloo under this contract. How do we keep regional prisons open at Bunbury, Albany and Broome if over 60 per cent of prisoners are in one prison at south Wooroloo? The minister is locking the system up for the next 10 or 15 years until by natural growth of population and prison numbers we get some flexibility. It is very sad. It will be shown over the next few years that building a new prison at south Wooroloo was misconceived.

I will not be supporting this Bill, not so much because of a philosophical opposition to having private people involved with prisoners. As I said, we are better off having private people involved in the delivery of community sentences. If the people do not work, we can get rid of them and get another lot in to provide drug rehabilitation and anger management and educational programs. I am not philosophically against that but I will be voting against this Bill, particularly to make the point that we do not need this new prison system. It is an appalling waste of taxpayers' money and it is misconceived.

**HON TOM HELM** (Mining and Pastoral) [8.34 pm]: I am glad to be able to follow Hon Mark Nevill on that note because I too will be arguing and voting against this Bill for the same reasons.

I had a relatively new revelation when I started thinking deeply about why Aboriginal people in Australia form an inordinate percentage of inmates.

Hon Greg Smith: It is because they break the law the most.

Hon TOM HELM: Is that right? I would submit that the same argument applies in the place where I was born where people came from the same social, economic and cultural background as I and spend their time in the jails in the United Kingdom. It seems obvious that jails have never served the purpose for which they were built; that is, to stop people committing offences, teach them lessons and have society bring about what is termed justice.

I cannot hide from the fact that there is a need for those concepts to be fulfilled. Society demands that offenders must pay a price. However, I wonder whether politicians, not only in Australia but also throughout the world, have taken the most popular line that more severe punishment will reduce the crime rate. If only the people who committed burglary were sent to jail we would not need the number of jails we have. The same would apply to people who committed assault and anything else that is not acceptable in society.

One of my favourite theories relates to the Road Traffic Act. I was listening to the debate not only in the Chamber but also in my room when I heard some of the minister's interjections. I also recall comments he has made on other occasions concerning similar matters. I agree with Hon Mark Nevill that, so far, by taking on board some of the suggestions, the minister has shown a great deal more imagination than spokespeople from both sides of the Chamber.

Hon Barry House: Are you good mates with Hon Mark Nevill now that he is not threatening to take away your preselection?

Hon TOM HELM: Was he? I did not know that. I would not go that far.

I agree with Hon Mark Nevill's views. It is good to hear him espouse the views I have had for some time, particularly concerning young people. The rate of imprisonment among indigenous people has been an obvious problem, but now that

young people are being incarcerated more frequently, it is time society woke up. The commonly held view is that that situation has arisen with indigenous people because they commit the greater number of crimes. We cannot say the same about our young people. The only conclusion to be drawn is that we are inventing crimes for them to commit. As Hon Greg Smith will be aware, most Aboriginal people are in jail for driving-related offences such as non-payment of fines and driving without a licence.

Hon Greg Smith: Many are in jail for stealing.

Hon Peter Foss: There are many violence-related crimes.

Hon TOM HELM: What causes the violence?

Hon Peter Foss: Alcohol.

Hon TOM HELM: They end up in jail due to the effects of too much alcohol.

Hon Greg Smith: They should be given food vouchers rather than money.

Hon TOM HELM: What about the young people who are jailed for committing road traffic offences?

Hon Greg Smith: I agree with you about road traffic offences.

Hon TOM HELM: I hate to say this, but if Hon Greg Smith is talking about an alternative to jail, I will listen to him. I think he would like to see an alternative. That is what we are all trying to get people to understand. Whether we can do that at election time is another difficult issue.

Hon Peter Foss: Work camps have been popular. They have not only been successful as an alternative to jail, but also popular with the public.

Hon TOM HELM: Incarceration is incarceration whether it is in a work camp or a prison. If work camps are proved to be successful in breaking patterns of recidivism, I will agree with them. However, I have not seen statistics that illustrate that.

Hon Greg Smith: You must agree there must be an ultimate price to pay for refusing to obey the law.

Hon TOM HELM: Yes. However, surely members agree that it is time we stopped implementing laws that create more offences or cause magistrates or judges to impose mandatory sentences when they are not appropriate. The point surely is that we know of people who are in jail who should not be in there.

Hon Greg Smith: You don't think people who perpetrate violence against the elderly should be mandatorily sent to jail, if they continue to commit second and third offences?

Hon TOM HELM: Of course I do. What is up with Hon Greg Smith? He is not listening. For the sake of Hon Greg Smith, I opened my remarks by saying that there are offences for which society will rightly insist upon people being incarcerated; violence is possibly one of those offences. However, violence brought about because of alcohol or some other related problem surely must be considered. We should be talking about stopping, accommodating or advising people.

Hon Greg Smith: Are you saying that there are acceptable forms of violence?

The PRESIDENT: Order! Let us deal with the Prisons Amendment Bill.

Hon TOM HELM: One sometimes has to wonder about who one must talk to in this place, whether it is Simple Simon or members of Parliament. If there were no acceptable forms of violence, we would not have an army, would we?

Hon Greg Smith interjected.

The PRESIDENT: Order! Hon Greg Smith will get his opportunity in a moment. Let us get on with the Bill before the House.

Hon TOM HELM: Hon Greg Smith is asking silly questions. Following on from what Hon Mark Nevill said, diversion programs must be implemented to prevent people being sent to jail. When a person is sent to jail - this is along the lines of what the minister said - there should not be an expectation that he will be brutalised or become less of a human being. A system should be in place for people sent to jail for violence, murder, robbery, burglary or whatever. If people are in jail because they snatched a bag or conducted a home invasion, for instance, to get money for drugs, or they were just doing it because they were damned well greedy and wanted my TV - which they have had - or my radio or my CDs, they should be there for the appropriate sentence. However, the point is, having served their sentence, we should be concentrating more on their rehabilitation. We should be able to expect, when those people get out in five years, that we can walk the streets with them safely. We, as a society, whatever amount of money we spend building, manning and looking after prisons, should also spend money looking after the prisoners when they are in there in an effort to ensure they come out better people. I keep saying this: I do not want to catch the person who invades my home or attacks my family, I want to stop him doing so, whatever it takes.

The statistics on jail sentences show that we are not stopping people by jailing them. The rate of incarceration is increasing. The same old cliché arises, which I do not like using: The more prisons we build, the more prisoners we will have. That view is expressed in other places. I admit that my experiences and my ability to attend seminars to discuss these matters are limited. If I had been exposed to a higher education back in Liverpool, I might better understand these things - and perhaps this also applies to some of my colleagues. It takes a long time to understand these things. However, it stands to reason that

if people go to jail and come out worse than when they went in, they should not have been there in the first place. I have tried to educate myself in these matters. There is strong evidence to suggest that places that have fewer prison inmates are safer places in which to live. The whole point of my debating the privatisation of our prisons is that the more prisons we build, the more people we will put in them.

Again, we have toyed with the issue of offenders addressing the victims, and maybe the minister will tell me about it. That sort of matter follows on from the road traffic trauma issue. The advertisement on television is not amusing. It seems as though we are heading towards making those people who speed and break the law go to hospitals and to the places where the damage is done so they can see that what they are doing is what we as a society do not want. If someone snatches a bag and hurts an old lady, or goes into a house and beats up people, we must do whatever it takes to make those people go to hospital the next day - although the victims probably do not want to see those people and be traumatised again. If we can organise those people to give back the money or items taken from their victims, we would surely be addressing the major arguments in society that deal with justice for the victims. We are helping to do that, too.

I despair sometimes when I hear that we will have to build more prisons and we will have to wait until the Liberal Party, the National Party or the coalition backbench agrees that the amendments to the Road Traffic Act will help to bring about some changes that must be made quite soon. It is a major worry that we have before us as a priority a Bill to agree to a privately built and operated prison when we are waiting anxiously for amendments to the Road Traffic Act that will help reduce the level of trauma on our roads; that is, the traumas that are immediately before us. It causes me great concern to have this issue before us. It is quite clear that the Democrats have satisfied themselves that it is something to which they can agree. With their numbers, it will be passed. However, I have a background in associating with people on the lower socioeconomic scale who have served jail sentences or who are serving sentences today. I have worked as hard as I can to prevent any more people going to jail, and I will continue to do that. That is the reason I will be voting against this Bill.

**HON PETER FOSS** (East Metropolitan - Minister for Justice) [8.47 pm]: I agree with all those who say that we should be trying to reduce the number of people in prison. I will not refer to the programs that are trying to address that issue, because I have spoken in this House before on the program to address the cycle of Aboriginal offending. Strictly speaking, the biggest way in which we deal with crime is to address the socioeconomic imbalance in our society and the people who inherit going to jail from their parents. Unfortunately, Australians have been ineffective in addressing that inequality, especially among Aboriginal people. One of the reasons for a higher rate of imprisonment - it can be checked right across the board - is a large number of Aboriginal people in a depressed socioeconomic position. They are more involved in the justice system and are more likely to go to jail. The real agencies are not the jails. We can do something with our programs in jails, but the better way to do it is to prevent those people getting involved in the first instance and inheriting this terrible legacy from their families. It is a legacy which we forced on them when we deprived Aboriginal people of almost everything they had.

The reality of the matter is that we have overcrowded prisons. I could also go into the reasons that they are overcrowded. Until recently there were no prison services anywhere in Australia with an ability to predict their numbers. Western Australia now is one of the few that has an accurate predictor and we are beginning to see -

Hon John Halden: Come on, that is a joke. You could not predict anything. You cannot even predict the bloody numbers in the prison at the moment. What a joke!

The PRESIDENT: Order!

Hon PETER FOSS: It is quite the contrary. We have a short-term indicator, and it has proved accurate. We said that there would be a drop in the prison numbers, and there has been a drop off in the numbers. Our short-term predictor is proving to be very good indeed. Nobody else in Australia has one and we have only recently had one. The interesting thing is that these untoward increases in numbers are not a purely Western Australian phenomenon. It has happened in every State and in almost every country; we are not orphans in that respect.

Members do not realise that we are a lot better off than are many other places. I heard Hon Giz Watson refer to our "atrocious" prison system. I do not make any claims that our prison system is ideal. I have seen prison systems in Australia and elsewhere in the world, and by comparison our system is remarkably good. I am not for one moment saying that I am happy with it, but I would prefer to have our system than an awful lot of other systems. For instance, the Queensland prison system has 70 per cent double-bunking. Western Australia has 20 per cent, and it might have gone up to 25 per cent.

Hon Tom Helm: Have you been to the Newman lockup?

Hon PETER FOSS: I am not sure of the word that describes 16 people in one cell, but that is what we have in the Broome Regional Prison. That is how the Indonesian fishermen live when they arrive here.

Hon John Halden: That is convenient. I have been to Roebourne Regional Prison. Prisoners are not double-bunked, but there are eight prisoners in a room.

Hon PETER FOSS: The member will find that there are 16 to a room in Broome.

Hon John Halden: We have eight in a room designed for two or four, but the minister does not call that double-bunking. It is enormously overcrowded.

Hon PETER FOSS: Yes, I know. I am trying to tell Hon John Halden that the situation is worse in other States. The member probably did not hear what I said: I am not in any way defending our system or saying that it is how I would like it to be; I am saying that I would much rather have our system than any other system, because our system is considerably



better than many of the other systems in this country. It is considerably better than many others in other parts of the world. I am not saying that that is how it should be. I am just saying that, before we lose track of reality, the Western Australian system is considerably better than most of the other systems around. As I said, Queensland has 70 per cent double-bunking. I have seen dreadful prisons all over the world, and although I am not happy with our system, it is a lot better than systems I have seen elsewhere.

I do not believe that the ideal way to prevent crime is by running programs in prison. By all means we should have programs in prison and we can make a difference. However, it has been conclusively shown by studies around the world that the better way is to deal with children before the age of two. By the time they have reached the age of two most of the environmental factors which affect children will have already occurred. That indicates that the real agencies that will have any effect are Health, Education, Training, Housing, Family and Children's Services and volunteers in the community. The community can do more for them. We are dealing with something that is far different from that. We have overcrowded prisons.

One of the things I should make clear to members is that the Government does not intend to fill the Acacia Prison all in one go. We have learned that a new prison should be filled slowly. As was mentioned, to some extent the discipline in a prison is imposed by prisoners. If we fill a prison suddenly it will be full of a whole lot of people who do not know how the system works. We will build the prison up to a size which we can handle, slowly. We will fill it slowly, but we will have more than enough people to go into it by the time it is built. It will not be a matter of building a prison that will be empty, and finding people to fill it. We will build a prison and we will have more than enough people to go into it. We had hoped to retire some of our current stock and to modernise it and to upgrade it. People who have looked at the construction work we have done would have seen that we have considerably improved the quality of what we provide to prisoners.

I know there is some scepticism about whether we can make a change by introducing a private prison. I am not ideologically committed to a private prison. We have been told by a number of people around Australia and the rest of the world that it is extremely difficult to effect changes within the prison system. There is a massive inertia.

A few of the matters raised by Hon Mark Nevill highlight the extra problems we have. Our prison service was severely divided. The reason I take issue with Hon Mark Nevill over David Grant is that I believe David Grant had a lot to do with those severe divisions. After he left, one of the first things we did was to try to repair some of the massive divisions in the service. It was rather like Northern Ireland, in that people can think of some reason to pay somebody back because they can think of the last nasty thing that was done to them. That took a lot of healing within the service, and not all of those wounds have been healed. We hope to set up a system which does not have those massive divisions. We have been told categorically that a system such as this will make those differences.

We have looked at the costs around Australia, and we have found that private prison systems deliver more programs at a lower cost. I do not know from where Hon Ljiljana Ravlich got the idea that I was not claiming any savings. I certainly am. It was only in respect of the core functions that I was not claiming that savings were the reason. There will definitely be savings. At the moment our prisons are extremely costly. Not only do we have more people per head of population in jail, but also we are paying more per head. Notwithstanding the deal with the Prison Officers Union, our prison system is still extremely expensive. Even though for a short time we were well off, the other systems have pulled ahead of us, and one reason is the joint system in which they have a mixture of private and public prisons. We will have more programs and a better attitude. I have seen the attitudes in these prisons. For example, just a little thing is that prisoners are addressed by their Christian names. Members may not think that is a very big point. However, I can inform the House that I received an inquiry and I rang the prison to ask about a prisoner. Let us say the prisoner's name was John Brown. I rang the prison and said, "I have had a query about a prisoner called John Brown." The prison officer said, "Brown J., sir?" I wondered who was Brown J. Prisoners are referred to by their surname first, with the initial afterwards. That is the only way many prison officers can refer to a prisoner.

Hon John Halden: You are the minister. You can instruct them to do that differently.

Hon PETER FOSS: Yes.

Hon John Halden: So you want to use the private system, not the public system, to do that?

Hon PETER FOSS: Hon John Halden is missing the point.

Hon John Halden: No, I am not missing the point.

Hon PETER FOSS: The point is that it is hard to change cultures. I can tell these people to address the prisoners by their Christian names. However, they have to carry their hearts with it as well.

Hon John Halden: You are contracting out responsibility; that is what you are saying. That is what you said in your report and that is what you are now saying.

Hon PETER FOSS: That is not what I said, and Hon John Halden knows that perfectly well.

I will deal with some of the furphies that have been raised. First, Hon John Halden made some remarks about Corrections Corporation of Australia. We do not hear anything about the American public system. I know that Hon Helen Hodgson kindly raised this point. I can tell the House some horrifying stories about the American public system - far more horrifying things than I have heard said about CCA. The most horrifying prison about which I have ever heard is an American federal prison. I noticed that when Hon John Halden dealt with Australia, he had a number of anecdotes about private prisons. There were not too many, although I am sure he had all those that were available. However, not one was about CCA. I am sure if there were an anecdote to tell about CCA, it would have been told.

Would members like to hear some anecdotes about our system? The wonderful thing about having a debate on privatisation is that we hear such wonderful things about the Public Service that we would not otherwise hear. One would almost think that our system was perfect, whereas with these private systems we can pick up these strange things. One criticism that was raised by Hon Cheryl Davenport relating to Corrections Corporation of America was that it had got rid of prison towers. We have got rid of prison towers, and we happen to think it is a good thing. We still have towers around Canning Vale. They were not even built around Casuarina Prison. Do members know why? The reason is that it was not considered to be a very good system to stand up in a tower and shoot people as they tried to escape. It did not seem to be a humane and sensible way of maintaining security. Therefore, that is not the way we do it now. Hon Cheryl Davenport raised that as a criticism of CCA in that it cut corners and saved money by getting rid of prison towers. I can tell members that it happens to be good practice to get rid of prison towers.

It was said also that the only reason the British Government is keeping on with the privatised system is that the contracts are too long and it will be too expensive to get out of them, but it does not really believe in it. I will read from an article in the English newspaper *The Independent* of Saturday, 23 October 1999, which is headed "Group 4 Stripped of Contract to Run Private Prison" and is written by Ian Burrell, home affairs correspondent. The article states -

Group 4 yesterday became the first company to be stripped of its contract to run a privatised prison. The decision by the Home Office minister, Paul Boateng, to take Buckley Hall prison in Rochdale, Greater Manchester, into the public sector is believed to be the first example of renationalisation by this Government.

That gives the lie to the suggestion that the only reason the British Government has not done it is that it cannot. It can do it, and it has done it. The article continues -

Group 4 said it was "astonished" by the move. Mr Boateng did not say why the contract had been taken from Group 4 but said an in-house team from the Prison Service had submitted a superior bid for the 10-year contract, which begins next year.

That is interesting, because one of the things we have said is that not only will we get a cheaper and better service from the private contractor, but also it will inevitably lead to a change in the public prison service. The experience in the eastern States is that the costs of public prisons have dropped as a result of competition. The article continues -

He said he had not lost faith in privately run prisons and, in a parallel announcement, revealed that all jails in England and Wales will be privatised if they under-perform. Until now, private security companies, including Securicor, Group 4 and Premier Prisons, have only been invited to manage seven new prisons out of the 135 jails in England and Wales.

Until now, under the Conservatives, only new jails had been handed out. The article continues -

In future, some of the oldest and most famous prison names in the country, like Wormwood Scrubs, Pentonville, Parkhurst and Dartmoor, could pass into private hands if they fail to meet standards. Group 4 still has control of two other prisons, Wolds in Lincolnshire and Altcourse, Liverpool. The company's executive vice-president, Jim Harrower, said the loss of Buckley Hall, which Group 4 has run since it opened five years ago, was a "tremendous blow" to staff.

We hear about these enormously long contracts. This was a five-year contract. The article continues -

The 385-prisoner, low-security jail, recently received a "thoroughly good report" from Sir David Ramsbotham, the Chief Inspector of Prisons. The Prison Service said the 200 staff at the prison are expected to be retained and will be paid extra wages after six months when they are placed on the same salary scale as other public-sector jail staff. The director-general of the Prison Service, Martin Narey, said prisons that were seen to be failing would be given a single warning. If they continued to fall short of required standards, they would be offered to the private sector, with no opportunity for an in-house Prison Service bid to run the jail. The move to subject all failing prisons to private management shows that Labour is more than ever committed to a contracting-out policy which it criticised in opposition. Mr Boateng said:

"I intend that there will be competition for any public-sector prison which consistently fails to live up to the standards of custody and care which I and the director-general require." He wanted to use the "public and private-sector mix" to "drive up standards". The development follows a series of damning reports by the Chief Inspector of Prisons, who recently recommended prison chiefs to consider privatising Wormwood Scrubs.

Controversially, Mr Boateng also announced yesterday that Doncaster prison is to remain in the control of the private firm Premier Prisons, despite criticisms of its record.

I read that out because I have this gut feeling that I would probably prefer to see prisons run directly by government but the fact is it has been found around the world that they work better if one has a mixture of private and public prisons. This is a Labour Government which went to the polls on a policy of renationalising all the jails. Not only has it not renationalised the jails for all the justifications and rationalisations given by the Labor Party in here but also it is coming out and saying quite openly that it intends to go further than the conservatives ever did if the public prisons do not come up to scratch and that it is committed to a joint process.

The Government wanted to know first whether private prisons were a better deal and they are. Private operators can build a better prison. For about \$75m we are getting a 750-bed prison which is far better than the \$103m we spent on about 440 beds at Casuarina Prison. It will have a maximum security perimeter, program areas and all sorts of things we did not put into Casuarina Prison. It will be a good prison to run.

This also enables us to do something which is a problem for Western Australia. We are very isolated and it is hard to get people to believe we should change. I got work camps to happen only because in the end I sent officials from the Ministry of Justice and the Prison Officers Union to Queensland to see them, and that was something in Australia. I had to send two people over there to see for themselves. I had been struggling to get it done for some considerable time. The fact is that we are an isolated little group and this can be done better. We have a long history in Western Australia of very big problems in the prison service and we must break that.

It is easy for people to say I can just give orders and change things. I do not know how many orders I have given which have been quietly ignored by the prison service. I have never known a place which is so good at quietly ignoring directions from ministers and submerging them in all sorts of obfuscation. Members may remember the bit about the condoms. I announced that we would have condoms in prisons and a committee of the prisons area met. The next time the committee met was the next time the issue came up in the newspaper. I had to say, "We will have condoms" and eventually it happened. The Prison Officers Union is still not having anything to do with the condoms. We are dispensing them through machines which are filled by outside contractors brought in by management. If I started making some of the orders Hon John Halden suggested, I can imagine how many strikes I would have. I would be accused of being a jackbooted capitalist, a person unsympathetic to Labor and the work force. I am highly sympathetic to the work force; however I happen to know that it is a very conservative work force. I know that if I want people to change, to some extent it will be a matter of showing them the way I want things done. One way of doing that is to have a private prison.

Hon Helen Hodgson does not believe this could be a catalyst for change. I think it will be because that is what we have been told by prison administrators around the country and the world. It is their firm belief that this is an agent for change. It is not the only agent for change but it is important for us to have the ability to tell people, "It can be done in this way. This is world's best practice. You can do better; come and have a look at it." That will make a substantial difference.

A number of matters were raised. Hon Giz Watson claimed that we cannot run the new private prison. Hon Helen Hodgson made the point that we will. She says that it cannot be done in South Australia, but it has been done. The fact is that the limitations in the Act only rely on the application of force. We believe we have worked out a legal way in which we can do it, although it is not as convenient or as cheap as doing it under the Act. That is one reason we prefer to have it in statutory form. We would rather have the control over the private operator built into the statute, just as much as Hon Helen Hodgson would. Of course, we can do it by contract.

I, for one, do not pretend for a moment that the obligations relating to freedom of information, the Financial Administration and Audit Act and the Ombudsman will work under a contract as well as they would under statute. We happen to think that is a far better way of doing it, from a parliamentary accountability point of view. We can achieve tremendous savings for the Western Australian taxpayer. We have already done that with the building of the prison. Tremendous savings can be effected by not only this contract, but also changes in the present prison service. That has been the experience in other places in the world. It would be wonderful to get the same programs, the same ability to deal with people as we have specified in the request for proposal document, and the same cost structure. That would be fantastic. We will achieve that, although it will not be easy or quick, and of course there will be resistance.

Hon John Halden: The same way as the minister did with the Health Department. There was success there, too.

Hon PETER FOSS: I notice Hon John Halden vented a lot of bile in his speech, which I purposely have ignored until now. I did very well in the Health Department changes.

The DEPUTY PRESIDENT: Order! The minister may continue to ignore the interjections.

Hon John Halden: I would expect nothing else from the minister.

Hon PETER FOSS: I ask Hon John Halden perhaps to read some speeches of his colleague Hon Kim Chance, the former leader, who had very nice things to say about me as Minister for Health shortly after I lost that portfolio. I do not in any way rely on my statements.

Hon John Halden: The Premier was smarter than he was.

Hon PETER FOSS: I refer the member to Hon Kim Chance.

Hon John Halden: The minister's colleagues were, too, as no doubt he will find in his preselection.

Hon PETER FOSS: I do not know why Hon John Halden has this sudden fit of bile. Perhaps it is a result of the prospect of his becoming the secretary of the State Labor Party. Perhaps, the Deputy President can tell me whether that is a side effect of becoming a secretary of the State Labor Party.

The DEPUTY PRESIDENT: Order! Not at this time. The minister may proceed.

Hon PETER FOSS: Maybe it is merely anticipation that causes that rush of acid to the stomach.

Hon John Halden: It is, minister. How many can I get of you? Keep going.

The DEPUTY PRESIDENT: Order! The minister should continue.

Hon PETER FOSS: I intend to talk about the Bill. I know Hon John Halden did not speak on it for too long.

Hon John Halden: If the minister leads me down a path, I will give an answer. I am very honest. Eventually we need 10. How many will we get? The minister will be responsible for a lot of those other 10 who will fall in the other place.

Hon PETER FOSS: That is a lovely statement. With a bit of luck Hon John Halden will be responsible for the Australian Labor Party not getting those 10 seats.

Hon John Halden: The minister will be less responsible for getting more of them. The Premier knows that, and so does the back bench.

Hon PETER FOSS: We can go on all evening about can and cannot and other childish things. I do not intend to indulge in this can-cannot, can-cannot silliness any further.

Hon John Halden: When the minister is ready to stop, I will. He started it. I am just pursuing it.

Hon PETER FOSS: I am giving a speech. The member interjected. I do not know why Hon John Halden insists on interrupting my speech. I intend to continue to speak on the Bill, if I may be allowed to do so.

Hon John Halden: You precious mite!

The DEPUTY PRESIDENT: Order! The minister should not respond to interjections.

Hon PETER FOSS: I am not. I am being very careful not to do so, although I hope the Deputy President will respond to interjections. I have dealt with most of the matters in this Bill I intended to cover. As Hon Helen Hodgson said, many of the questions asked are answered in the request for proposal document and in the Bill. The measure here is a far preferable way of dealing with the accountability that comes from contracting out of prison services. The method we have adopted is very good, because it will treat the whole prison service as one service, without in any way distinguishing between those which are private prisons and those which are public prisons. We will avoid most of the difficulties seen in other States which have had contractual problems. The most important aspect is that I would be pleased if the record of CCA were to be reflected in our public service system in Western Australia. I sincerely hope that by the time we finish implementing this proposal, that will be the case. I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (15)

Hon M.J. Criddle  
Hon B.K. Donaldson  
Hon Max Evans  
Hon Peter Foss

Hon Ray Halligan  
Hon Helen Hodgson  
Hon Barry House  
Hon Norm Kelly

Hon N.F. Moore  
Hon M.D. Nixon  
Hon B.M. Scott  
Hon Greg Smith

Hon W.N. Stretch  
Hon Derrick Tomlinson  
Hon Muriel Patterson (*Teller*)

Noes (12)

Hon J.A. Cowdell  
Hon Cheryl Davenport  
Hon N.D. Griffiths  
Hon John Halden

Hon Tom Helm  
Hon Mark Nevill  
Hon Ljiljanna Ravlich

Hon J.A. Scott  
Hon Christine Sharp  
Hon Ken Travers

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

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Pairs

Hon Simon O'Brien  
Hon Murray Montgomery  
Hon Dexter Davies

Hon Bob Thomas  
Hon Tom Stephens  
Hon Kim Chance

Question thus passed.

Bill read a second time.

*Committee*

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Minister for Justice) in charge of the Bill.

**Clause 1: Short title -**

Hon JOHN HALDEN: I will make some statements to clarify the Opposition's position. Clearly the opportunity was there for the party to attempt to move this matter to a committee for consideration. A number of committees could have dealt with the Bill. However, given the minister's summation and Hon Helen Hodgson's comments, it is clear they believe there is no value in doing so because the Bill is in such a spectacular state that there is no likelihood of any problems, nor is there a need to investigate any clause of this Bill. I do not agree with that, but I understand the numbers. I understand the necessity to have an inspectorate, and I support it. I do not understand the necessity for privatised prisons, and I do not support their establishment.

However, I understand that one would never want to be criticised as I was last week in the other place by the leader of that House, clearly at the instigation of the minister, if not Hon Simon O'Brien. He criticised me for speaking in this place while members who had clearly expressed a desire to speak on this Bill were engaged in other parliamentary business. To be honest, I filibustered for a few moments.

Hon Peter Foss: It certainly did not come from me.

Hon JOHN HALDEN: Whoever it was on the other side, the tale got to the other place very quickly. I was very affronted. Whichever minion the minister sent -

Hon Peter Foss: I did not send anyone. I was not even aware of who criticised you.

Hon JOHN HALDEN: The minister is aware because he told me.

The CHAIRMAN: Hon John Halden will address the Chair.

Hon E.R.J. Dermer: Surely being criticised by the member for Cottesloe is an honour.

Hon JOHN HALDEN: Exactly.

Hon Colin Barnett took the opportunity to criticise me for filibustering in this matter. As I said in respect of the other Bill, I take exception to that. I believe that Oppositions have a role to play. However, when we undertake that role in this place it appears that ministers must send a mindless minion to advise the leader of the other House of that fact and he then criticises us. When we confront him, he says that he does not have the facts and that he simply received a message.

Hon E.R.J. Dermer: A weak backing away.

Hon JOHN HALDEN: Exactly. What is our role to be? Members opposite - the defenders of this place - should tell me whether we are to have a responsible role or whether we are to be subservient - clearly as they are - to Hon Colin Barnett.

Hon Barry House: What has that to do with it?

Hon JOHN HALDEN: It has a lot to do with it. If Hon Barry House waits, he will find out.

Hon Barry House: I am waiting.

Hon JOHN HALDEN: If the member were quiet, he would find out more quickly.

Hon N.F. Moore: Let us hope we live long enough to have a vote on it.

Hon JOHN HALDEN: If we have an extensive debate about our concerns, we face the ridicule of ministers in the other place saying we are filibustering. Every member in this place knows the circumstances with which I was faced. A number of members wanted to speak on this Bill, but they were not in the Chamber. Hon Ed Dermer and I filibustered for about 10 minutes so that those members who had clearly expressed a desire to speak on the Bill could do so. To make a political point, the minister ran a message to the leader in the other place. It was a good cheap point. It did not make a column centimetre in the press, but they made the point. The Leader of the House in the other place did not know what he was talking about because when I confronted him with it, he told me that he was told that I had spoken for over three hours - wrong.

Hon N.F. Moore: We all know about this.

Hon JOHN HALDEN: Yes, it was a good laugh at the time but it had no relevance to the facts.

Hon N.F. Moore: We know what you did in here. No-one is complaining about it.

Hon JOHN HALDEN: Not the Leader of the House personally, but government members ran someone from here. The Leader of the House should not shake his head and indicate no.

Hon N.F. Moore: What Hon Colin Barnett says or thinks has nothing to do with what we are doing tonight.

Hon JOHN HALDEN: It does.

Hon N.F. Moore: It does not. You have a thick hide.

Hon JOHN HALDEN: Hang on.

The CHAIRMAN: Order! We are getting into a dialogue.

Hon JOHN HALDEN: Are we to treat this or any other Bill seriously or use it as a political tool with which we might get a cheap column inch in *The West Australian*.

Hon N.F. Moore: We have not had a cheap inch there for years.

Hon JOHN HALDEN: That is probably true. The Government probably does not deserve one.

Hon N.F. Moore: You have a thicker hide than this. You are wasting time.

Hon JOHN HALDEN: I am not wasting time.

Hon N.F. Moore: Get on with the Bill then. No-one cares what Hon Colin Barnett says about you, least of all you.

The CHAIRMAN: The minister is correct in the sense that we should proceed with the business.

Hon JOHN HALDEN: I am happy to do that. I have not terribly extended debate on the short title. I did not do that with the Court Security and Custodial Services Bill and I did not propose to do that here. I made commitments to the Government with the other Bill and I believe I lived up to those commitments.

Hon N.F. Moore: We agree, so let us get on with it.

Hon JOHN HALDEN: If that is the case, the Leader of the House should tell the lunatic in the other place, the member for

Cottesloe, that he might not want to offend people in this place to try to gain a cheap political advantage, because we will not have that debate.

Hon E.R.J. Dermer: It would be a variation on a theme for the residents of Cottesloe.

Hon JOHN HALDEN: It would be. The Opposition has the circumstances clearly before it. The minister has told us that he has got this matter totally correct.

Hon Peter Foss: Come off it!

Hon JOHN HALDEN: He has.

Hon Peter Foss: If you say so.

Hon JOHN HALDEN: That is what he told me a moment ago. In summing up the second reading debate, he told us that he knew it all correctly.

Hon Peter Foss: When you take into account things that have happened elsewhere.

Hon JOHN HALDEN: Okay. Clearly this is now his legislation. The Australian Democrats clearly support him. The extent to which we now wish to proceed on a debate or even clarification of points is in some respects futile. I guess that members on this side of the House, whether in government or in opposition, are used to the futility of debating such matters. We are left to consider the serious question whether this debate has a purpose. From speaking to colleagues in the Opposition and in the minor parties, it does not matter whether we are right or wrong, we will be voted down. The question is the extent to which we want to proceed down that path and place ourselves in a position of political vulnerability by being attacked for deliberately filibustering with no intent. I could not possibly see a purpose for that. If the Government of the day and the Democrats think that this is such a spectacularly successful piece of legislation and is likely to reap benefits, why would we allow ourselves to stop them in that pursuit, except of course to register our opposition? Just before we contemplate whatever action we may choose in that regard, can the minister provide us with information about contracting out work to the private sector and how successful it has been? That will assist us to decide whether we oppose this legislation vigorously or in principle. It will provide a benchmark by which we can stand on this matter. I am aware that some things have been contracted out to the private sector because it could clearly do it better. Which areas have been spectacularly successful or not so successful?

Hon PETER FOSS: We contracted out education to TAFE, which arrangement seems to be fairly successful. We use some contract staff for nursing. Some of our treatment programs are also contracted out and they have been effective. We bought TOMS, a new offender management system, mainly because the old offender management system could not provide answers to questions asked in this place.

Hon John Halden: Is TOMS a computer system?

Hon PETER FOSS: Yes. It is unlikely that we would ever write our own computer program. Prison maintenance has also been contracted out. The security systems have been privately supplied and maintained, but that has always been the case. Computer support has also been contracted out, which has worked out well. It has provided a better future for people in the computer area because career paths are rather limited for employees working only for the Ministry of Justice; whereas people working for a major computer firm have the ability to take fairly senior positions within it. Some of the senior people whom we lost to major firms are working for us now on a contract basis.

Hon John Halden: Have those areas been successful?

Hon PETER FOSS: Yes. They were outsourced because it seemed sensible to do so. We have not gone hell for leather to contract out. It has occurred due to difficulties in undertaking work ourselves and to supplement what we are doing. Contracting out has been motivated by concern about our own capacity to provide services, and to date we have been pleased with the results.

Hon JOHN HALDEN: I am pleased the minister gave those examples. He referred to education, nursing, treatment programs, TOMS, prison maintenance, security systems and computer support. Has there been a blow-out in the costs of any of those contracts?

Hon PETER FOSS: I am not aware of it. Generally speaking, contracting out allows us to do things that we cannot do. For instance, we have used contract nursing staff because we have not been able to acquire employees. There has been a reasonable saving on computer maintenance, mainly because technical and further education institutions provide it. That happened due to a change in TAFEs, which now enter into contracts for supply. We have had some very good value out of that. I think Albany was being supplied by Midland College of TAFE. Some of the people with whom we have contracted are a long way from the prison to which we supply. We have achieved a good deal as a result of the competition between TAFEs. As the member would know, there was a change in the funding of TAFEs and that competition has been effective for us in providing us with more services for our dollar. Our experience has been that it has either enabled us to do something that we would not otherwise have been able to do or given us more of the same item for the same dollar, or we have saved money. We have not normally ended up with a great deal of money left over, simply because with our budget we try to get the best possible value.

Hon JOHN HALDEN: I want some further clarification. Mr Chairman, if I may have some indulgence, this may make the committee process shorter at the end of the day, which is my implicit aim in this matter. I would never want to offend the member for Cottesloe. In the contracting-out process that has been instituted up to date, have there been any complaints about the fairness or the quality of the outcome of that process?

Hon PETER FOSS: Nothing that has come to my or my advisers' notice. If the member has something particular he would like me to check up on, I will do so. However, I am not aware of having received any complaints about that process.

Hon JOHN HALDEN: I now refer to what in many ways is the heart of the issue for those who oppose this Bill. What contingency plans are in place? The Government has an ability to review the management contract and, if there are grave concerns about its quality, that review can be instigated at short notice; and I understand the Government has an ability to review the management at five-yearly intervals. What contingency plans has the Government put in place to ensure that if those matters occur it will be able to provide for the transfer of responsibility from the private sector back to the public sector? For instance, if the staff complement of a private prison is 300, how can one assume that the public sector will be able to provide the level of due diligence and due obligation if the contractor decides to opt out of a contract, either urgently or in the normal review period?

Hon PETER FOSS: The Government has the ability to appoint an administrator to take over the contract. We cannot force people to remain in employment. One would assume that most people would not be so wedded to working for the particular contractor rather than for the administrator that they would all resign on the spot. Although that is a possibility, I do not believe it is a very likely one. What would happen if all the prison officers resigned tomorrow? We would have to account for that. However, we have the ability to take over both the property and the administration of the contract and to run it ourselves. If it were justified, we could walk in and take over as if we were running that contract. The other point is that if it is more isolated to particular people, we have the capacity to say that those people are not to be continued to be employed. All of this could be done by contract, but in this case, it is also supplemented by the statute which gives us the statutory power to do that.

Hon JOHN HALDEN: On a point of clarification, as I am confused marginally, the minister has said that the contract staff could be retained and that he could dispense with certain of the contract staff. The problem may be endemic throughout a proportion of the staff.

Hon Peter Foss: A bit like the public system.

Hon JOHN HALDEN: I did not say that; the minister did and I am very pleased he did. I am sure the Prison Officers Union will also be pleased when I advise it of that tomorrow.

Hon Peter Foss: They are thrilled by that.

Hon JOHN HALDEN: I am sure it will be, and that really is the kernel of what this debate is all about. I am pleased that the minister has eventually crystallised it for all of us.

Hon Peter Foss: I am saying that there are certain things which fit within the system.

Hon JOHN HALDEN: The minister has said it, and I am pleased he has; he does not need to clarify it. What happens in the private prison system if there clearly is an endemic problem? Can the minister clarify how he proposes that the public system will be able to manage losing effectively 100-plus or 200-plus staff so that the system can continue to operate and not fall back into the lock-down regimes that we have had in the past?

Hon PETER FOSS: We have endemic problems in our system, which are hard to change. I made it quite clear that one of the reasons we look forward to a private system is that we hope to change the public system. The hypothesis being put by the member is extreme. He is suggesting that -

Hon John Halden: It is no more extreme than what you said. The public system is exactly the same.

Hon PETER FOSS: Exactly, and we would operate in exactly the same way. We can operate with some endemic problems in our present system, and we can operate with endemic problems in a contractual system. With the contractual system we hope to set up a new system with the model we want, which does not have those endemic problems. That is the big difference between the contractual system and the current system - at least we can frame what we want. Unfortunately, with our public system, we have those endemic problems. It is the same as if we build a greenfield site as opposed to altering a current prison. We are stuck with what we have currently. We cannot just say that we will change the whole public system by sacking everybody and starting again. That is not an option. However, when we set up a new system, at least we have the capacity to specify how it will be built and how the people will behave. That is what we intend to set up. The member is postulating that we and Corrections Corporation of Australia have the system so wrong that we would have to throw it out. I do not accept that as a postulation. I do not know of any system in which that has happened. Also, CCA's record in Australia has been extremely good.

Hon John Halden: Deer Park has not been spectacular.

Hon PETER FOSS: That system has been considerably better. I can name some of our systems which have not been spectacular. One of the good things about a contractual system is that it comes under a lot of scrutiny; a lot of people are prepared to tell us what is wrong with a private system. Unfortunately, there are not quite so many who are prepared to tell us what is wrong with the public system. There is a degree of self-protection in the public system. The good thing about a contractual system is that if something is wrong, we will hear about it.

Hon John Halden: That is not true. You have done a lot to hide the types of things that have gone wrong, not as the Ministry of Justice but as a Government which has done everything imaginable in some respects to hide things that have gone wrong in a contractual system.

Hon PETER FOSS: I disagree with the member. The fact is that I do not believe that the situation that the member

postulates, in which we would have to sack 200 people, is a real system. If a meteorite landed on Acacia Prison and wiped out the prison and most of the staff, we would have a problem. That would be the same whether the meteorite landed on Acacia or on Casuarina Prison. It may happen, and I must confess that we do not, as far as I know, have some plan to handle that if it were to happen. I do not see that being any more likely than a meteorite hitting us.

Hon JOHN HALDEN: I want to clarify the issue of medical services, and the contracting out of other services. I am a little concerned that the Bill makes provision for an array of separate public and private services, and a mixture of public and private services. Can the minister explain the intention of the Government towards the public system and how far it will go to privatise it internally? Where does that start and begin? I do not expect an exact answer; I understand it will be within parameters. How far does the minister envisage the Government will go with privatisation within the public system?

Hon PETER FOSS: As the member knows, we can contract out within the public system already. The only difficulty with contracting out is with the use of force. We do not employ industrial officers as prison officers necessarily. We have contracted out some medical services, and we are considering contracting out more because of the difficulty of employing medical people. The Government has no philosophical commitment to contract out anything, unless it believes that is the only way to get a better service. The Government is not searching for what it can contract out next. That is not its intent. If the Government has an area which has problems, and it appears it may be able to solve those problems by contracting out, and they cannot be solved within the current system, it will definitely consider contracting out. Our system does have problems, and that includes staffing problems. Not everyone wants to work in a prison. It is difficult if people do not see themselves as having a career which is partly inside prison and partly outside, because they do not want to be there. Technical and further education is a good example of that. People have an opportunity to work within the TAFE system and also within the prison system. They might be doing exactly the same work but they have a job within a larger teaching system. That is a positive in their career, whereas merely being employed by the Ministry of Justice is not necessarily a positive. It is the same job, but it is a different career path for them. If we have a problem and it cannot be solved within our system, we will look to contracting out.

Hon JOHN HALDEN: I have received correspondence about contracting out health services. For the record, and to help those people who have contacted not only the minister and me but everyone else, could the minister comment on the contracting out of health services and the safety provisions under this legislation?

Hon PETER FOSS: We have had problems with prison health services. We are looking at contracting them out. We have asked that the Health Department take control of that. That is probably the better way for health services to be delivered within the prison service. We have had discussions with the Health Department regarding its taking responsibility for the provision of health services within the prison service. That would probably result in contracting out, and we would then have the number of people we need.

Hon John Halden: In that definition will the services be contracted to the Health Department?

Hon PETER FOSS: I do not think that it would be the Health Department, because it could not do it. It would have to be contracted out to a private contractor. The Health Department should set the standards that apply in the prison. Health is health, and whether one is in a prison or outside a prison, the Health Department is the appropriate department to oversee the provision of health standards in the prison. Therefore, we would look to the Health Department. We have not gone a long way down the track on this, but I envisage a private contractor supervised by the Health Department.

Hon JOHN HALDEN: There seems to be some disagreement between the minister and the Minister for Health about what has been said.

Hon Peter Foss: I think we have now agreed.

Hon JOHN HALDEN: It seems, from press comments I have read, that the Minister for Health does not see a role for the Health Department in the prison system. I could wander down to my office and find the clippings, but it would not be of any use.

Hon Peter Foss: Originally, there was some reluctance on the part of the Health Department; I agree with that. However, I think we have resolved that.

Hon JOHN HALDEN: Could the minister again clarify for the record the resolution of those problems so that people are clear?

Hon PETER FOSS: I think it is a little early to say that I can completely resolve that matter. However, the provider of the health services will probably contract with the Ministry of Justice rather than with the Health Department. It will be a private contractor rather than the Health Department. However, it should be the Health Department which is virtually the administrator of the standards and the quality of the health services.

Hon John Halden: There is agreement that the department will do that?

Hon PETER FOSS: I think we have now reached the stage that the Commissioner of Health has said he will do it, but he will have to set the standards. In other words, we will have to meet his standards, not the standards we are currently meeting.

Hon John Halden: Is there a gap of significance there?

Hon PETER FOSS: There is a gap. How significant it is, I do not know, but I think it will have some cost implications.

Hon John Halden: Significant cost implications?



Hon PETER FOSS: Not overall. I do not know the figure. Essentially, we have had difficulty providing people within the prison system. There is no doubt that some dedicated and effective medical people see prison as being their particular area of practice. We rely almost entirely on those people - probably to an excessive degree - and they obviously will be maintained in that system, because we do not want to lose those people who are dedicated to being prison medical people. However, we do not get the numbers and the services that we would like. Therefore, we see ourselves expanding that. The problem then arises of how we will get them into the system. The only way to do that is by contracting these people whereby they will come in and operate to a service, but they will not necessarily be full time in the prison. Therefore, they will have an ongoing career path. We believe that should be overseen and supervised by the Health Department, because that is the appropriate place for a health service within a prison.

Hon John Halden: I agree with that argument.

Hon PETER FOSS: The Health Department was originally reluctant to do that. We think we have agreement that it will set the standard, and we accept that. In fact, we see that as a benefit. However, it will have a cost implication. The cost will be due to the increase in standard, not to the fact that we are contracting out. However, to some extent the increase in standard comes as a result of contracting out, because the Health Department was not prepared to be involved unless it set the standard. After discussing it, the Health Department is prepared to be involved in it, provided it sets the standard. We are happy with that. Overall, it will lead to a better health system within the prison system, which is in no way a criticism of the people who work there and who do a wonderful and dedicated job. We just wish we had twice as many of them; that would be wonderful.

Hon JOHN HALDEN: I will go further down this path.

Hon Peter Foss: You may be a head of the department in that case.

Hon JOHN HALDEN: I cannot and will not comment. I refer to the issue of psychiatric care.

Hon Peter Foss: That is not being contracted out.

Hon JOHN HALDEN: Speaking from personal experience, 20 years ago the issue of psychiatric care was a difficult area.

**Progress reported, pursuant to standing orders.**

#### **STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS**

*Resignation of Hon Tom Helm*

**THE PRESIDENT** (Hon George Cash): I advise the House that today I received a letter from Hon Tom Helm, member for Mining and Pastoral Region, advising that he has resigned from the Constitutional Affairs Committee as of today.

*House adjourned at 9.56 pm*

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**QUESTIONS ON NOTICE**

Questions and answers are as supplied to Hansard.

**GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF RECRUITMENT**

248. Hon LJILJANNA RAVLICH to the Attorney General representing the Minister for Police:

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

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

Hon PETER FOSS replied:

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

|                     |
|---------------------|
| 1997/1998 - 0 staff |
| 1998/1999 - 1 staff |
  - (c) Level 1-8
 

|                       |
|-----------------------|
| 1997/1998 - 206 staff |
| 1998/1999 - 101 staff |
- (2) Of those staff recruited 307 staff were recruited internally, the CEO vacancy was filled using existing internal recruitment staff and Public Sector Management Division and one vacancy was filled with the aid of an external recruitment agency. (See footnote)
- (3) Gerard Daniels Australia Pty Ltd.
- (4)
 

|                         |
|-------------------------|
| 1997/1998 - \$11,000.00 |
| 1998/1999 - \$3,849.09  |

Footnote:

The position was the Director, Media. In view of its specialist nature it was deemed appropriate to use an external recruitment agency. The expenditure for that selection was incurred over the two reporting periods hence the amounts are split as above.

**GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY**

285. Hon LJILJANNA RAVLICH to the Attorney General:

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

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

Hon PETER FOSS replied:

(1)-(7) Please refer to the answer given in response to question on notice 288 of 19/8/99.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

286. Hon LJILJANNA RAVLICH to the Minister for Justice:

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

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

Hon PETER FOSS replied:

(1)-(7) Please refer to the answer given in response to question on notice 288 of 19/08/99.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

287. Hon LJILJANNA RAVLICH to the Minister for the Arts:

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

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

Hon PETER FOSS replied:

(1)-(7) Please refer to the answer given in response to question on notice 288 of 19/08/99.

#### GOVERNMENT DEPARTMENTS AND AGENCIES, LEAVE LIABILITY

306. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Health:

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

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

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

Hon MAX EVANS replied:

- (1)-(5) Circular to Minister No 5/98 requires all agencies to reduce their leave liability by 10 per cent *compared to the figure published in the 1998/99 budget papers* by no later than 30 June 1999. To make an accurate comparison it will be necessary to compare the actual employee entitlement figures for 1998-99 for each agency, as stated in their annual reports, which are currently being audited. The audited annual reports for each agency are tabled in Parliament in accordance with the *Financial Administration and Audit Act* 1985 and provide the relevant details. These figures can be compared with the estimated employee entitlement liabilities for 1998-99 that appeared in the 1998-99 Budget Papers. It is the responsibility of each agency to monitor its leave liabilities in accordance with this policy.
- (6)-(7) The strategy outlined in Circular to Minister No 5/98 is aimed at reducing leave liability that has been incurred by the Government over many years, and is designed not to adversely affect the service delivery of agencies.

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

373. Hon LJILJANNA RAVLICH to the Minister for Justice:

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

Hon PETER FOSS replied:

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

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

374. Hon LJILJANNA RAVLICH to the Minister for the Arts:

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

- (i) 1994/95;
- (ii) 1995/96;
- (iii) 1996/97;
- (iv) 1997/98; and
- (v) 1998/99?

Hon PETER FOSS replied:

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

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

480. Hon TOM STEPHENS to the Attorney General representing the Minister for Federal Affairs:

- (1) Have any departments or agencies under the Minister for Federal Affairs' portfolio awarded any contracts to -
  - (a) Australian Property Consultants; and
  - (b) Ross Hughes and Company,
 since January 1, 1999?
- (2) If yes, can the Minister state -
  - (a) the name of the contractor;
  - (b) the project the contract was awarded for;
  - (c) the date the contract was awarded;
  - (d) the value of the contract;
  - (e) whether the contract went to tender; and
  - (f) if the contract did not go to tender, why not?

Hon PETER FOSS replied:

(1)-(2) To the best of my knowledge no departments or agencies under my control have awarded any contracts to Australian Property Consultants or Ross Hughes and Company, since January 1, 1999.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

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

- (1) Have any departments or agencies under the Premier's portfolio awarded any contracts to -
  - (a) Australian Property Consultants; and
  - (b) Ross Hughes and Company,
 since January 1, 1999?
- (2) If yes, can the Premier state -
  - (a) the name of the contractor;
  - (b) the project the contract was awarded for;
  - (c) the date the contract was awarded;
  - (d) the value of the contract;
  - (e) whether the contract went to tender; and
  - (f) if the contract did not go to tender, why not?

Hon N.F. MOORE replied:

(1)-(2) To the best of my knowledge no departments or agencies under my control have awarded any contracts to Australian Property Consultants or Ross Hughes and Company, since January 1, 1999.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

495. Hon TOM STEPHENS to the Minister for Finance representing the Treasurer:

- (1) Have any departments or agencies under the Treasurer's portfolio awarded any contracts to -
  - (a) Australian Property Consultants; and
  - (b) Ross Hughes and Company,
 since January 1, 1999?
- (2) If yes, can the Treasurer state -
  - (a) the name of the contractor;
  - (b) the project the contract was awarded for;
  - (c) the date the contract was awarded;
  - (d) the value of the contract;
  - (e) whether the contract went to tender; and
  - (f) if the contract did not go to tender, why not?

Hon MAX EVANS replied:

(1)-(2) To the best of my knowledge no departments or agencies under my control have awarded any contracts to Australian Property Consultants or Ross Hughes and Company, since January 1, 1999.

GOVERNMENT CONTRACTS, AUSTRALIAN PROPERTY CONSULTANTS AND ROSS HUGHES & CO

496. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

- (1) Have any departments or agencies under the Minister for Public Sector Management's portfolio awarded any contracts to -
  - (a) Australian Property Consultants; and
  - (b) Ross Hughes and Company,since January 1, 1999?
- (2) If yes, can the Minister state -
  - (a) the name of the contractor;
  - (b) the project the contract was awarded for;
  - (c) the date the contract was awarded;
  - (d) the value of the contract;
  - (e) whether the contract went to tender; and
  - (f) if the contract did not go to tender, why not?

Hon MAX EVANS replied:

- (1)-(2) To the best of my knowledge no departments or agencies under my control have awarded any contracts to Australian Property Consultants or Ross Hughes and Company, since January 1, 1999.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

524. Hon TOM STEPHENS to the Attorney General representing the Minister for Federal Affairs:

Can the Minister for Federal Affairs provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon PETER FOSS replied:

- (a)-(b) To the best of my knowledge no land sales which had a sale value of \$500 000 have been undertaken by departments and agencies in my portfolio areas, since September 1, 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

526. Hon TOM STEPHENS to the Attorney General representing the Minister for Planning:

Can the Minister for Planning provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

**The answer was tabled.** [See paper No 367.]

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

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

Can the Premier provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon N.F. MOORE replied:

- (a)-(b) To the best of my knowledge no land sales which had a sale value of \$500 000 have been undertaken by departments and agencies in my portfolio areas, since September 1, 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

539. Hon TOM STEPHENS to the Minister for Finance representing the Treasurer:

Can the Treasurer provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon MAX EVANS replied:

- (a)-(b) To the best of my knowledge no land sales which had a sale value of \$500 000 have been undertaken by departments and agencies in my portfolio areas, since September 1, 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

540. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Public Sector Management:

Can the Minister for Public Sector Management provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon MAX EVANS replied:

- (a)-(b) To the best of my knowledge no land sales which had a sale value of \$500 000 have been undertaken by departments and agencies in my portfolio areas, since September 1, 1998.

GOVERNMENT DEPARTMENTS AND AGENCIES, LAND SALES IN EXCESS OF \$500 000

542. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

Can the Minister for Health provide the following details of land sales in -

- (a) rural and metropolitan; and
- (b) commercial and residential,

undertaken by departments and agencies in the Minister's portfolio areas, since September 1, 1998, which had a sale value of \$500 000 or more -

- (i) name and location of the land sold;
- (ii) date sold;
- (iii) nature of sale and name of buyer;
- (iv) the names of any non-Government agents involved in the sale;
- (v) proceeds received from the sale;
- (vi) associated revenue from the sale, such as stamp duty; and
- (vii) any associated costs incurred in the sale process?

Hon MAX EVANS replied:

Healthway

- (a)-(b) Nil.
- (i)-(vii) Not applicable.

Office of Health Review

- (a)-(b) Nil.
- (i)-(vii) Not applicable.

Health Department of Western Australia

- (a) Details of Health Department of WA rural and metropolitan land sales.
  - (i) Selby site, Shenton Park.
  - (ii) 6 September 1999.
  - (iii) 13.12 hectares of land excised for purchase by the Education Department to enable development of Shenton College.
  - (iv) Not applicable.
  - (v) \$13.9M
  - (vi) Nil.
  - (vii) Estimated cost of \$680,000 for site service diversions and lot creation costs including site survey and DOLA charges.
- (b) Not applicable.

#### GOVERNMENT CONTRACTS, CHAMBER OF COMMERCE AND INDUSTRY

582. Hon KEN TRAVERS to the Attorney General:

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

Hon PETER FOSS replied:

- (1)
  - (a) Yes.
  - (b) No.
  - (c) Yes
- (2)
  - 1996/97  
Staff Training - \$585.54
  - 1998/99  
Staff Training - \$840.00

Membership to the Karratha and Districts Chamber of Commerce and Industry - \$250.00  
The Manager, Karratha Community Based Services (CBS) has advised that most other Government departments are members of the local Chamber of Commerce. CBS use it as an avenue to the local business community and as a gauge to community feelings in general. Work opportunities for discharging community orders are more forthcoming through the direct contact which local businesses membership of the Chamber brings.

#### METROPOLITAN HEALTH SERVICE BOARD, CONTRACTING OUT

597. Hon KEN TRAVERS to the Minister for Finance representing the Minister for Health:

- (1) Does the Metropolitan Health Service Board contract out any of their financial management functions?
- (2) If yes -
  - (a) which functions does it contract out; and
  - (b) when, and to who, were the contracts issued?

Hon MAX EVANS replied:

- (1) Yes.
- (2)
  - (a)
    - (i) PMH: The management of the Princess Margaret and King Edward Memorial Hospitals' accounting and financial reporting function.
    - (ii) RPH: Debt collection.
    - (iii) MHSB: Prepare 97/98 consolidated financial statements.



- (2) (b) (i) PMH/KEMH: Arthur Andersen – 3 August 1998.
- (ii) RPH: (a) Laurens & Munns January 1999.  
(b) Repcol (Mercantile Collection) December 1997.
- (iii) MHSB: Stanton Partners – approx March 98.

## STATE BUDGET

609. Hon N.D. GRIFFITHS to the Minister for Finance representing the Premier:

I refer to the current State Budget and ask-

- (1) Have the actual major economic aggregates year average percentage change for the 1998/99 financial year been determined and will the Minister table these?
- (2) What are the current forecasts for the major economic parameters for 1999/2000 upon which expenditure and revenue estimates are based and will the Minister table these?

Hon MAX EVANS replied:

- (1) While a number of actual major economic aggregates for growth over 1998/99 have been determined, growth in gross state product (GSP) will not be published by the Australian Bureau of Statistics until late November 1999. The Australian Bureau of Statistics has released data on a number of components of the State's economy, in particular, domestic spending aggregates. Total domestic expenditure, which includes business investment, consumer spending, housing construction and spending by governments, grew by 1.1% in 1998/99. This was slightly above budget expectations of 0.75% growth. For the record, most components of domestic demand grew by close to budget expectations. The only exceptions were business investment, which fell by less than expected, and public investment, which also grew by less than expected.
- (2) The current forecasts of the major economic parameters for 1999/2000 are as per the budget and can be found in Budget Paper No. 3. Growth in domestic demand is expected to increase to 2.75% and GSP is expected to grow by 4.5% over 1999/2000. Partial indicators of activity remain consistent with these estimates.

## GOODS AND SERVICES TAX, SOUTH AUSTRALIAN TREASURY ANALYSIS

611. Hon N.D. GRIFFITHS to the Minister for Finance representing the Treasurer:

I refer to your answer to question without notice 226 of September 16, 1999-

- (1) Upon what parameters was the analysis prepared by the South Australian treasury based?
- (2) Will you now table the analysis?
- (3) If not, why not?

Hon MAX EVANS replied:

- (1)-(3) The Treasurer tabled the Treasury analysis, based on the South Australian Treasury analysis in the Legislative Assembly on Wednesday, 13 October 1999. This included explanatory notes detailing the assumptions underlying the analysis.

## YANCHEP/TWO ROCKS TRANSPORT NETWORK STUDY

617b. Hon KEN TRAVERS to the Attorney General representing the Minister for Planning:

- (1) Does the strategic cooperation agreement between Tokyu Corporation and the State Government require a study into the transport network to the Yanchep/Two Rocks area?
- (2) If so, what is the scope of the study?
- (3) Who is responsible for preparing the study?
- (4) When is it expected the study will be completed?
- (5) Will the study be made public?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The Agreement provides for a study of access requirements for the St Andrews land in order to establish a timetable and implementation arrangements with the relevant agencies and landowners which will seek to:

Ensure the provision of timely access to the St Andrews land which will be appropriate for a major development project of an urban and economic nature; and

Be a comprehensive strategy which will address major regional roads, the extension of the Mitchell Freeway, and the Northern Suburbs Railway.

- (3) The study is to be undertaken by the parties to the Agreement which are the State of Western Australia, the Western Australian Planning Commission, the City of Wanneroo and Tokyo Corporation.
- (4) The date for commencement of the study has not been set.
- (5) The detailed arrangements for the undertaking of the study have not been agreed by the parties.

WATER CORPORATION, LOAN REPAYMENTS

690. Hon KEN TRAVERS to the Minister for Finance representing the Treasurer:

- (1) What was the total amount of loan repayments made by the Water Corporation to the Consolidated Fund in 1998/99?
- (2) When were these repayments made?
- (3) Were these payments budgeted for?
- (4) If so, where are these shown in the Budget papers?
- (5) If not, why were the payments not budgeted for?
- (6) Why were they made in the 1998/99 financial year?

Hon MAX EVANS replied:

- (1) \$25.186 million. This consists of \$1.785 million in scheduled General Loan Fund (GLF) repayment in accordance with a loan period to 2014, and \$23.401 million in accelerated GLF repayment.
- (2) Scheduled monthly GLF repayments were made throughout 1998/99 which totalled \$1.785 million. The accelerated GLF repayment of \$23.401 million was made on 30 June 1999.
- (3)-(4) Payments against the Water Corporation GLF debt were budgeted for in the 1998/99 budget papers. This can be found on page 1253 of 1998/99 Budget Paper No 2, Volume 2, under Capital, Loan Repayments, Country Areas Water Supply. The 1998/99 budget estimate was \$3.264 million. The \$23.401 million accelerated GLF repayment was not shown in the 1998/99 budget.
- (5)-(6) The repayment schedule associated with Water Corporation GLF debt was reviewed by the Government in April 1999. That review determined the accelerated repayment of this debt was appropriate in the 1998/99 financial year.

PRISONERS, RELEASE ON PAROLE

700. Hon JOHN HALDEN to the Minister for Justice:

- (1) In 1998 how many prisoners in Western Australia were not released on parole at their earliest eligibility date?
- (2) How many of those prisoners were not released because they had not completed the pre-requisite program or course that would have ensured their release?
- (3) In 1999 how many prisoners in Western Australia were not released on parole at their earliest eligibility date?
- (4) How many of those prisoners were not released because they had not completed the pre-requisite program or course that would have ensured their release?

Hon PETER FOSS replied:

- (1) 323.
- (2) I am not prepared to dedicate the resources required to answer this question, as it would entail a manual check of each prisoner's file.
- (3) 243 up to and including 30 September 1999.
- (4) Refer (2) above.

MR IAN FLETCHER, REDUNDANCY PACKAGE CALCULATIONS

715. Hon LJILJANNA RAVLICH to the Leader of the House representing the Premier:

- (1) Did the Premier receive anything in writing from Ian Fletcher to indicate that he was resigning?
- (2) If so, when?
- (3) Will the Premier table the document?
- (4) If not, on what basis was Mr Fletcher's redundancy calculated on November 2 1998, four months prior to Mr Fletcher's departure?

Hon N.F. MOORE replied:

- (1)-(4) The Premier has advised that Mr Fletcher's termination is currently the subject of a review by an independent inquirer appointed by the Commissioner for Public Sector Standards.

## BMA WORKSHOPS, WELSHPOOL, LEASE AGREEMENT

716. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Minister for Lands:

I refer to the lease agreement between DOLA and Radock Pty Ltd for the former BMA workshops in Welshpool -

- (1) Can the Minister for Lands confirm that he met with Harvey McLeod to discuss the issue of the rent associated with this lease after Radock Pty Ltd expressed their disapproval of DOLA's initial proposal?
- (2) Can the Minister confirm that as a result of this meeting the annual rent was reduced from \$137 500 a year to \$70 000 a year?
- (3) Will the Minister table all documents that relate to the decision to reduce the annual rent?
- (4) If not, why not?

Hon MAX EVANS replied:

- (1) The Minister for Lands has met with Harvey McLeod on a number of occasions to discuss reviews he has undertaken in relation to Fair Trading matters. He recalls that the issue of Radock Pty Ltd was discussed at one of these meetings. If the issue of rent was discussed and if there was a request for a review of the lease of terms the Minister would have asked his department to evaluate the request as per normal practise.
- (2) The Departmental documents show that on 15 December 1998 rent was set at \$70,000 per annum.
- (3) [See paper No 366.]
- (4) Not applicable.

## REGIONAL FOREST AGREEMENT, MEETINGS WITH MR TREVOR RICHARDSON

776. Hon NORM KELLY to the Minister for Transport representing the Minister for Local Government:

- (1) Since the RFA was signed in May, has the Minister for Local Government or any member of the Minister's staff met with Mr Trevor Richardson, either alone or in company, to discuss any aspect of Government forest policy or timber industry restructuring?
- (2) If yes, on how many occasions?
- (3) Did the Minister meet with Mr Richardson in his capacity as -
  - (a) President of the industry political lobby group called the Forest Protection Society;
  - (b) owner of a native timber sawmill;
  - (c) member of the interim Timber Industry Advisory Committee;
  - (d) potential buyer of part of the defunct Whittakers Mill;
  - (e) potential recipient of additional CALM hardwood log supply contracts; or
  - (f) potential recipient of RFA structural adjustment funds?
- (4) Were any commitments or undertakings given to Mr Richardson by the Minister or his staff at any of those meetings?
- (5) If so, what were they?

Hon M.J. CRIDDLE replied:

- (1)-(3) Amongst the thousands of people I have met who are interested in the timber industry, both before and after the Regional Forest Agreement, and in the context of the many meetings I have had, some meetings were with Mr Richardson. I have also met with Western Timber Coop and a number of millers, transporters and processors. Many of them are my constituents.
- (4) No.
- (5) Not applicable.

## LANDCORP, LOT 100 BALCATT ROAD, BALCATT

785. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

- (1) Can the Minister for Lands confirm that in question on notice 363 of September 17 1998 the Minister stated that Lot 100 Balcatta Road, Balcatta, was sold by LandCorp to Udine Pty Ltd on November 18 1994, with sale proceeds of \$1 745 000?
- (2) Can the Minister also confirm that in question on notice 458 of September 23 1999 the Minister stated that "This land was sold by the former Industrial Lands Development Authority sometime prior to the formation of LandCorp in 1992"?

- (3) Can the Minister inform me as to which answer is correct?
- (4) Can the Minister please state -
  - (a) was a valuation of this land conducted;
  - (b) who undertook the valuation; and
  - (c) what was the land valued at prior to sale?

Hon MAX EVANS replied:

- (1) No. The Minister can confirm Lot 100 Balcatta Road, Balcatta was sold to Udine Pty Ltd with sale proceeds of \$1,745,000, the last instalment having been received on 18 November 1994.
- (2) The Minister can confirm the sale of Lot 100 Balcatta Road, Balcatta was initiated by the former Industrial Lands Development Authority (ILDA). However, ILDA had a policy to sell land on the basis of instalments and settlement to be deferred until such time as the purchaser had constructed a building. The repeal of the ILDA legislation and the acquisition of ILDA's assets and contractual obligations transferred the agreement to LandCorp on 30 June 1992. The terms were finally reflected in a contract executed in December 1992. Transfer of Lot 100 Balcatta Road, Balcatta occurred in January 1993.
- (3) Depending upon the interpretation as to the point of time at which a sale is recognised, both Questions on Notice 363 and 458 are correct.
- (4) (a)-(c) The information may be contained in the archived material relating to the former Industrial Lands Development Authority. However, retrieval will require allocation of significant resources away from higher priority areas.

### QUESTIONS WITHOUT NOTICE

#### GANTHEAUME POINT DEVELOPMENT

#### 478. Hon TOM STEPHENS to the minister representing the Minister for Lands:

- (1) Has the memorandum of understanding for the Gantheaume Point development been signed? If yes, will the Minister for Lands table it; and if not, why not?
- (2) Has the preferred developer provided the \$10m performance bond required on the signing of the memorandum of understanding, and what form will that bond take?
- (3) Will the Minister for Lands table details of the due diligence requirements in relation to community consultation; and if not, why not?
- (4) Will the Minister for Lands table the details of the performance guarantee; and if not, why not?
- (5) Will the Minister for Lands table the details of the selection process; and if not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes. However, the memorandum of understanding is not operative until the performance bond is provided. The memorandum of understanding will be tabled when it is operative.
- (2) No, the bond has not yet been provided. The final form of the bond has not been determined.
- (3) Yes.
- (4) Yes, when available. I refer the member to (2).
- (5) The key criteria for selection were the financial capacity to perform the due diligence, initiate the project and undertake full and responsive public consultation.

#### DERBY-WEST KIMBERLEY, TIDAL POWER

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

- (1) Will the State Government join with Tidal Energy Australia in a joint approach to the Commonwealth Government to ascertain what federal funds will be available to provide tidal power as the energy source for the Derby-West Kimberley region?
- (2) If not, why not?
- (3) Will the Premier table the Prime Minister's response to the letter from the Acting Premier, dated 29 September 1999, requesting the availability of commonwealth financial assistance for the Derby tidal power project; and if not, why not?
- (4) What steps have been taken as a consequence of, or in response to, the Prime Minister's letter; and if no steps have been taken, why not?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1)-(2) Tidal Energy Australia's proposal is still considered to be part of the procurement process and, as such, it is not appropriate for the State Government to intervene and work outside that process. To do so would effectively provide a bias in favour of one bidder against the other bidders.

- (3) Yes. I seek leave to table the letter.

Leave granted. [See paper No 365.]

- (4) See the answer to (1) and (2) above.

#### PROSTITUTION LEGISLATION

**480. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:**

- (1) When did the Commissioner of Police first make the Minister for Police aware of his concern about a lack of up-to-date legislation dealing with prostitution?
- (2) What is the Government's timetable for the introduction of the legislation?
- (3) How many more drafts of the legislation are envisaged?
- (4) Why will the Attorney General not table the draft to facilitate public debate and consultation?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The former Commissioner of Police made it known to the minister at his first meeting with him in July 1998.
- (2) As soon as is practicably possible.
- (3) None.
- (4) The legislation is based on the report from the community panel on prostitution, headed by Beryl Grant, which was established by the Labor Government in 1990, and this Government's consultation with various groups through the ministerial working group on prostitution.

#### HEALTH ACT, NOXIOUS INDUSTRY DEFINITION

**481. Hon J.A. SCOTT to the minister representing the Minister for Health:**

- (1) Is the Health Department of WA planning to remove schedule 2 from the Health Act or make any amendments to the Health Act that would remove the noxious industry definition from that Act?
- (2) What advice has the Health Department given to the Shire of Swan in relation to definitions of noxious industry?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No. However, discussions are taking place with the Ministry for Planning, the Department of Environmental Protection and the Western Australian Municipal Association on the relationship between the definition of offensive trades in the Health Act and the way in which noxious industries are defined in some town planning schemes.
- (2) None.

#### SCHOOL FEES, COLLECTION

**482. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:**

- (1) Does the Education Department have a policy regarding government schools utilising debt collection agencies in the collection of school fees for the 1999 school year? If so, what is that policy?
- (2) Does the Education Department require or advise staff of government schools to inform parents who approach the staff saying that they are having difficulties paying school fees of the existence of the secondary assistance scheme and that they may be eligible for financial assistance with school fees?
- (3) In determining whether to utilise a debt collection agency, is the principal of a school required to consider matters such as the ability of a parent to pay fees and unforeseen circumstances such as hospitalisation that may affect the ability to pay?
- (4) Is the minister aware that Belridge Senior High School is utilising the services of a debt collection agency in circumstances in which a parent on government benefits is unable to meet her commitments due to recent hospitalisation?
- (5) If the details of the parent are provided, will the minister give an undertaking that the Education Department will contact the parent and assess whether she is eligible for financial assistance to educate her children?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) Principals have been advised that only after every reasonable effort to obtain payment has been made should debt collection measures be considered. The director general reminds principals of this annually.
- (2) Yes. Principals have been advised that parents who hold an approved concession card may be eligible for assistance through the secondary assistance scheme. Information on the scheme, including application forms and eligibility criteria, are sent to schools annually. Information on the 2000 scheme is due to be sent to schools by the end of November. Principals are encouraged to ensure that the school community is aware of the secondary assistance scheme. This is usually accomplished through newsletters and parents and citizens associations.
- (3) School principals are asked to be particularly sensitive to the difficulties encountered by some parents in meeting school charges. Given that parents may find it difficult to pay the full amount at one time, schools are advised to provide information to parents about payment options. Principals are requested to have processes in place that ensure sensitivity and confidentiality on all matters relating to the payment of school charges. Parents are also encouraged to inform schools of financial hardship so that alternative arrangements can be made.
- (4)-(5) The member's office has already contacted the Minister for Education's office in regard to this family. I am advised that debt collectors have not been employed in this case. Further, the registrar of Belridge Senior High School has spoken with this parent and has arranged to waive a substantial amount of the outstanding charges on compassionate grounds.

VINEYARD AND HORTICULTURAL PLANTINGS, SOUTH WEST LANDHOLDERS

**483. Hon MURIEL PATTERSON to the minister representing the Minister for the Environment:**

What restrictions exist for rural landholders in the south west regarding the clearing of small areas of land - approximately one to three hectares - to facilitate the development of new vineyard or horticultural plantings on their properties?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. A number of agencies have legislation relating to approval for land clearing in the south west. Applications for clearing of more than one hectare on rural properties are considered in accordance with a memorandum of understanding between the Commissioner for Soil and Land Conservation, the Environmental Protection Authority, the Department of Environmental Protection, Agriculture Western Australia, the Department of Conservation and Land Management and the Water and Rivers Commission. Under this memorandum of understanding, applications are considered by an interagency working group. Restrictions may apply to clearing in cases in which there is the likelihood of soil and land degradation, salinity or water eutrophication, or loss of significant flora or vegetation. Applications are considered on a case-by-case basis.

WATER CORPORATION MEMORANDUM

**484. Hon KEN TRAVERS to the minister representing the Minister for Water Resources:**

- (1) Can the minister confirm that in a memorandum from the Water Corporation to Peter Jones, the Chairman of the Water Corporation, dated 7 April 1999, it was claimed that discussions had been held with the member for Collie and that she was aware of the bid price?
- (2) If yes, who told the member the original bid price?
- (3) Why was the member given this commercially confidential information?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes, the bid price referred to was the original tender price submitted by the Water Corporation.
- (2) Unknown.
- (3) The Water Corporation did not provide this information to the member for Collie.

EAST EATON PRIMARY SCHOOL

**485. Hon BOB THOMAS to the Leader of the House representing the Minister for Education:**

- (1) Will the new East Eaton primary school be a multiple age group school?
- (2) If no decision has been made, when will one be made on this issue?
- (3) Will the Education Department use the construction of the East Eaton school as an opportunity to develop specialist purpose-built art and music room facilities at the existing Eaton Primary School?
- (4) If yes, what is proposed?
- (5) If no, when will a decision be made about upgrading those facilities at the school?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1)-(2) The new Glen Huon Primary School in East Eaton will cater for students from kindergarten to year 7 inclusive. Specific class groupings will be determined by the principal, in consultation with the school community, when exact enrolments are known.
- (3)-(5) Funds are not available at present to provide improvements at Eaton Primary School. Eaton Primary School will continue to be considered in relation to the needs of other schools when future capital works programs are being prepared.

## DISTRIBUTION ADJUSTMENT ASSISTANCE SCHEME B

**486. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:**

What is the number of former milk vendors/distributors who received financial assistance under scheme B of the distribution adjustment assistance scheme between 1 July and 10 August 1999?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

Nine former milk distributors/vendors under scheme B received further assistance payments between 1 July and 10 August 1999.

## RADIOACTIVE MATERIAL, TRANSPORT

**487. Hon GIZ WATSON to the minister representing the Minister for Health:**

With reference to the transport of radioactive material, during the month of October a number of people in the central Pilbara observed that trucks operated by Nexus WA Pty Ltd transport services were carrying large seatainers bearing the radioactive materials warning symbol.

- (1) What was the nature of the material being transported?
- (2) From where to where was that material being transported?
- (3) How regular are these transportations?
- (4) Is the community at any risk from the transportation of such material?
- (5) Which company or companies own the material being transported?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Return of ore samples and processed samples including some yellow-cake to the mine site from whence it came.
- (2) From the Australian Nuclear Science and Technology Organisation, Lucas Heights, New South Wales to Kintyre.
- (3) Not regularly; possibly about once every two years.
- (4) No. As for all radioactive substances, transportation is in accordance with the radiation safety regulations and undertaken by a licensed carrier.
- (5) Canning Resources Pty Ltd.

## GOVERNMENT VEHICLES, LIQUEFIED PETROLEUM GAS

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

On 5 April last year the Government announced a two-year trial of running government vehicles on liquefied petroleum gas. The trial was to involve 300 vehicles.

- (1) How many vehicles are currently involved in the trial?
- (2) Which departments are involved in the trial?
- (3) For each of these departments, how many vehicles are equipped for LPG use?
- (4) When will the target of 300 vehicles be achieved?
- (5) What has been the reason for the delay in reaching this target?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. Providing the information in the time required is not possible and I request that the member place the question on notice.

## LEIGHTON SHORES REDEVELOPMENT PROPOSAL

**489. Hon LJILJANNA RAVLICH to the Minister for Transport:**

I refer to the comment in this morning's *The West Australian* by Hon Colin Barnett, MLA, that planning and environmental conditions should have been in place before the concept plan for the Leighton Shores redevelopment proposal was put out for public comment.

- (1) Why did this not happen?
- (2) Have planning and environmental conditions now been put in place?
- (3) If so, will these now be put out for public comment; and, if not, why not?

**Hon M.J. CRIDDLE replied:**

- (1)-(3) I thank the member for some notice of this question. A process is in place for the Leighton Shores project. In December 1994, the Fremantle strategy was adopted; in November 1995 Cabinet approved the relocation of the North Fremantle Cooperative Bulk Handling Ltd terminal to Forrestfield; in July 1996 the land was rezoned urban in accordance with the metropolitan region scheme; in 1998 Cabinet gave approval for Westrail to call tenders for the joint venture partner for the Leighton marshalling yards. Tenders were called in October 1998. In May this year, Leighton Shores was selected as the preferred tenderer. The concept plan is undergoing community consultation and shortly, when that process concludes, the concept will be put to government, decisions will be made and the process will continue.

Hon Ljiljanna Ravlich: When will it be put to the public?

The PRESIDENT: Order! Five separate questions are being asked and we have not yet reached the second question.

## SECOND INTERNATIONAL AIRPORT DEVELOPMENT

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

Has any consideration been given to restricting development in any area north of the metropolitan area to allow for the possible future development of a second international airport?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question. No consideration has been given to developing a second international airport. Studies were undertaken for potential sites for a second general aviation airport. However, this matter is no longer under consideration.

## CONTRACT AND MANAGEMENT SERVICES, ADVERTISING CONTRACTS

**491. Hon TOM HELM to the Leader of the House representing the Premier:**

I refer to the two advertising contracts led by Contract and Management Services for \$160m and ask -

- (1) What issues and themes will the \$112m advertising contract cover on radio and television?
- (2) Is it true that this massive allocation of taxpayers' funds is designed to place the Government in the most favourable light in the lead-up to the next state election?
- (3) How does the Government justify spending such a large amount of money on advertising when pressing social needs are not being met?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1)-(3) The \$112m is only an estimate of total expenditure under the contract and is based on that contract being extended over four years. Not all that expenditure is for government. Public benevolent institutions, local government, the Western Australian Municipal Association and tertiary institutions, such as all our universities, are entitled to use the contract and are included in the total expenditure figure.

It is not possible to predict what government advertising campaigns will be conducted over the next four years. However, they will be similar to those run this year under the first year of the contract. Among these campaigns are the award-winning freedom from fear domestic violence campaign, the save water campaign, health and welfare campaigns, Lotteries Commission campaigns, transport and road safety messages and campaigns being conducted by government trading enterprises. If people really want to see money being spent on glossy brochures, I suggest they refer to the last 10 years of the Labor Party's term in government.

## GREENBUSHES TIMBER MILL

**492. Hon TOM STEPHENS to the minister representing the Minister for the Environment:**

I refer to the article in today's *The West Australian* concerning agreement by the Government to spend taxpayers' money on a bid to reopen the Greenbushes timber mill and ask -



- (1) What amount of taxpayers' money will be spent on the bid?
- (2) Does the bidding group want to log an extra 5 000 cubic metres of karri?
- (3) If yes, where will the karri come from, and will it be old-growth karri?

**Hon MAX EVANS replied:**

- (1)-(3) The Government has been working with a receiver to secure ongoing timber operations and employment at the Whittakers Greenbushes mill. The Government has entered into negotiations with the proponents concerning the proposed purchase of the mill and negotiations are ongoing. If the proposal proceeds to finality, the Government will make public the details of the financial assistance and resource package.

#### KING JARRAH TREE

**493. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment:**

I refer to the king jarrah felled at Millbrook State Forest at the end of last year.

- (1) At which mill did the log taken from that jarrah tree end up?
- (2) What royalty was charged for the log per tonne - base and gross - and in total?
- (3) What was the size of the log in tonnes and cubic metres?
- (4) Was the tree marked with an "H" for habitat before it was felled?
- (5) Who approved the felling of the tree?
- (6) How many other king jarrah trees survive in the Nannup supply area?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. It is not possible to provide the information in the time available.

Hon Ljiljanna Ravlich interjected.

Hon MAX EVANS: I have to find it first.

The PRESIDENT: Hon Ljiljanna Ravlich will come to order. What she cannot see is what I can see; that is, the glares that other members make when she interjects. They are either making them at her or at me - I do not know. However, she should do me a favour and stop interjecting so that I can call Hon John Cowdell.

#### PARTY REGISTRATION SYSTEM, LEGISLATION

**494. Hon J.A. COWDELL to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:**

- (1) When does the minister propose to introduce legislation to establish a formal party registration system?
- (2) What criteria must be met for party registration?

**Hon N.F. MOORE replied:**

Perhaps I could ask the member when he will bring in his one vote, one value Bill again, which may be a matter of interest for the people of regional Western Australia.

- (1) The Government intends to introduce amendments to the Electoral Act next year. These will include a formal party registration system, among other amendments recommended by the Electoral Commissioner. The Electoral Commissioner has consulted with political parties represented in the Parliament of Western Australia on a number of suggested amendments to the Electoral Act.
- (2) The criteria for party registration and other details of this legislation will be announced by the Government at the appropriate time.

#### CYCLEWAY, OLD SWAN BREWERY

**495. Hon JOHN HALDEN to the Minister for Transport:**

I refer to reports in *The West Australian* that Main Roads WA claimed the cycle path in front of the old Swan Brewery was in a state of disrepair because Multiplex Constructions Pty Ltd was withholding funds and/or not agreeing to the work. Is this alleged action by Multiplex the real reason for the unsafe state of the cycleway or is it, as Multiplex claims, that Main Roads has not allocated money to repair the seawall, without which the cycleway cannot be repaired?

**Hon M.J. CRIDDLE replied:**

Neither the report in the media nor the allegation regarding the works on the foreshore adjacent to the brewery site is correct. A design for the wall and the shared path works on the foreshore adjacent to the brewery has been completed. A quotation is currently being assessed for the construction works, completion of which is scheduled for the end of December 1999. The

foreshore adjacent to the brewery site is vacant crown land and is reserved for public recreation. The Department of Land Administration, Main Roads WA, the Department of Transport, the developer and the City of Perth are each contributing funds for project management of the scheduled works.

#### KUNUNURRA-WYNDHAM ROAD

**496. Hon MARK NEVILL to the Minister for Transport:**

- (1) Why has Main Roads WA allowed repairs to, and bridge strengthening on, the Kununurra-Wyndham Road to be scheduled so close to the start of the wet season?
- (2) Why do the bridges need strengthening now that Western Metals Ltd ore trucks are going to Derby?
- (3) When does the minister expect the work to be completed and have there been any cost overruns as a result of the early rains?
- (4) What is the expected completion date of the work?
- (5) Who is liable for any damage to concrete caused by the rains?

**Hon M.J. CRIDDLE replied:**

(1)-(5) I understand this is known as the Wyndham spur.

Hon Tom Stephens: No, it is not; it is the Great Northern Highway.

Hon M.J. CRIDDLE: It is known as the Wyndham spur. The works there are proceeding very well at a cost of about \$8m. I was up there recently and I understand the works are on schedule and will be completed by the desired date.

Hon Mark Nevill: You mean people won't be stranded?

Hon M.J. CRIDDLE: I understand from the information I received last week that the work is proceeding as scheduled and there is no indication that anyone will be stranded.

#### LOCAL GOVERNMENT, YEAR 2000 RISK ASSESSMENT

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

I refer to the report on overall risk assessment of year 2000 issues included in the local government update for September 1999, and ask -

- (1) Is the Minister for Local Government concerned that only 91 local governments have responded to the Department of Local Government's survey questionnaire of local government readiness for the year 2000 computer problem?
- (2) What action has the minister taken to examine the year 2000 computer problem readiness of those local governments which failed to respond to the survey?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question.

- (1) The survey referred to in the question is the second survey of local governments on the Y2K subject which has been conducted by the Department of Local Government. This survey was sent to all local governments so a comprehensive picture of preparedness could be obtained. When the final report on the survey was prepared, 91 local governments - 19 metropolitan and 72 non-metropolitan local governments - had responded to the questionnaire, giving a response rate of 63.2 per cent. This is a good response rate for a survey of local governments in which completion is non-compulsory, and for many smaller councils the Y2K issue is not significant.
- (2) Local governments are responsible for determining their own risks in relation to year 2000 compliance and taking appropriate actions. They will answer to their communities for problems which may arise. However, the minister is confident that such problems will be minimal.

#### RETIREMENT VILLAGES DISPUTES TRIBUNAL

**498. Hon CHERYL DAVENPORT to the Minister for Justice:**

- (1) How many cases have been lodged with the Retirement Villages Disputes Tribunal since the Retirement Villages Act came into operation?
- (2) How many cases have been heard by the tribunal?
- (3) How many cases remain open pending investigation by the referee?
- (4) How many cases remain open pending a decision by the referee?
- (5) What reasons are given for the delay in a decision being reached?
- (6) How much court time is granted to the tribunal each week and month to hear claims?

- (7) Who makes an application for such court time?
- (8) What time frame is expected from the initial application for court facilities to when the facilities become available?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) Fourteen.
- (2) Thirteen.
- (3) Nil.
- (4) One, in which a hearing listed for 8 November 1999 was adjourned due to the ill health of one of the parties.
- (5) After a hearing is completed, there is little delay in a decision being reached.
- (6) Subject to existing court bookings, whatever time is necessary.
- (7) The referee or the registrar makes an application once a matter is ready for hearing.
- (8) Once the matter is ready for hearing, the time is minimal, but usually not less than 10 working days notice of a hearing is given.

#### BITUMEN, ASPHALT AND CEMENT BATCHING PLANTS, EMISSIONS

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

- (1) What gas, fumes or particulate emissions are released from bitumen, asphalt and cement batching plants?
- (2) Are dioxins emitted from bitumen, asphalt and cement batching plants?
- (3) What monitoring is undertaken in Western Australia for these emissions from bitumen, asphalt and cement batching plants?
- (4) Will the minister table monitoring data available to date?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question. Providing the information in the time required is not possible and I request that the member place the question on notice.

#### WELLINGTON DAM LAND, PURCHASE

**500. Hon TOM STEPHENS to the minister representing the Minister for Water Resources:**

In relation to the purchase of the Wellington Dam land from the Worsley Timber Company, I ask -

- (1) Can the minister confirm that Mr Peter Jones advised the Water Corporation that he had received the independent valuation from the owner of the Wellington Dam land on 16 April?
- (2) Had Mr Jones seen a copy of this written valuation before he signed the offer and acceptance form on 13 April?
- (3) Had the acting chief executive officer, whose signature appears on the offer and acceptance, viewed a copy of this valuation prior to signing?
- (4) When did the Water Corporation actually receive a copy of this valuation?
- (5) Did anyone from the Valuer General's Office reassess the revised valuation?

**Hon MAX EVANS replied:**

- (1) Yes.
- (2)-(3) No.
- (4) On 22 April 1999.
- (5) No, it is not a matter for the Valuer General.

#### NANNUP MILL, EXPRESSIONS OF INTEREST

**501. Hon BOB THOMAS to the minister representing the Minister for the Environment:**

I refer to the minister's promise more than six months ago, as part of the Regional Forest Agreement, to call for expressions of interest for the operation of the Nannup mill to provide for value-adding.

- (1) Have expressions of interest been called for Nannup mill?
- (2) If not, when will they be called?
- (3) What is the reason for delay in calling for expressions of interest?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2)-(3) Discussions are under way with the owners of the Nannup mill and the local shire.

**ORD RIVER IRRIGATION AREA, CHEMICALS**

**502. Hon GIZ WATSON to the minister representing the Minister for Primary Industry:**

Will the minister provide a list of all of the chemicals currently used for agriculture in the Ord River irrigation area?

**Hon M.J. CRIDDLE replied:**

I thank the member for some notice of this question. Agricultural chemicals used in the Ord River irrigation area fall into three categories: Herbicides, fungicides and insecticides. There are several hundred individual brand names for each of those categories. The minister suggested that should the member require more specific detail for each category, she should contact Dr Paul Novelty, acting Regional Director, Northern Rangelands, Agriculture Western Australia, Kununurra.

**PYRTON, SECURITY SURVEILLANCE**

**503. Hon HELEN HODGSON to the minister representing the Minister for Disability Services:**

- (1) Since the residents were moved from the Pyrtton site, has the site been under security surveillance; and, if so, what are the arrangements for that security surveillance and who is conducting it?
- (2) What has been the total cost of security surveillance at Pyrtton since the residents moved out?
- (3) Who has paid for the security surveillance at Pyrtton since the residents moved out?
- (4) Have there been any maintenance works completed on the Pyrtton site since the residents moved out?
- (5) If so, what has been the total cost of maintenance works?
- (6) If works have been completed, who paid for the maintenance works?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) Yes, 24-hour on-site surveillance by Tango Securities, previously known as New Breed.
  - (2) \$96 948.
  - (3) The Ministry of Justice.
  - (4) No.
  - (5)-(6) Not applicable.
-