WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1998

LEGISLATIVE COUNCIL

Thursday, 19 March 1998

Legislative Council

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THE PRESIDENT (Hon George Cash) took the Chair at 2.00 pm, and read prayers.

FREMANTLE EASTERN BYPASS

Petition

Hon J.A. Scott presented the following petition bearing the signatures of 34 persons -

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

We the undersigned residents of Western Australia are concerned that the proposed Fremantle Eastern Bypass will:-

fragment and dislocate the communities of White Gum Valley and Beaconsfield;

increase vehicle emissions, affecting air quality and pollution levels;

result in increased run-off of petrochemicals, heavy metals and solvents into stormwater run-off, and ultimately into local waterways;

remove the school oval and green areas of White Gum Valley primary school;

threaten safety of school children and all pedestrian and road users due to increased traffic levels in the surroundings;

create increased traffic in feeder roads, adversely affecting residents; and

destroy remnant urban bushland at Clontarf Hill.

Your petitioners therefore humbly pray that you will examine the need for the bypass in the light of the Perth Photochemical Smog Study and the Metropolitan Transport Strategy, and recommend the Eastern Bypass be deleted from the Metropolitan Region Scheme and alternative solutions be implemented.

And your petitioners, as in duty bound, will ever pray.

[See paper No 1450.]

GUILDERTON REGIONAL PARK

Petition

Hon J.A. Scott presented the following petition bearing the signatures of 11 persons -

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

We, the undersigned residents of Western Australia support the establishment of a Regional Park immediately to the south of Guilderton in order to protect the mouth and lower reaches of the Moore River and the significant dunes and coastal heathlands south of the mouth of the Moore River.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and take urgent action to acquire this land before it is further rezoned or developed.

And your petitioners, as in duty bound, will ever pray.

[See paper No 1451.]

SWANBOURNE VILLAGE

Petition

Hon J.A. Scott presented the following petition bearing the signatures of 337 persons -

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

We the undersigned residents of Western Australia respectfully request that the Council:

1. Oppose the Metropolitan Regional Scheme Amendment No. 982/33 Regional Roads (Part 3) in so far as it effects the Claremont Crescent and Shenton Road road reserve.

2. Support the removal of the Claremont Crescent and Shenton Road road reserve in its entirety.

In the event that neither of the above is achievable then we, in light of the road reserve being seen to be part of a "Western Suburbs Highway", would like the following to happen prior to any road works through the Swanbourne village:

1. A social impact study of any proposed road construction be effected.

2. An environmental impact study of any proposed road construction be effected.

3. Any new regional road construction be made inside the existing rail reserve and be sunk concurrently with the existing rail line.

4. Other means of public transport through the district be investigated.

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

[See paper No 1452.]

GOVERNMENT RAILWAYS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon E.J. Charlton (Minister for Transport), and read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [2.06 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to allow for railway land not required for railway purposes at Joondalup, Subiaco and land leased to Cooperative Bulk Handling Ltd in connection with its grain handling and storage business, to be leased for a period not exceeding 99 years. The Bill also provides for CBH to have an option to purchase the freehold estate in any such lands leased.

Currently section 63 of the Government Railways Act allows the Railways Commission, with approval of the Minister, to from time to time let or lease, for any purpose approved by the Minister, any land belonging to any railway but not required for railway purposes for a period not exceeding 21 years or where the Minister is of the opinion that because of the special circumstances of the case, the granting of a lease for a period exceeding 21 years is justified, the Minister may authorise the commission to grant a lease for a period not exceeding 50 years.

In connection with commercial developments at Joondalup, LandCorp advised Westrail that its negotiators have experienced investor dissatisfaction with the maximum 50 year lease term, particularly because of the high capital investment required and the absence of a sufficiently long tenure for that investment.

As a result, LandCorp has sought an amendment to the Government Railways Act to permit leases of up to 99 years at Joondalup. The amendment with respect to Joondalup would have application for the section of railway only from the intersection of Grand Boulevard and Joondalup Drive to where the railway passes under Joondalup Drive to the north of Joondalup railway station.

This Government has implemented the Subiaco redevelopment project, which will sink the railway through Subiaco in a tunnel. The Subiaco Redevelopment Authority, which is managing the redevelopment works, will market the land above the tunnel which is available for lease and will receive lease revenue by way of one up front payment. The lease moneys received will be applied to the sinking of the railway project.

Similar to the situation at Joondalup, there has been dissatisfaction with the current maximum 50 year lease term available at Subiaco under the Government Railways Act because of the high capital investment required and the absence of long term tenure.

The amendment in relation to Subiaco would have application to railway land on top of any tunnel within the Subiaco redevelopment area as defined in schedule 1 of the Subiaco Redevelopment Act 1994.

CBH wishes to protect the considerable investment it has in grain handling and storage facilities and has expressed a preference to purchase about 130 of the sites leased from Westrail upon which it has installed such facilities.

However, the process to acquire the sites in freehold would take about five years for ownership of all the sites to be transferred due to native title considerations, land surveys, etc. Also, the costs of subdivision would be expensive in comparison to the land value of sites given the requirements for services to be provided to the created lots.

Accordingly, the option to lease the land for an extended period of time is attractive to CBH and is supported. I have pleasure in commending the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

PUBLIC INTEREST DISCLOSURES BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.A. Scott (South Metropolitan), and read a first time.

Second Reading

HON J.A. SCOTT (South Metropolitan) [2.14 pm]: I move -

> That the Bill be now read a second time.

This Bill is long overdue. The need for a structure to allow whistleblowers to formally notify a proper authority of their concerns in relation to acts which are against the public interest has been long recognised.

A number of studies, notably those of De Maria and Jan in Queensland, have shown clearly that in most cases, although whistleblowers are acting with the best intentions and in the public interest, it is they who become the focus of any investigation. They are also subjected to recrimination and intimidation while the perpetrators are screened and protected.

Within public sector bodies a number of pressures act on employees and departmental heads to suppress information which might show that that agency has failed to properly carry out its functions and duties.

Departmental heads are likely to be seen as being to some degree responsible for or part of inappropriate or negligent actions of their staff and so are inclined to downplay or conceal improper behaviour. They are sometimes put under great pressure by Ministers to carry out actions that are inappropriate, as occurred with the Department of Health in the privatisation of Healthcare Linen. In nearly all cases, Ministers deny responsibility and distance themselves from responsibility, leaving the departmental head to take the heat.

The move towards corporatisation, privatisation and workplace contracts by government departments has put additional pressures on departmental heads and staff to be seen to be performing faultlessly, even though the departments are experiencing considerable change in management style and work conditions.

The Australian dislike of dobbers, a sense of loyalty to fellow employees and a pride in the work of their department leads some employees to victimise and ostracise fellow employees who rock the boat or devalue their work by disclosure of negligence or impropriety.

The Commission on Government identified a significant need for a mechanism to allow employees who have a genuine belief that the public interest is being disadvantaged by improper conduct to have that matter investigated and dealt with. Additionally, the COG believed that the mechanism should give anonymity and protection to the whistleblower while protecting employees against frivolous and vexatious disclosures.

This Bill closely reflects the recommendations of the COG's report No 2, part 1, December 1995. The COG arrived at its recommendations after it thoroughly investigated the community's attitude to the recommendations of the Royal Commission into Commercial Activities of Government and Other Matters of 1992. The royal commission suggested that to avoid a rerun of the profligacy of the WA Inc era, the Official Corruption Commission - now the Anti-Corruption Commission - needed to expand its role to address instances of improper conduct. The COG agreed with the royal commission that improper conduct could be defined as conduct that -

> . . . should not remain undetected. The public have a right to know when the trust they have invested in public officials has been breached and by whom. The proposed Commissioner (for the Investigation of Corrupt and improper Conduct) should be empowered to investigate not only corrupt or illegal conduct but conduct whilst not corrupt or contrary to law, nevertheless breaches the public trust.

And -

> . . . any conduct of a public official or former public official that constitutes a gross departure from the standards of administration which the public is entitled to expect.

The COG recognised that whistleblowing legislation was a necessary adjunct to the Official Corruption Commission to enable it to be an effective constraint on official corruption and improper conduct.

The COG was asked to inquire into the legislative and other measures that should be taken -

(a) to facilitate the making and investigation of whistleblowing complaints;

(b) to establish appropriate and effective protections for whistleblowers; and

(c) to accommodate any necessary protection for those against whom allegations are made.

The royal commission identified vital prerequisites for a whistleblowing scheme in Western Australia. These were -

(a) that it be credible so that officials and others not only feel they can use it with confidence but can also expect their disclosure will receive proper consideration and investigation;

(b) that it is purposive in the sense that the procedures it establishes will facilitate the correction of maladministration and misconduct where found to exist; and

(c) that it provides reassurance both to the public and to the persons who use it. Consistently with the preservation of confidentiality in relation to operational matters, there should be appropriate reporting to Parliament. The public is entitled to know that where allegations are made, they have been investigated and if substantiated, remedial action taken. Persons using it are entitled to expect that they will be protected from reprisal. (WA Royal Commission, 1992: II 4.7.5)

This Bill defines eight categories of public interest disclosures and puts in place a process that protects whistleblowers from retribution for disclosures made with the honestly held belief that there are grounds to support such disclosures. A person may make disclosures to a public sector body, which shall be a proper authority to receive public interest disclosures relating to matters or persons within that same public sector body. Public sector bodies will be required to keep the person making a disclosure advised of actions it has taken in relation to that disclosure and to provide protection against reprisals.

Disclosures can also be made to the Public Interest Disclosure Unit, which shall be established within the Anti-Corruption Commission. Any statement made to the PIDU shall remain confidential. Additionally, disclosures can be made to the media and, in some circumstances, to a member of Parliament. The Bill provides absolute protection to persons making statements to the PIDU.

The Bill contains measures to deter trivial, frivolous and vexatious disclosures and provides penalties for reprisals against whistleblowers.

To ensure that persons who have engaged in corrupt or improper acts do not use this process to avoid punishment, disclosing a matter will not affect a person's liability for his own conduct. The recent investigation of whistleblowers who leaked information regarding the safety of road users is a perfect example of the need for this legislation. If the Minister for Transport is correct in his assertions that the disclosures are frivolous or vexatious, the whistleblowers would be subject to sanctions. If, however, their assertions are correct and public safety is at risk, the matter would be investigated and dealt with in a more appropriate and fair way than using private investigation services.

The investigators are charged with identifying the whistleblowers, not with examining whether the public interest is being served by their disclosures. Clearly, the Department of Transport has a vested interest in suppressing adverse disclosures and should not be judging the validity of disclosures which reflect badly on its performance. The public is likely to be suspicious of the outcomes and motives of the current investigation. The interest of Main Roads, the whistleblowers and the public would be far better served by the processes described in this Bill. I commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

WESTERN AUSTRALIAN GREYHOUND RACING ASSOCIATION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon N.F. Moore (Leader of the House), and read a first time.

Second Reading

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [2.20 pm]: I move -

That the Bill be now read a second time.

The proposed amendments to the Western Australian Greyhound Racing Association Act are intended to overcome technical difficulties associated with the regulation and control of the greyhound racing industry. In order to more accurately reflect its duty to administer and regulate the conduct of greyhound racing throughout the State, the name of the Western Australian Greyhound Racing Association will be changed to the Western Australian Greyhound Racing Authority. The governing body of the authority will also be referred to as "the board" rather than "the committee".

Currently, the rule-making powers contained in the Act are limited, and the WAGRA committee must gain the approval of the Minister to make or change the rules under which greyhound racing is conducted. The rule-making mechanism will be changed to allow the authority to operate in the same way as the Western Australian Turf Club and the Western Australian Trotting Association. Each of these bodies may adopt national rules of racing or make local rules without the need for ministerial approval. The removal of the requirement to gain ministerial approval will allow the authority to more easily adopt and comply with national rules for greyhound racing.

The Bill will also insert new provisions to broaden and more clearly define the general functions and rule-making powers of the authority. In particular, new provisions will be added to give the authority's stewards more flexibility in imposing penalties, such as suspensions, for breaches of the rules of greyhound racing. The maximum fine which may be imposed will be increased from $500 to $5 000 to bring Western Australia in line with the national standard. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

CRIMINAL LAW AMENDMENT BILL (No 2)

Second Reading

Resumed from 11 November 1997.

HON N.D. GRIFFITHS (East Metropolitan) [2.23 pm]: It seems that every time I rise to my feet I talk about matters to do with crime and the Criminal Code. Thankfully, I agree with this Bill. It is always a great pleasure to talk to a subject with which I agree rather than to a subject which I find distasteful. The Criminal Law Amendment Bill (No 2) contains provisions which were part of another Bill - the Criminal Law Amendment Bill. That Bill was split last week. Matters which were the subject of amendments canvassed on the Notice Paper were sent to the Joint Standing Committee on Delegated Legislation for consideration and report, and we were left with the rump of the original Bill, but a very worthy rump, if I may use that word, because it is a Bill that deserves support. It deserves support because it provides an opportunity to improve our criminal law in areas where change is required. It is vital that the community have confidence in our criminal justice system. For that reason, it is appropriate that we move to improve the law.

I am speaking a bit more slowly today than I do normally, and there is a reason for that. I do not want to digress too much from the Bill, Mr President, but if you can give me a moderate degree of latitude -

The PRESIDENT: I thought I always did give you that latitude.

Hon N.D. GRIFFITHS: You do not have to do that very often, Mr President, but when you do, I am most grateful. I will share with you, Mr President, and the House what happened. I got home in the early hours of this morning, and, as is my custom, I had my supper, and for some reason I got to bed at 5.00 am. However, I remembered that I had to attend a meeting of the Delegated Legislation Committee, of which I am Deputy Chairman, and that there had to be a member of this House at that committee to make up the quorum, so I leapt out of bed at 7.00 am, according to my alarm clock, and was at the meeting of that committee not quite on time but pretty close to on time. I waited there, along with other members, for the necessary number of members of the other place to arrive, but they did not arrive! I hope you, Mr President, and others whose duty it is to listen to me will bear with me when I perhaps stumble a little in dealing with this important subject.

Hon Peter Foss: Your halo is looking very shiny, though.

Hon N.D. GRIFFITHS: And so it should be, although if the Attorney had one, his would be very tarnished.

The PRESIDENT: Order!

Hon N.D. GRIFFITHS: Mr President, you have given me more than appropriate latitude.

I am talking about a Bill with which I and my party agree wholeheartedly. In saying that we agree to a measure brought in by the Government, I should explain why the Australian Labor Party agrees with the Government, because I would hate people in the community to think that we were lax in our duty for any reason. I may take a little longer than I would take normally in dealing with a matter of this kind, but so be it; it is Thursday afternoon, and a new day.

We have many problems in our criminal justice system. One of the first things we need to do is restore confidence in that system. The Attorney's second reading speech makes the point most appropriately when it states -

> The Bill amends provisions of the criminal law that are either unworkable in their present form, or require amendment in order to improve community confidence in the criminal justice system.

The element of community confidence in the criminal justice system applies to those matters which are unworkable and those which, for a number of reasons, require amendment. It is important that we do what we can to improve community confidence in the criminal justice system, because the community can be forgiven for lacking confidence in that system.
When we deal with the criminal justice system, the starting point is sensible laws. This Bill will for the most part - in fact, it will in its entirety; there is nothing controversial in this Bill in terms of party differences - improve the law. Unfortunately, there is a great need to improve confidence in our criminal justice system because of what is taking place, part of which is a rather ad hoc approach to our criminal justice system and those who preside over it.

I need only mention in passing matters to do with the Law Reform Commission, the Legal Aid Commission, long awaited reports dealing with parole and remission and so many other matters. I should not mention matters before a standing committee of this House to do with the Ministry of Justice and prisons. All of them are tainted with the characteristics of the Attorney General; namely, indecision and delay. Hon Bob Thomas mentioned interference; however, I am not that unkind.

I refer to the Supplementary Notice Paper of 10 March to illustrate briefly the need to improve confidence in the criminal justice system and the Government's incapacity to deal with the matter. The Government has exhibited an ad hoc approach to these issues. With the greatest respect to the Attorney General, I will not personalise the debate. He is performing a role for his Government. I agree with the Bill; I disagree with the Government. The Government's approach to the criminal justice system is wrong. That is why the Australian Labor Party wholeheartedly supports this Bill.

From time to time I cause questions to be put on notice. For the most part, my questions are asked of the Attorney General. It is accurate to say that he provides me with an answer within a reasonable time.

Hon Peter Foss: Yes, I try.

Hon N.D. GRIFFITHS: The Attorney has succeeded. I may not like the answer, but it is the answer that the Attorney provides. It is part of the process and I thank the Attorney for it, and I encourage him.

Hon Simon O'Brien: In fact, 1 028 questions were answered by the department last year.

Hon N.D. GRIFFITHS: I am thankful to the process. I will read a number of questions that I asked of the Attorney. My question on notice 1230 refers to page 50 of the Director of Public Prosecutions' report for 1996-97 and I asked -

> (1) What is the wording of the DPP's proposed amendments to section 127 of the Justices Act 1902 to do with bail and surety undertakings?
>
> (2) On what date were they proposed?

The second part of answer was that the amendments were proposed on 23 December 1996 and approved by Cabinet on 28 January 1997. Question 1233 dealt with the Director of Public Prosecutions' annual report for 1996-97. I asked -

> (1) What amendments were proposed to the Justices Act 1902, the Children's Court of Western Australia Act 1988 and the Evidence Act 1906 in relation to the evidence of witnesses who die, become ill or disappear prior to trial?
>
> (2) On what date were they proposed?

The second part of the answer was that the amendments were proposed on 9 January 1997 and approved by Cabinet on 28 January 1997. In question 1234, about the same report, I asked about the proposed amendment to the Justices Act to abolish the requirement of leave to appeal from a decision of the Court of Petty Sessions to the Supreme Court. The answer was that the amendment had not been drafted and Cabinet had approved the drafting of amendments on 1 October 1996. Question 1236 refers to the wording of the proposed amendment to section 101C(c) of the Justices Act. The answer was that the amendments were proposed on 24 April 1997 and approved by Cabinet on 5 May 1997.

Those examples indicate that something is wrong with the system. It is about time that Cabinet listened to the Attorney General on these important matters. It does not seem to care about this issue. It does not give this issue any priority. I do not want to go into the inner workings of government; that is a matter for the standing committee.

Hon Peter Foss: I am grateful that you drew attention to how promptly the questions were dealt with in my office.

Hon N.D. GRIFFITHS: I am always prepared to acknowledge proper conduct and appropriate behaviour in government when it occurs. What the Attorney General has pointed out is appropriate. I am talking about the Government's policy. I am not concerned to personalise matters in any way. I agree that the Attorney's office in that respect seems to have behaved appropriately. I reiterate that I am happy to acknowledge that the questions I ask of the Attorney General are answered speedily.

The point remains that this area is not being dealt with appropriately by the Government. The Attorney General is the first law officer. He has the carriage of these matters in the Government. These matters start off somewhere in the sausage machine. They are given the go ahead and we do not see them again. I say this with the appropriate caveat that I have not seen the final product. These are not matters of controversy; they are matters that are capable of improving our community's confidence in the justice system. The fact that they have not been done means we must support this Bill wholeheartedly.

A question posed by the Attorney General in his second reading speech relating to support in the criminal justice system becomes even more pressing when consideration is given to police statistics. The criminal justice system is intrinsically involved in public safety. We can have the best laws and judges, but if the system is to be complete, the policing must be effective. I am not interested in silly surveys that people spend money on; I am talking about the real statistics of what is taking place in Western Australia. When we look at these matters we should always pay due deference to the annual reports of the relevant agencies.

I want to refer to the Police Force. Parliament has not changed its name even though it calls itself a Police Service as a marketing gimmick. The Director of Public Prosecutions agrees whenever he has an opportunity to comment. In the last annual report of the agency that calls itself the WA Police Service, notwithstanding the view of Parliament that it should be the Police Force, the statistics show something is wrong. It is said by many that Perth is the burglary capital of Australia. Page 75 of the last annual report of the Police Force indicates that in 1994-95 the number of burglaries reported was 56 412; in 1996-97, 58 062. That is not very good. The number of stealing offences was 73 388 in 1995-96, and 77 472 in 1996-97. The clearance rate dropped from 23.2 per cent to 22.2 per cent but it is a marginal state of affairs.

The number of motor vehicle thefts dropped a bit from 17 571 to 17 228, again with the clearance rate dropping a little. The total number of reported offences against property increased from 195 086 to 203 538. The clearance rate is important but the difference is marginal from 20.8 per cent to 20.6 per cent. The category of the offences I am most concerned about is drug offences. The figure increased from 12 111 to 13 374. The category of other offences includes other indictable offences and other summary offences. The figure has increased from 18 495 to 20 493. Again, the clearance rate has increased marginally, but those statistics are evidence of a disturbing state of affairs in Western Australia.

The other aspect of policing which requires us to wholeheartedly support this Bill, with a view to improving public confidence in our system, relates to certain statistics provided on burglary offences in South Perth. My good friend the member for South Perth is a close colleague with respect to matters to do with the criminal law; it could be said that we are the coalition Opposition as distinct from the coalition Government. I applaud the honourable gentleman's efforts in that regard.

He asked a question of the Minister for Police in the other place and was provided with an answer on 10 March. That question dealt with burglaries in South Perth. I find this area interesting because, if it is typical of what is going on in Western Australia, it is a pretty awful state of affairs with respect to effective policing. South Perth is not a typical area. I have not studied the demographics too closely but perhaps I should because it comes within the seat of Mr Don Randall, the present and short-lived incumbent of the federal seat of Swan. For the most part the South Perth district is a locality of greater affluence than other localities in metropolitan Western Australia.

Hon Derrick Tomlinson: It has a high proportion of rental and high density accommodation.

Hon N.D. GRIFFITHS: There is a degree of that, but I am talking about the suburbs of South Perth, Como and Kensington. I do not want to pass judgment on the make up of areas relative to crime and one can look at anecdotal evidence.

Hon Derrick Tomlinson: The Cannington Police Service has made that observation.

Hon N.D. GRIFFITHS: I am referring to the South Perth district. If Hon Derrick Tomlinson wants to defend these

figures on behalf of the Police Force or the Government -

Hon Derrick Tomlinson: They are not defensible but they are explicable.

Hon N.D. GRIFFITHS: They are not defensible and in my view they are a matter of great concern. I support this Bill not just because of the good measures it contains, but also because public confidence needs to be boosted. The figures are pretty awful. I refer to page 125 of the uncorrected *Hansard* for 10 March 1998 where it is recorded that the member for South Perth asked the Minister for Police how many reported break-ins there had been from October 1996 to the present; how many arrests and/or convictions had resulted; and what percentage of break-ins remained unsolved. I will concentrate on the reported break-ins and those that remain unsolved.

In October 1996 the number of reported break-ins was 149, with 147 unsolved; in November 1996 there were 128 break-ins, with 127 unsolved; and in December 1996, which was a boom month, there were 148 break-ins, of which 142 were unsolved. In January 1997 there were 141 break-ins, with 126 unsolved. In February 1997 there were 100 break-ins with 99 unsolved. The figures go up and down. In March 1997 there were 107 break-ins, with 88 unsolved. That is an improvement. In April 1997 there were 108 break-ins with 99 unsolved; and in May 1997 there were 106 break-ins, with 101 unsolved. In June 1997, and this figure is a worry, the number of break-ins was 129 and the number unsolved was 129. This is like the Sandover medal for coming last. There is a problem with crime in this community. The number of report break-ins in July 1997 was 142, with 139 unsolved; in August it was 148, with 144 unsolved; and in September 1997 there were 149 with 148 unsolved. Last, and certainly least, in October 1997 there were 116 break-ins, with 116 unsolved. That is pathetic. Something needs to be done about it. By supporting this Bill, we shall at least move towards boosting public confidence because the law will be improved in a number of important ways in relation to the criminal justice system.

People say there are no simple solutions. This is not the time and place to talk about the solutions because that would be off the subject and I am talking about the need to bolster public confidence in the criminal justice system. However, some people can speak with authority on the subject. One such person is a gentleman who used to have a significant position in the operation of the system. I refer to Mr Byron. He attended a conference at Fremantle on 10 October 1997 and presented a paper titled "Punishment or Prevention - A Matter of Choice". I will make passing reference to that paper to bolster my argument, and so that members will think about what I am saying. If we do not start to address this as a community, we will have a little more than occasional amendments to the Sentencing Act, the Sentence Administration Act and the Criminal Code. We must do a lot more.

Mr Byron states that currently the community's focus on crime is almost wholly on the issue of punishment and retribution and that this entrenched attitude produces a strong imperative which translates into modern communities' perceptions and expectations about law and order. That is a fair observation. He goes on to say that except in countries like the United States where there are political decisions to pacify public sentiment in the law and order debate, the secular argument holds true that because tougher penalties are not currently reducing crime rates, there is in fact a call for even tougher penalties. This call for tougher penalties, without a resultant decrease in crime, holds true in Western Australia.

This paper was delivered on 10 October 1997. He goes on to say that the call for tougher penalties is demonstrated by the fact that Western Australian remains the State with the second highest rate of incarceration per head of population. In the past decade the mean maximum sentences handed down for serious offences has increased substantially; for example, between 1985 and 1995 the length of sentences handed down for homicide increased by 75 per cent; for assault by 126 per cent; and for motor vehicle theft by 160 per cent. Yet despite these increases the crime rate in Western Australia over the past decade has continued to rise. In fact, reported crime has increased by more than 83 per cent from 1986 to 1996.

We cannot blame the colour of the Government for that. However, it says something about our society and the need to get to the kernel of the problem, which is not to increase community confidence, but to provide a reason to increase community confidence. This Bill is but a pebble.

Hon E.J. Charlton: We must deal with it in a different way.

Hon N.D. GRIFFITHS: We certainly must. I am raising these matters to bolster the argument that the issues are bipartisan, as they should be. We must seriously tackle the fact that from time to time when we come up with proposals, we should not be too quick to knock each other because we will not advance. I want to live in a society where I can wheel the pram of my daughter-in-law down the street at nine o'clock at night without having to worry about some thug accosting me. I am not sure I live in that society at the moment, and I want something done about that. That is why I am bringing these matters to the attention of House.

I will mention briefly some of the aspects of the Bill with a degree of particularity. If doing so, I make reference to the second reading speech, which also deals with another Bill. The proposal to increase the penalty for grievous

bodily harm is one that I and my colleagues have given very serious consideration to. Given the state of affairs in Western Australia, we agree with the proposal for the reasons set out in the second reading speech. I remind the House of those reasons. For example, the offence can arise under a range of circumstances from bodily injuries, which may be likely to cause permanent, albeit minor, injury to health, through to catastrophes which may render a person comatose and entirely dependent on others; that the harm can arise in circumstances with a wide variety of culpability, from a minor altercation with unexpected consequences, to a more vicious attack close to another offence, that involving intention.

Where the injuries or the behaviour is towards the other end of the scale, the current maximum penalty of seven years fails to reflect properly the effect on victims or the culpability of criminals, and to provide an appropriate sentencing range to deal with the circumstances. I note the view of the Murray report on the Criminal Code which made this recommendation, and I endorse it. I note also the position with respect to a several Australian jurisdictions. This is consistent with what currently exists, although some are below and some are above. That provision has our support in those circumstances and on those terms. We want to do something about what is happening in our society. Again I say that, as a Parliament, we must work together because the situation is so serious that no-one has a mortgage on where the answers lie. If we do not work together, the community will not work together and its involvement is important in beating this problem.

I will highlight some other aspects of the Bill. The proposal to insert a new section 474 covering counterfeit instruments in the context of preparation for forgery is the same as the existing one. We support a range of amendments dealing with offenders who renege on promises to assist the Crown. The Bill also provides that offenders should be encouraged to cooperate with law enforcement agencies. It is not appropriate for criminals to undertake to cooperate and then renege.

The proposal dealing with the time spent on remand for sentences of detention is sound. The matters, particularly with respect to the Young Offenders Act, dealing with habitual criminals are sound. In fact, the Labor Party has no hesitation in supporting the matters of substance and detail in the Bill. Of course, even when combined they are just one small step. I regret that we are not seeing any answers. Although it may take years to turn this problem around, it should be approached with a little more urgency. I encourage the Government to invite us to assist it. Of course, I will do my best to point out where the Government goes wrong to encourage it to do better. In a number of areas the evidence shows that the Government must do much better because our community seems to be getting worse in this crucial area. I commend the Bill to the House.

HON HELEN HODGSON (North Metropolitan) [2.59 pm]: Hon Nick Griffiths referred to a number of statistics showing the rate of crime in our community. I will not recap on them except to say that crime is something to which none of us is immune. If we have not been already affected in some way the odds are that we will at some stage of our life. Therefore the enforcement and administration of criminal laws are important and attract much public interest.

It is a primary responsibility of government to ensure that its citizens are safe from crime. However, I remind members that the symbol of justice is the scales of justice. Many things must be taken into consideration when weighing up whether criminal laws are good and fair. We are here to weigh up the laws and determine whether we think they protect the interests of the community and of individuals. We must be careful of individuals' rights to remain unmolested when they are acting within the law. We must not allow law enforcers to intrude on the daily activities of law abiding citizens who are going about their lawful business. We must therefore change and monitor the Criminal Code to keep it up to date with current community standards.

The Democrats had concerns with some matters originally before this place. However, the Bill has been split into two parts and part of it has been referred to the Standing Committee on Legislation. Generally, we support and find acceptable the amendments before us.

The first provision is to ensure that the grievous bodily harm conviction is more or less consistent with the penalties in other States because of the wide range of instances involving bodily harm. It increases the maximum penalty, but ultimately the size of the penalty will remain a question of judicial application. The increase in the maximum penalty of itself is a good move. It improves flexibility for the judge to decide what is appropriate in each case and it allows more severe penalties to be imposed in the most severe cases.

The extension of the provisions dealing with forgery are a product of the times and of the technological age in which we live. We are moving from when records were the subject of forgery to acknowledging that other equally important documents and items cannot technically be incorporated as records. Now we are looking at including "materials in preparation for forgery". Given that the test here is one of "reasonable suspicion", we are saying that there must be a reasonable suspicion that the materials and items are to be used in the offence of forgery. There is sufficient judicial interpretation of what is reasonable in those circumstances to allow the facts of the case to be

considered. Therefore, we do not have any problem with that provision.

A common practice in courts throughout the world is the adjustment of sentences where a person has cooperated with the prosecution in resolving the crime in which he was involved or other crimes. This amendment will ensure that where a person who enters into such an agreement backs out of it, the original sentence can be reimposed. We had some concern about the safety of a person to whom these provisions would apply. They require that the original sentence be given in open court. The time taken off the sentence would also be given, which will announce to the world at large that a person has cooperated with the prosecution. It could leave him vulnerable in custody to the actions of people who did not like what he chose to do.

The Democrats had some concern about whether that provision would affect the safety of the person cooperating with the prosecution. However, we understand that due to the way sentencing is carried out and the way prison networks operate the information would be already available to people who might have an interest in the matter and may choose to try to inflict harm on the person who had cooperated. We must therefore rely on the prison administration to look after the safety of the person involved. Given the state of our prison administration and systems in the light of the debate we had earlier this week on this matter, I am not sure that I am happy about leaving the protection of people in the hands of the prison administrators. However, on balance it is probably the only way to go. The transparency will work for the good of the system as a whole and it will be a matter for the prison administrators to ensure that the appropriate protection is afforded to the person who cooperates.

Another issue is remand for juveniles. Currently sentencing provisions apply to allow an adult to have his sentence reduced according to the amount of time spent in custody on remand. At the moment they do not apply to juveniles. We have enough problems imprisoning children. Let us face it, "juvenile" is the legal term for children. We are shutting enough children away for periods without making it grossly unfair by refusing to acknowledge in the sentencing system the time they have already spent in custody. When under certain circumstances a child cannot be released it is also fair and reasonable that their sentence reflect the time spent in custody. We fully support that provision.

I refer, finally, to the repeal of provisions relating to work camps in the Young Offenders Act 1994. Extensive debate was held and criticism was levelled at the Government over these provisions when they were first mooted. I understand a report was tabled in this place which examined some of them and considered they might not operate to the benefit of our justice system as a whole. It is very interesting that these provisions have never been operative. It is only fair that the Government take responsibility for introducing provisions that were so unacceptable they have never been in force. It is also only appropriate they be removed from the Statute books in this way. I support the provisions in the Bill.

HON GIZ WATSON (North Metropolitan) [3.09 pm]: I support this amending Bill. It is appropriate that we review provisions of criminal law from time to time. In his second reading speech Hon Peter Foss acknowledged that the community needs more accessible, affordable and less complex legal systems. I commend those sentiments and hope that that will always be the case for all members making decisions about law.

I do not intend to speak at any length on this Bill because earlier speakers have made several points I support.

On the broader issue of law in this State, the current level of incarceration is not acceptable. One of the things that the Greens wholeheartedly support is the alternative means of ensuring that people do not end up in gaol and we do not get to the point where we are using very draconian methods to control what we see as social behaviour which has got out of hand. We need to address prevention at every possibly opportunity. As Hon Nick Griffiths mentioned, our rate of incarceration is the second highest in Australia. I would be very concerned if that continued to be the case.

The provisions we are looking at relate to increased penalties for grievous bodily harm. It is acceptable that the penalties be increased to reflect basically the changes in monetary values caused by inevitable inflation. The penalties also reflect the seriousness of such an offence. We support the clause relating to counterfeit instruments for the preparation of forgery. We also support the clause relating to the recognition of time spent in detention by juvenile offenders. I put my wholehearted support behind the comments made by Hon Helen Hodgson: Work camps are an atrocious response to social matters. I delighted to see that that provision will be removed. I support the Bill.

HON PETER FOSS (East Metropolitan - Attorney General) [3.14 pm]: I thank members for their contribution. The questions raised by Hon Nick Griffiths about the effect of the justice system on crime are quite right. Before I became Attorney General I asked to cease to be the Minister responsible for crime prevention. I thought it was a misconception in our society that one could affect the rate of crime from the rear end. It is rather like taking a dog for a walk with the leash on his tail instead of around his neck. We certainly have some capacity to affect offences in the community. We have the effect of deterrents and of programs in prisons to address offender behaviour, but

that is very definitely the last part. Anyone who needs to solve the problem knows that the better way to do it is at the beginning and not at the end once the offence has been committed. Even deterrents have severe problems unless people believe they will be caught. The figures that were quoted with regard to the clearance rate are an indication of how well we can deter people if we cannot catch them.

Hon Nick Griffiths might have had this experience. I remember in my early days as a lawyer, when I used to do quite a bit of traffic work, the number of people from interstate and overseas who said, "I have never been caught before for speeding." I would ask, "Did you speed before?" They would say, "Yes, but I have never been caught before." What happened was that they got to Western Australia and they did get caught because, whatever else people might say about Western Australian police, they are quite good at catching people who speed. Under those circumstances it does not really matter whether it is a huge fine or a small fine, the inevitability of being caught has that effect. If we are to have an effect on it, we need to deal with crime further down the line. I see the justice system as being only the third step in crime prevention. The other step just down the line and slightly nearer to the area of crime prevention involves the police and the community which deal with the question of crime. They have a vital role to play in catching criminals and creating a high expectation of being caught. That makes a big difference. Ultimately the way to address the problem of crime is to address its root causes.

Hon N.D. Griffiths: What do you think of the South Perth figures?

Hon PETER FOSS: Hon Derrick Tomlinson knows more about that than I. I heard his interjection. We all agree that the figures are not acceptable and that South Perth is not quite the drainage area that it might appear to be at first sight.

Hon Derrick Tomlinson: According to the Cannington police region those numbers are embarrassing but explicable because of the transient population in the high rise dwellings there.

Hon PETER FOSS: As always Hon Derrick Tomlinson has his finger on the pulse of his region.

Hon N.D. Griffiths: It is the South Perth region.

Hon Derrick Tomlinson: The South Perth district is part of the Cannington police region.

The PRESIDENT: Perhaps the Attorney General might get a word in.

Hon PETER FOSS: We have a body called the Justice Coordinating Council, which as well as having obvious people such as the Attorney General, the Minister for Police and the Minister for Family and Children's Services on it, it also has the Minister for Health, the Minister for Education, the Minister for Employment and Training and the Minister for Aboriginal Affairs. I am trying to think who else is on it. One of the first things we tackled was a primary crime prevention program; that is, one dealing with the causes of crime and the Aboriginal cycle of offending. We find there is a cycle of offending on the part of Aboriginal people. We have a pilot program running through which we are saying to people that crime prevention is not a matter of passing it down the line until it gets to the Minister who locks them up. It goes back to fundamental things such as education, health, housing and employment. We have a process which is now being adopted nationally through the Royal Commission into Aboriginal Deaths in Custody summit. It is a matter of agreeing with Aboriginal people, at state, regional and local levels in the community, on a standard of delivery between government agencies and an acceptance of responsibility of the fact that they do have obligations to provide their services in a coordinated way to deal with the underlying cause of crime. This will not solve crime overnight but it may have a substantial effect on crime 20 years from now. It will not be this Government and it may not be a Labor Government which benefits from that, but unless we tackle it now we will not tackle the problem. Many of the problems we are dealing with in crime now have taken 10 to 20 years to evolve. We are trying to set up a strategic way of dealing with the underlying causes of crime. Those sorts of things are often not matters of huge interest to Governments because the underlying motivation is to deal with the problem now. Unless we have a program such as that which I have mentioned, we will never make a major change in our society. We have found through this process that we are getting the cooperation from those departments which have the responsibility to deal with the underlying causes of crime. They are cooperating to coordinate, to deal with and to deliver services, which we believe will make a difference. Time will tell.

The other matter raised related to drafting. In order to ensure that matters come before the Parliament at least on a regular basis, I have tried to introduce two criminal law amendment Acts each year. As the amendments come forward, those which are ready to go are brought into a particular session. I am very grateful for Hon Nick Griffiths' showing how promptly matters were turned around in my office. Once approval is obtained for drafting, it is not just a matter of drafting priority. There is a process, particularly in criminal law, of seeking comment from interested stakeholders. I do not know whether Hon Nick Griffiths has had a great deal of experience in seeking opinions of people principally of legal training. However, often they have fairly fine, detailed comments to make on how they think it will work. Probably more than most, they concentrate on the fine detail of the drafting itself. It is not just

the broad principle that they are interested in, but also the framework of how to go about doing it, and once the framework is in place, the fine detail of the drafting.

Hon N.D. Griffiths: The last time we engaged in an exchange on this matter I think we both got it wrong. Bodies such as the Law Society which provide commentary to Oppositions - in this case, me, and in prior years the Attorney General - comprise individuals operating in a voluntary capacity. I am very pleased with what they have provided to me on an impartial and fairly speedy basis from time to time. Although it is true that they give great consideration to matters, they will, if required, provide a speedy response.

Hon PETER FOSS: I acknowledge that. I have taken to providing it to an individual within the Law Society who then provides individual commentary - on behalf of the Law Society, but not endorsed by it. I have found that gives a speedier result but it does not give me the satisfaction of saying that the Law Society has commented, because the Law Society says that the only way it can be said to have commented is if it has been approved by the Law Council. From a practical point of view that has sped up the process, or at least it means when I finally have a Law Society or Law Council opinion it has been primed by that process. It is not always agreed to by the Law Society but at least it is a method of getting feedback from the Law Society. It has been very useful. I do not have the guarantee that the Law Council will endorse it but at least I know that I have dealt with a person nominated by the Law Council who will provide advice that will enable me to pick up any major difficulties, and hopefully will receive the endorsement of the Law Council at a later stage.

The member is correct. I have followed that process. I accept that it has its limitations. I accept the qualifications put on it by the Law Society. However, it is certainly useful for getting from point A to point B even though sometimes we get a nasty surprise when it gets a more general view and other people do not agree with that commentator.

Hon N.D. Griffiths: People give honest opinions, and that is fair enough.

Hon PETER FOSS: The source of the suggestion does not guarantee ready acceptance. The fact that the Director of Public Prosecutions has suggested some words, often is not a guarantee that it will be acceptable to the Law Society. Sometimes it is a red rag to a bull in the Criminal Law Association if we follow the precise terminology suggested by the DPP. That is understandable as well. It is a sensible process to seek the views of the DPP who, from a prosecution point of view, has struck the problem. It is sensible from the Criminal Lawyers Association point of view for it to consider whether it strikes an appropriate balance in the community.

Hon N.D. Griffiths: They should both be consulted.

Hon PETER FOSS: They are. Of course, within government the more likely source of legislation is the DPP. In one case, a draft was provided by the DPP. The fact that a draft has been provided by him does not necessarily guarantee that it deals with all the matters that need to be dealt with in the drafting. Sometimes parliamentary counsel prefer to have drafting instructions not in draft form. It is often said that that is the worst way to be instructed, because there is a pre-empting of the framework of how it should be drafted.

Hon N.D. Griffiths: And they must reconstruct.

Hon PETER FOSS: They do not always accept that that is a good way to be instructed. Having dealt with those problems, I would like to thank all members for their contributions and support for the provisions in the Bill. I commend the Bill to the House.

Question put and passed.

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

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Second Reading

Resumed from 25 November 1997.

HON LJILJANNA RAVLICH (East Metropolitan) [3.26 pm]: Before I commence my contribution to the debate, I must indicate that I am the first speaker, not the lead speaker, for the Australian Labor Party on this Bill. In preparation for the debate on this Bill, which seeks to amend the Workers' Compensation and Rehabilitation Act, I turned to the Act because I was interested to discover the objectives of it. I did that because the other day a fellow visited my electorate office. He had suffered a substantial injury; he obviously had a bad back and was limping. He appeared to be in some discomfort. I had a conversation with him. He explained that he had fallen from a construction site and had just received a compensation payout of $60 000. I commented that as he was more than 50 years of age and would not work for the next 15 years, it did not seem to be a large sum. I asked him whether he

thought it was a fair payment in compensation of the injury he had sustained, and he said that he had become so sick of the process, and he felt so beaten down, he ended up taking the best that was offered. The worst aspect of this was that he had to pay about 80 per cent of that amount in a divorce settlement. He appeared to be quite vulnerable, and I was concerned for him.

This man typifies the situation that many people face. Therefore, I turned to the objectives of the 1981 Act, the first of which is to make provision for the compensation of workers who suffer a disability, and certain dependants of those workers where the death of the worker results from such a disability. The first objective does not refer to the extent of the compensation or whether it is fair and equitable. The second objective is to promote the rehabilitation of the workers with a view to restoring them to the fullest capacity for gainful employment of which they are capable. Many workers are sent back to the work force before they are fully capable or fully recovered. That objective is not currently being met. There is a tendency by doctors to please insurance companies, and to move workers back into the work force at a fairly rapid rate, irrespective of their rate of recovery.

The third objective was to promote safety measures in respect of employment aimed at preventing or minimising the occurrence of disabilities. This is not happening to the extent that I, and many other people in the community, believe it should be happening. I have given notice of a motion to establish a full and comprehensive inquiry into WorkSafe.

The fourth objective was to make provision for the hearing and determination by the dispute resolution body of disputes between parties involved in workers' compensation matters in a manner that is fair, just, equitable, informal and quick. From what I have read and heard, this Government has a preoccupation with the phrase "economic and quick". It is about saving money through rapid resolution, not providing a fair or just system for injured workers. It is about pushing injured workers through a system which is like a sausage manufacturing process. It is totally unacceptable. I am sure that many Western Australians would agree with my view.

The Bill before us has a long history. The Minister for Labour Relations introduced the first version in 1995 in the other place, but it remained on the Notice Paper for most of that year, as it did in the following year. Here it is before us in 1998. The second reading speech indicates the amendments to the 1993 changes which would make the system cheaper, quicker and less formal. That links directly to my earlier comment regarding point four of the objectives of the Act. It is about economics, not what is in the best interests of Western Australian workers and injured workers.

As the House is aware, I have grave concerns about the workers' compensation system. The Government's claims about occupational injuries and diseases in Western Australia are misleading. The Government continually crows about declining injury rates. These figures, or the way the data is collected to support such claims, should be assessed. I hope this area will be dealt with if my WorkSafe inquiry notice of motion is agreed to.

Figures on occupational injuries and diseases are difficult to collect for a variety of reasons. The simple reasons are, firstly, that less reporting is taking place given the general rate of contracting. Many people are not reporting accidents. Secondly, many people are not insuring themselves or their workers so it is difficult to get accurate figures. Thirdly, changes were made not only to the definition of "a workplace" but also to provisions relating to travel to and from work, and this makes it difficult to make an accurate assessment. Comparing current statistics with those collected prior to the changes made to the system is like comparing apples with pears. Therefore, it is difficult to make an accurate assessment. However, we can say that the number of claims for disabilities is increasing.

I asked question on notice 874 relating to the total number of claims for disabilities. An upward trend is clear. In 1992-93, for example, 57 264 claims were made, and the amount paid for those claims was $290.298m. By 1995-96, the total number of claims for disabilities had increased to 59 476, at a cost of $326.065m. In 1996-97, the total number of claims for disabilities had increased to 63 243 at a cost of $374.349m. An upward trend is clear in the number of claims made for disabilities and in the total amount paid. These figures do not sit well with me, and I cannot buy the argument that the Government has reduced the numbers of occupational disease cases and injuries in Western Australian workplaces. When the bottom line figures show an increase in the number of claims, something does not add up - one need not be too smart to recognise that.

I am concerned about the reporting of those statistics particularly by WorkCover. Generally, in reporting its activities it looks at three areas; namely, compensation, rehabilitation and prevention. The argument I pose about this Government's preoccupation with economic expediency rather than equity and fairness in compensation is demonstrated by the WorkCover Western Australia annual report of 1995-96. Under the heading of compensation it states -

> Pleasing signs that the new system is working are:
>
> > During the first 12 months of operation of the Conciliation and Review Directorate, 53% of disputes were resolved within 4 weeks of lodgment and a further 14% within eight weeks. Following referral to review, 42% cent of disputes were resolved within 4 weeks and a further 24%

within 8 weeks.

It does not say anything about the extent to which the resolutions satisfied all parties. It does not refer to the qualitative indicators; it simply states that it is processing the claims at a much faster rate, which says nothing at all. The key indicators in the area of rehabilitation are outlined on page 4 of the annual report as follows -

> The reduction of long duration claims is the area of greatest priority and attention of the Commission. The objective is to reduce by 10% the frequency of claims of 60 days or more duration over the period July 1994 to June 1997.
>
> It is these long duration claims which account for the majority of social and economic costs arising from work related injury. To address the problem of long duration claims a number of initiatives were undertaken surrounding "Work Injury Management Week" held in May 1996.

It then included initiatives to which I shall refer later. Irrespective of the legitimacy of workers' claims, the Government's objective is to reduce the time on which a person can stay on compensation. Therefore, people might be paid out rapidly to clear them out of the system with little consideration given to their rehabilitation or what will happen to them in the long term. The Government is jumping up and down about its initiatives with rehabilitation. For example, it had a major media campaign promoting the importance of dialogue between the treating medical practitioner and the employer in the interest of maintaining the injured worker in or returning him or her to the workplace. It seems to me that so much of this stuff is very superficial. It is not aimed at the best interests of the worker. For example, a computer software program was released which enables insurers, employers and other interested parties to predict the likelihood that a particular injury would lead to a long duration claim, thus giving early warning of the need to apply appropriate injury management - fairly superficial stuff.

The area of greatest concern to me is prevention and there are very strong signs indeed that this is the area in which the Government has not been operating to its full potential. I believe that WorkSafe Western Australia Commission has a lousy record in the prevention area. The rates of injury are up substantially from 1992-93 to 1997-98. Very few workplace inspections are taking place and the Government seems to promote a self-regulation model. WorkSafe WA sends them a video - "Think smart, act smart, be smart", et cetera - and basically leaves it to the organisation to have a look at itself. Quite clearly many employers are very tempted to overlook the occupational health and safety requirements in the workplace knowing that it is unlikely they will be scrutinised, or that they have just a 5 per cent chance that they will be found in breach. Many employers are therefore quite prepared to overlook the occupational health and safety requirements in the workplace and take a risk.

This has very unfavourable consequences for workers. During 1995-96 WorkSafe WA had 87 appointed workplace inspectors and during that year only 35 appointed inspectors initiated prosecutions. During 1995-96 there were only 78 prosecutions of entities by appointed inspectors. That is not a very high rate; 35 inspectors initiated 78 prosecutions. Quite clearly, the Government is falling down badly in meeting the objective of prevention. There was a 288 per cent decline in prosecutions between the years 1989-90 and 1994-95 followed by an increase of 240 per cent between 1994-95 and 1995-96. This represents an overall decline in prosecutions. I wanted to go through those statistics to show that what is reported does not accurately reflect what is going on in Western Australian workplaces.

WorkSafe WA's annual report for 1995-96 has on page 7 the Auditor General's opinion of the Workers' Compensation and Rehabilitation Commission's performance indicators, which reads -

> The performance indicators for the compensation program are not considered to be relevant to the stated objectives as there is no clear relationship between the indicators and the outcome of the objectives.

Quite clearly this set of indicators is not being measured properly, and there is no relationship between the two, anyway. The performance indicator for the prevention program is not appropriate as the data is not available. Efficiency indicators have not been reported for these two programs. The indicators reported on premium rates and dispute resolution are not considered to be key performance indicators as they do not relate to the stated program objectives. They have not been audited. Quite clearly this organisation is not meeting the requirements of the Auditor General of Western Australia.

There are many problems in this whole area of WorkSafe WA and workers' compensation, and obviously there is usually a very direct link between the two.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon LJILJANNA RAVLICH: I now turn to the area of my concerns in this Bill. They relate to clauses 13, 22 and

32 and I will deal with each of these separately. Clause 13 seeks to amend section 60(1). Under the amendment to this section weekly payments may be discontinued based on total or partial capacity to work, instead of the person being wholly or partially recovered. Therefore, an assessment will be made. Under clause 22 a medical assessment panel is established. Under the proposed amendment, it will be much easier for a medical assessment panel to terminate the payments of injured workers. I do not think Western Australian workers will get a fair deal under this arrangement. A decision about a worker's capacity to work will be made by medical practitioners. These people may be very able and efficient in the practice of medicine, but that does not mean they will necessarily be capable or qualified to decide whether workers have wholly or partially recovered from an injury and can take their place back in the work force. Medical practitioners may not have the knowledge of the types of activities and movements workers must do and carry out in their day to day work functions. The Opposition is concerned about this clause. It will be looking at it and monitoring it very carefully if its passage is successful through this House. The bottom line is that we do not necessarily believe that, under the proposed arrangement with the establishment of the medical assessment panels, medical practitioners are the best people to make the decisions about what goes on in Western Australian workplaces and about whether workers will be able to resume their day to day work activities.

Clause 22 seeks to amend sections 84R, 84ZH and 84ZR. We do not support that. This clause provides that matters can be referred to a medical assessment panel. This is a whole new concept. When I looked at this clause the first things that came to my mind were how much will these medical assessment panels cost, where will they be funded from, and will they be cost effective. These are all issues that require consideration, and I am not confident that this consideration has been given by the Government in the establishment of these panels.

The PRESIDENT: Order! Whatever members do, they cannot discuss individual clauses in the second reading debate. In this stage we discuss the general policy and principle of the Bill. That may require members to raise a clause, but they cannot enter into a Committee stage debate during the second reading stage.

Hon LJILJANNA RAVLICH: Thank you for your guidance, Mr President. Establishing a medical assessment panel is a shift in direction from the notion of conciliation officers. Under the proposed amendments injured workers will be directed by conciliation officers to go before medical assessment panels. That may sound all right; however, I imagine it will be fairly daunting for injured workers to go before these panels. I do not think many workers will have the skills to argue their case when they are before one of these medical assessment panels. In fact, most of these workers will feel fairly vulnerable in this situation. They will be overwhelmed by the expertise of these medical assessment panels. As a result I am not convinced they will get a fair hearing. I am very concerned that a shift will occur. Under the proposed changes conciliation officers will have the authority to flick cases across to the medical assessment panels. The term "flick" is an accurate description.

The workload of conciliation officers is very high indeed. I put some questions on notice some time ago about the number and workload of these conciliation officers. The number of conciliation meetings and conferences in the directorate has increased from 961 in 1993-94 to 4 168 in 1996-97, an increase of 400 per cent. Given the increased workload faced by conciliation officers over that short period, clearly they will be very attracted to the opportunity which this Bill now provides them to flick cases across to the medical assessment panels. Although the number of meetings and conferences has increased 400 per cent over that time, the number of officers has decreased from eight to seven over the same period. It will be very tempting indeed.

Likewise the number of review hearings is also very high; they have increased from 173 in 1993-94 to 695 in 1997-98. That too is an increase of 400 per cent. Not only is the increase alarming but if so many workers are seeking to have their cases reviewed, they must feel that they are not being fairly or equitably treated; yet that is one of the key objects of the Workers' Compensation and Rehabilitation Act of 1981.

The number of review officers over that same period has remained constant at five. Both conciliation and review officers have had a 400 per cent increase in workload while there has been a drop in staffing in one area and no change to staffing levels in the other. The amount of work put before these officers is quite alarming. I have done a quick calculation and found that conciliation officers deal with 595 cases each per annum. Review officers deal with 139 cases annually. That is a substantial workload. It raises the question of whether the Government is shifting this responsibility from the public sector to the private sector in its intent to establish the Medical Assessment Board. If it is intending to do that, how do the costs weigh up? Will it be more efficient? If I were an injured worker I would much rather go before a conciliation officer than a medical assessment panel.

There are some inherent risks in what the Government is proposing. Medical assessment panels will have the power to assess a worker's capacity for work. I do not know that they will be in the best position to make a judgment about how workers perform in the workplace. That could be dangerous. I am sure that insurance doctors will be represented on these medical assessment panels.

Hon Peter Foss: Not solely.

Hon LJILJANNA RAVLICH: The potential exists for medical assessment panels to comprise people who have a vested interest. They will not necessarily work in the best interests of the injured worker; nor, as a general rule, do all insurance lawyers - not that they will be represented on these medical panels - always work in the best interests of their clients. From conversations with people with injuries or disabilities caused at work, at the negotiation stage they are beaten down by their own lawyers so that a quick settlement can occur. The whole area of worker's compensation and the relationship between doctors, lawyers and insurance companies needs a very thorough investigation. At the end of the day, it is always the victim who comes off second best.

Hon Peter Foss: You sound a bit like Graham Kierath.

Hon LJILJANNA RAVLICH: I find it very hard to believe I sound like the Minister for Industrial Relations. If the Attorney General is trying to pay me a compliment, that is one of the worst insults I have had since I came to this place, and I am happy to put that on record.

Hon Derrick Tomlinson: You don't look like him either.

Hon LJILJANNA RAVLICH: Thank goodness for that.

Clause 32 is about the right of injured workers to take action through common law. The Australian Labor Party will not wear a reduction in common law rights for workers. I understand that the Minister was reported in the newspaper as thinking of cutting off all access to common law damages. That would be a deprivation of civil rights for all Western Australian workers. Therefore, the Opposition will not support proposed sections 93A and 93D.

In order for injured workers to meet common law requirements they must show that the claim reaches at least the threshold of $104 800. That determination is made on the basis of a future pecuniary loss of at least $104 800. This clause will change the definition from one of "future pecuniary loss" to "future loss of earnings". This will make it much harder for workers to demonstrate future loss of earnings. It is much more restrictive and will deny an increased number of injured workers the ability to make their claim through common law. In order to cut costs these people are being denied their right to a fair and equitable system. Lifting that yardstick higher will ensure that fewer people will gain access to common law damages.

This is in direct breach of the Workers' Compensation and Rehabilitation Act. The state workers' compensation scheme is continually touted as an efficient system. It is supposedly cheaper and less formal than the previous system. Yet, when one looks at it closely, one realises that that is simply rhetoric.

The answer to question 875, which I put on notice some time ago, clearly demonstrates that although WorkSafe claims that it collects a range of data about indicators - for example, of efficiency and costs - its information simply does not stack up. I asked for a response in three key areas: The average length of review hearings; the average cost of review hearings; and the average time taken for the delivery of written reasons for review hearings for the years 1993-94, 1994-95 and 1995-96. The response I received stated -

> Average times taken for delivery of written reasons from review hearings are not maintained. The actual time depends on the complexity of the issue/s. Generally when written reasons are requested by either party they are provided within one week to two weeks of the request.

Clearly, the department does not maintain records. However, the Workers' Compensation and Rehabilitation Act 1981, section 84ZI, provides -

> Where, within 14 days after the review officer makes a decision or order in the proceedings, a party to the proceedings requests the review officer to do so, the review officer is to give that party, in writing -
>
> (a) the officer's findings of fact;
>
> (b) the reasons for the officer's decision; and
>
> (c) information as to the appeal rights that may be available to the parties under the Act.

Clearly, the department is in beach of its own Act in relation to that.

Hon Peter Foss: I did not get that point. Why is it in breach if it does not keep a record?

Hon LJILJANNA RAVLICH: The Act clearly states it should. How can a department demonstrate that it is doing something better if it is not collecting data to indicate that?

Hon Peter Foss: It is not a statutory provision requiring a record to be kept. That is a requirement to do things.

Hon LJILJANNA RAVLICH: The department does not do them.

Hon Peter Foss: No, it simply said it does not keep a record.

Hon LJILJANNA RAVLICH: I question whether the current system is quicker or cheaper when one looks at the lack of qualitative data available and what happens to injured workers. Perhaps we can achieve efficiencies by cutting back resources and pushing cases through the system. However, I am not convinced that that leads to a better workers' compensation system. I do not believe that that is necessarily quicker and cheaper.

This Bill is about propping up insurance company profits. It has very little to do with what is in the best interests of Western Australian workers. Although I do have some reservations about the Bill, I understand the Australian Labor Party will support it, but not clauses 13, 22 and 32.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.52 pm]: I thank my colleague for speaking first on behalf of the Labor Party on this legislation and providing me with a little time to complete my preparation for this debate. I have been trying to find a misplaced file, and I am still looking for it. It contains the remainder of the comments I want to make in relation to -

Hon N.F. Moore: You might have used them the last time you spoke.

Hon TOM STEPHENS: I am sure that it was totally different.

This State had a relatively simple and well understood workers' compensation system until recently. It was not perfect, but it was fair and reasonably predictable. It was based on the principle that the whole community benefited from properly compensating an employee who suffered an injury in the course of his or her employment, and assisting that employee to return to work, or at least to live with dignity and security if seriously disabled. The Australian Labor Party believes that that system has been seriously eroded by this Government in the name of cost saving for the insurance industry and employers.

However, reducing costs to one sector of the community frequently results in those costs being borne by other sectors. That could never be clearer than in this case. Workers are being left with a system skewed very much in favour of the insurance industry and its very substantial resources.

Reduced access to the system leaves workers and their families without the income support and security they need when a breadwinner is unable to work. Those of us who work in electorates in areas of intensive industry are well and truly aware of the experience of a worker being faced with having to relinquish work as a result of an injury.

To expect an injured worker to tread his or her way through this technically complex system with limited access to advice or representation is very unfair. The system has been designed - as it has now been modified by this Government and with some of the modifications contained in this Bill - to make that task all the more onerous.

This policy of cost shifting also affects the liability of the commonwealth taxpayer, who, through the social security system, must now accept responsibility for many of the injured workers whose injuries and disabilities suffered at work, or when travelling to or from work, will no longer be compensated or will be inadequately compensated as a result of these modifications. The Commonwealth has retorted by imposing further restrictions on access to its benefits and pensions, leaving many injured workers having to tread their way through a maze of state and commonwealth legislation, regulations and policies before they can determine what their income will eventually be.

Debate adjourned, pursuant to standing orders.

AGRICULTURAL LEGISLATION AMENDMENT AND REPEAL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon E.J. Charlton (Minister for Transport), read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [5.01 pm]: I move -

> That the Bill be now read a first time.

In order to assist in ensuring the effective operation of Western Australia's agricultural sector, a number of agricultural Statutes are in need of minor amendment. This Bill proposes to repeal the Fruit Growing Reconstruction Scheme Act and amend seven other Acts.

Veterinary Preparations and Animal Feeding Stuffs Act and the Fertilizers Act: These Acts require the registration of animal feedstuffs and fertiliser products. Consultation between States and the development of common draft standards has removed the need for registration, and it is proposed to repeal the registration provisions and related

references in these Acts. Industry, farmer bodies and government agencies across Australia have called for and support the removal of registration requirements for products such as fertilisers and many stockfeed, provided quality standards are maintained. The catalyst for these proposed changes has been the establishment of a national registration authority to provide for the national registration of agricultural and veterinary chemicals. Consequently, all medications for stockfeed are now registered with that authority.

The Fair Trading Act and the Commonwealth Trade Practices Act contain powers to protect the consumer from false description and other inappropriate actions. In the case of stockfeed or fertiliser products, it is proposed that these Acts provide for the responsibility that the product is suitable for the purpose for which it is marketed. Quality standards can then be ensured using the provision for certain standards in the Veterinary Preparations and Animal Feeding Stuffs Act and the Fertilizers Act. This, rather than registration, will ensure the control of standards for animal feedstuffs and fertilisers sold in Western Australia. This Bill also provides for the pro rata refund of registration fees for the 1996-1998 registration triennium.

Artificial Breeding of Stock Act: This Act requires the Minister for Primary Industry to personally receive and approve variations in the conditions for a licence authorising premises to be used for the purposes of the artificial breeding of stock. This Bill proposes that the chief veterinary surgeon, an officer of Agriculture Western Australia, is more appropriate to handle this duty. As a safeguard, the proposed amendment includes a provision allowing a person to apply to the Minister to have a decision of the chief veterinary surgeon reviewed. This amendment removes one level in the regulatory process while maintaining the necessary controls. In most circumstances under the present Act the Minister refers to the chief veterinary surgeon, who then provides advice back to the Minister.

The Seeds Act: Options for seed testing and seed certification services in Western Australia are presently limited by this Act as it restricts the Minister for Primary Industry to appointing only officers - that is, public servants - to be inspectors or seed analysts for the purposes of this Act. This largely prevents Agriculture Western Australia from outsourcing its seed testing and certification services. In order to have a realistic outsourcing option, an amendment is proposed to extend the Minister's power to appoint persons other than public servants to be inspectors and seed analysts.

Horticultural Produce Commission Act: This Act provides a statutory means by which growers of horticultural produce agree to a levy to provide funds for services authorised by the growers themselves. However, at present, the Act is limited to growers of fresh or processed fruit or vegetables and flowers. It is proposed to amend the Horticultural Produce Commission Act to broaden the type of horticultural crops eligible to participate in development schemes through self-funding arrangements. This will significantly widen the industries that are able to form grower committees to obtain and allocate funds for services such as research and development.

Widening the industry coverage of the Horticultural Produce Commission Act is an initiative raised by producers in the presently excluded horticultural sectors. It is proposed to amend the definition of horticultural produce as specified in the Act to include nut crops and processed nuts, ornamental plants and turf plants. The Act provides the commission with extensive safeguards to ensure that a grower committee will not be formed unless the poll of growers is in favour of the establishment of a committee with regard to a particular kind of horticultural produce. In order to establish a grower's committee, a poll of all relevant growers must be conducted, and at least 75 per cent must vote and 70 per cent must agree before a grower's committee can be formed and fees for service collected.

Agriculture Protection Board Act: At times, Statutes are in need of amendment, albeit of a housekeeping nature, in order to remove superseded requirements. One such Statute is the Agriculture Protection Board Act, which contains a reference to the chief executive officer of the Agriculture Protection Board, an office previously removed from the Act. This redundant reference should be deleted.

Agriculture and Related Resources Protection Act: Another case is the Agriculture and Related Resources Protection Act, which provides for the Agriculture Protection Board to assign one of its officers to be the executive officer of a zone control authority established under the Act. This is no longer relevant as all staff of the Agriculture Protection Board will be transferred to Agriculture Western Australia, with this agency to be the operational arm of the board. It is proposed to repeal the relevant section to enable an officer of Agriculture Western Australia to be employed in these roles. While having no direct implications for industry, this amendment will nevertheless facilitate the administration of the Act.

Fruit-growing Reconstruction Scheme Act: It is also necessary to repeal the Fruit-growing Reconstruction Scheme Act, which was proclaimed in 1972 to give effect to an agreement between Western Australia and the Commonwealth to provide for a scheme under which fruit growers pulled up fruit trees that were, in the interest of the industry, no longer required. The scheme was wound up some 14 years ago. A total of $435 215 was advanced to growers for the purpose of removing fruit trees. This assistance was converted from a loan to a grant if the grower complied with the conditions of the scheme. As at 30 June 1983, all advances had either been converted to a grant or repaid. No

assets or liabilities remain with regard to this scheme. The repeal of the Fruit-growing Reconstruction Scheme Act is supported by industry, as the Act no longer has a functional role. Its repeal will formally end the financial commitment to this scheme that has not functioned for many years. Moreover, it conforms to the Government's policy of removing redundant legislation.

The implementation of all the proposed amendments is unlikely to have any direct net impact on the Government's Budget. However, it will have benefits for all in the future, with the Bill directed towards ensuring that the Government's legislative framework supports rather than hinders the operations of various enterprises in a wide range of industries. In addition, the Bill should enhance the internal efficiency of operations within Agriculture Western Australia. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.

ADJOURNMENT OF THE HOUSE

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 31 March.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.09 pm]: I move -

That the House do now adjourn.

Estimates Committee Sitting Dates - Statement by Leader of the House

Hon N.F. MOORE: I advise members that it is proposed that the Estimates Committee debate in this House will be held in the week commencing 2 June and will go through to Thursday or Friday of that week. That was planned to be a recess week for the House, and to compensate for that, the recess week will now be between 26 and 28 May.

We will now have a recess for a week; week 7 will be from 19-21 May; we will have another recess week from 26 to 28 May; and the following week, which was originally a recess week, will become the Legislative Council Estimates Committee week. The chairman of that committee will provide a timetable for the week. The House will then sit for three weeks in a row from Tuesday, 9 June until Thursday, 25 June.

Brady, Donna - Statement by the President

THE PRESIDENT (Hon George Cash): I advise that Donna Brady, who has worked with us in the Legislative Council since August 1993, is to be married on Sunday, 29 March. I take this opportunity to wish Donna and her fiancé David Artingstall a happy, successful and joyous day. We look forward to seeing Donna back in the Legislative Council after she has a break of about five weeks ready to resume work.

Cannington and Maddington Senior High Schools - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.10 pm]: I take this opportunity to bring to the attention of the House the possible plight of two high schools in the East Metropolitan Region - Maddington and Cannington Senior High Schools. I am interested in those high schools, particularly Cannington, which is across the road from my office, so I have a close association with it.

Both Cannington and Maddington have been part of the local area planning process and both have uncertain futures. A number of options were presented by the district superintendent to those school communities during the local area planning process. The school communities did not want any change. Unfortunately, throughout the consultative process a no-change option was not even a consideration. The communities are rightly concerned, not only because of the great distance between those schools but because a special education facility is located at Cannington Senior High School.

One of the problems that is emerging is that the school rationalisation program is driven by economics rather than the value of education. The Government is moving down the road of streamlining educational facilities to ensure it gets the maximum economic return.

Hon N.F. Moore: So children get maximum educational benefit.

Hon LJILJANNA RAVLICH: The Leader of the House knows what I am saying is true. The bottom line is that schools are being sold off and uncertainty is affecting the wellbeing of a number of large school communities.

Hon N.F. Moore: They are small school communities; that is the problem.

Hon LJILJANNA RAVLICH: I can assure the Leader of the House that this Government will answer for that at the

next election.

Hon N.F. Moore: I know you will run a scare campaign of sorts, as you always have.

Hon LJILJANNA RAVLICH: Those communities are concerned. They do not want change. They do not want to lose those special education facilities. As we go down the path of streamlining the education facilities, this State will see very grave casualties. The special education units provided in some schools happen to be the first casualties. It is already difficult to get special education services for students with disabilities, be they mild or severe. It is difficult to ensure adequate special education programs. That is why schools provides these special facilities. If schools with these special facilities happen to be a part of the school rationalisation plan it is just too bad for the students! Parents will have to find somewhere else to take their children with disabilities or learning disorders. This is government at its worst. The Government has a lot to answer for in those communities where schools are threatened with closure.

Hon N.F. Moore: Did you ever read Mr Halden's school renewal program? That is what you would have done had you stayed in office.

Hon LJILJANNA RAVLICH: My comments stand. Meetings at Cannington with 150 concerned parents and Maddington with over 200 concerned parents wanted a no-change option. I was proud of the people at both of those schools because they put it firmly to the Government that they do not want their schools closed. It was not even negotiable. They were the first communities to put on record the fact that they had moved a motion that they did not entertain the notion of having their schools closed. There were a variety of reasons. If the community has no educational facility, that will impact on the number of other services in the community. We will see an impact on land prices. I would not want to buy a house were there were no educational institutions. Key considerations when one is buying a house is choosing an area with transport, medical facilities, community infrastructure and schools. If the school is taken out of the community the heart is taken out of the community.

This notion of school rationalisation has much broader ramifications. A special education student attended the meeting at Cannington. His name is Clintyn Johns; he is a year 11 student at Cannington Senior High School. Clintyn addressed the meeting and said -

> My fellow students and I would like the Education Department to know how we feel about the prospect of our school closure.
>
> Closing this school would mean our formal education will suffer in some way. The effect on having to change schools, especially so close to completion of our school years.
>
> The disruption on changing to a new school can have a dramatic effect on a students emotional and learning abilities at a very critical time in our lives.
>
> Not to mention the financial burden that would occur to most families with the additional travel expenses to other schools.
>
> This is a time when we need stability, "not change and disruption" we have enough to cope with, what with getting through yr 11 and 12 and trying to look forward to a positive future.
>
> It makes one wonder about Government Departments that can suddenly implement major decisions that disrupt and effect our lives, it leaves us losing faith and trust in those departments, and the people that control them.
>
> Cannington High School is a very central school with easy access to all modes of transport, train, buses, etc. Easy access from other suburbs, e.g. Forrestfield where I live.
>
> I would like to conclude by saying, that at times we all say we hate school, homework, study, and assignments, but really it should be the best time of our lives. We don't want this school to close, we don't want to have to start considering what other school we will have to attend, and worrying about how we are going to get there.
>
> My fellow students and I would like the Education Department to consider other options, other than closing our school.

Hon Derrick Tomlinson: What is the nature of his disability?

Hon LJILJANNA RAVLICH: It is obviously not severe. He has a learning disability and that is why he is in a special education class. I understand that if Cannington Senior High School were to close Clintyn would need to travel for at least two to three hours a day to the closest school that could offer special education facilities.

Hon Simon O'Brien: He writes a very good address.

Hon LJILJANNA RAVLICH: It is a testimony to the fact that positive things are happening in special education. Cannington Senior High School should be kept open because it is delivering excellence in service, particularly in this area.

The other day I heard on the grapevine - even after the community said no-change was its bottom line - that it is proposed that Cannington Senior High School will be closed by 2000 and Maddington Senior High School will be converted to a year 8 to year 10 school. I would like the Minister for Education in the other place to put on the record that I am wrong. I would like to allay the fears in my community. I would like him to say, "You're wrong. It's not a case of where there's smoke there's fire. The bottom line is you've got it all wrong." I would love to be able to say to my community that the Minister for Education has given me a categoric assurance that this will not happen and that their schools will not be forced to undergo these very drastic changes as a result of school rationalisation. I hope that the Minister reads this adjournment debate and gives me that assurance.

Scarborough Senior High School - Adjournment Debate

HON E.R.J. DERMER (North Metropolitan) [5.20 pm]: I advise the House of further developments in the struggle for survival of the Scarborough Senior High School. Members may recall that last week I described the shameful pretence of consultation, which has been the process of local area planning for the provision of high school education in the western suburbs of Perth. The Minister for Education has presented the local area planning process as a process of community consultation. However, members will recall that the Minister for Education pre-empted the process of consultation by his statement in September last year that the Scarborough Senior High School should probably close. That statement became a self-fulfilling prophecy. Subsequent to that statement some parents withdrew their children from the school and there was a sharp decline in the enrolments for 1998. That happened despite the parents' appreciation of the quality of education at the high school. They were concerned that the short term future of the school might interrupt their children's longer term education.

The Education Department's district directors dominated the process of so-called consultation. This process effectively excluded serious consideration of the three distinctive and imaginative quality education proposals prepared by the Scarborough Senior High School parents for the future of their school. Members will recall that the four proposals in the paper prepared by the district directors, for further consideration and final choice by the department and the Minister for the future of schools in the western suburbs, had one thing in common; that is, each option entailed the closure of the Scarborough Senior High School.

Since I last raised this matter, further hard and earnest work has been done by the parents of children at the Scarborough Senior High School, towards developing yet further proposals for educational excellence in the western suburbs. Those proposals would provide a future for the Scarborough Senior High School. Given the cynical manipulation by the Minister for Education of the local area planning process, I thought there might have been a degree of naivety in the sincerity of the hard work by these parents. I was wrong. There is no naivety in their hard work to put forward fresh, imaginative and educationally excellent proposals. The parents fully understand how cynical the Minister is and how cynical his manipulation of the consultative process has been. They understand the consultative process is a farce. However, their commitment to the future of their school is total. Even though they understand the Minister's cynicism, they continue to work hard to provide the best in proposals for future education in their community.

Since I last raised the issue the parents of children at the Scarborough Senior High School have been working to produce yet a further educational proposal for the future of their school. This proposal deals with substantial educational values, some of which I will now share with the House. At the top of the draft document it is made clear that the proposal is in keeping with the department's planning principles and indicators. The proposal will meet the needs of Aboriginal students. The document states that the needs of Aboriginal students in the area were not met in either of the four options that the district directors deemed worthy of further consideration. It is stated in the document -

> Aboriginal students will continue to have access to a local school for years 7-10. Such access will avoid increasing the barriers to their participation in education which Options 1-4 involve.

The document further states that outcomes for Aboriginal students will be improved under the new proposal put forward by the parents of Scarborough. Research into Aboriginal learning styles will be facilitated by a collaborative arrangement with the University of Western Australia. The needs of compulsory age students at educational risk will be met by the proposal, and these would not be met by any of the options allowed by the district directors. It is proposed to adopt an early intervention strategy for the students at risk. The aim of the program would be to see students successfully reintegrated into the mainstream school of origin.

This excellent proposal also deals with the need for bridging and access courses for students returning to the school system as a result of changes to the youth allowance scheme. That need is not addressed in any of the four options allowed for further consideration by the district directors. It is anticipated that 1 600 students living north of the river will seek to return to school as a result of the new youth allowance scheme. Upon successful completion of the program students will be integrated into the tertiary entrance examination and vocational educational and training courses. The plan created by the parents continues -

> The plan provides a range of educational choices for parents and students.

It will have the flexibility to meet the real educational needs of the community. It continues -

> The plan places a strong emphasis on Vocational Education and Training.
>
> Preparation for the world of work which is inclusive of both TEE and non-TEE students.
>
> Students will be provided with the opportunity to learn literacy and numeracy skills in a relevant context.

I commend this document to the Minister for Education for further consideration. The educational values of the Scarborough parents have been made clear, and they have worked hard to make them clear in the proposals put forward.

On Tuesday of this week I asked the Minister a question about real estate valuations for the Scarborough Senior High School land and buildings. His reply was to the effect that valuations for highest and best use assuming an alternative appropriate zoning were $7.35m from the Valuer General's Office, and $7.75m from Chesterton International. It is clear that the Minister's values are real estate values, and that is in sharp contrast to the educational values of the Scarborough community.

The hard work of the parents of the Scarborough school deserves full consideration by the Minister. Confidence in the Minister and in the whole local area planning scheme has been lost in the community of Scarborough and in other areas in the western suburbs. If confidence in the Minister and in the local area planning scheme are to be restored in the community, the Minister must take one vital step. He must admit that he made a mistake in September when he condemned the school before the consultative process began. The Minister should be man enough to admit his mistakes. The best way for the Minister to resolve the issue now is for the Minister to recommence the local area planning and reform the process so that it is genuinely consultative. In that way the school communities will have an opportunity to put their options and their understanding of educational needs to the Education Department and the Minister for Education for consideration. Those communities have been deprived of this opportunity because of the way the system has been applied in the western suburbs to date. I appeal to the Minister to give serious consideration to cutting his mistakes and starting again with the process in the western suburbs.

Question put and passed.

House adjourned at 5.29 pm

QUESTIONS WITHOUT NOTICE

AUSTRALIND BY-PASS OPENING DATE DISCUSSIONS

1296. Hon TOM STEPHENS to the Minister for Transport:

(1) On what dates did the Minister's staff discuss the opening of the median on the Australind bypass with the Minister?

(2) What was the nature of those discussions?

(3) When did the Minister authorise any member of his staff to raise the matter with the Commissioner of Main Roads?

Hon E.J. CHARLTON replied:

I thank the Leader of the Opposition for some notice of the question. I received a draft of the answer as I walked in the door. We must have some discussions regarding times or questions of which some notice has been given.

(1) There is no record of the actual date, but the matter was brought to my attention in late 1997.

(2) A request from the service station for a median break.

(3) As with all sorts of issues handled by my staff, my policy officer for Main Roads mentioned it as a matter of course to the Commissioner of Main Roads.

LEGAL AID COMMISSION CLIENT FILES

1297. Hon N.D. GRIFFITHS to the Attorney General:

Has the Attorney or anyone acting on his behalf sought access to any client file of the Legal Aid Commission?

Hon PETER FOSS replied:

Often people from my office do seek access to client files when we have a complaint from a client. Obviously with a client who has not made a complaint to our office the question of privilege applies and there would be no point in asking anyway. From time to time we receive complaints from people about the Legal Aid Commission who ask us to review their files. In those circumstances if we think it is appropriate, we ask to see them.

Hon Bob Thomas: Have you ever done it?

Hon PETER FOSS: No I have not.

PANTINO, DAVID

1298. Hon HELEN HODGSON to the Leader of the House representing the Minister for Education:

(1) Has the relevant officer of the Education Department signed the necessary certificate to ensure that David Pantino of Beckenham - a home schooled student - is covered by the department's work experience personal accident insurance policy while undertaking work experience?

(2) If not, why not?

Hon N.F. MOORE replied:

(1) No.

(2) The student is not engaged in an approved home schooling program. Under section 14(a) of the Education Act, the Education Department has to be assured of the provision of an efficient education for approval to be granted for home schooling programs. The Education Act Regulations and the Education Department's 1993 policies and procedures for home schooling in Western Australia specify the procedures for approval for home schooling. Education Department staff have been denied access to the student's home schooling program, meaning that the Minister cannot be satisfied that the instruction is efficient.

REGIONAL TOWNS WITH ACCESS TO NATURAL GAS

1299. Hon MURIEL PATTERSON to the Leader of the House representing the Minister for Energy:

Will the Minister give a list of those towns in regional areas that currently have access to natural gas and those towns that can expect it in the foreseeable future?

Hon N.F. MOORE replied:

AlintaGas -

Geraldton
Pinjarra
Harvey
Bunbury
Capel - mid 1998
Busselton - May 1998
Kalgoorlie-Boulder - under construction
Brunswick Junction
Mandurah

Boral -

Leonora - proposed

GLOBAL DANCE FOUNDATION

Legal Action

1300. Hon J.A. COWDELL to the Minister for Tourism:

(1) Has the Government commenced legal action against Global Dance Foundation Inc, its principals or any other associated person or companies?

(2) If not, why not?

(3) If yes -

(a) what action has been commenced;

(b) when was the action commenced;

(c) in what jurisdiction was the action commenced;

(d) what is the purpose of the action;

(e) against whom was the action taken; and

(f) will the Minister provide copies of the documents filed in the court?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes.

(2) Not applicable.

(3) (a) Pre-action Discovery.

(b) Thursday, 12 March 1998.

(c) Supreme Court.

(d) To obtain access to papers and documents.

(e) Global Dance Foundation Inc, Peter Gilbert Reynolds and Cedar Developments Pty Ltd.

(f) Those documents which are publicly available in the central office of the Supreme Court will be made available to the member.

UNDERGROUND RAIL LINE AT SUBIACO MARKETS

1301. Hon J.A. SCOTT to the Minister for Transport:

(1) Does the design of the underground section of rail being built at Subiaco markets include provision for a freight rail line?

(2) If not, what provision will be made for rail freight on this route?

(3) How will this affect freight coming from or going to North Quay in Fremantle Harbour?

(4) Has the Minister considered the long term future of this rail route and, if so, what options is the Minister considering?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) No.

(2) None.

(3) No effect.

(4) Yes, the line is a long term electrified urban passenger route.

TREE TOP WALK

1302. Hon RAY HALLIGAN to the Leader of the House representing the Minister for the Environment:

Since the Department of Conservation and Land Management built the Tree Top Walk in the Valley of the Giants, has the expenditure on this project by CALM been justified?

Hon N.F. MOORE replied:

Yes. Since the walk was opened some 18 months back there have been over 278 000 people from throughout Australia and abroad visit the facility. The concept of the walk was originally proposed to conserve the tingle ecosystem from the increasing visitor numbers attracted to the area and it has achieved the dual purpose of conservation and tourism, which has also provided a financial bonus for tourist operators in the area.

ATTORNEY GENERAL'S VISIT TO JAPAN

1303. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for the Environment:

In reference to the trip to Japan undertaken by the former Minister for the Environment, Hon Peter Foss, in 1996 -

(1) Does the Department of Conservation and Land Management possess any documents or other materials relating to that trip, including the itinerary and scheduled appointments of the former Minister?

(2) If yes, in whose custody and where are those documents or materials kept?

(3) Has the department been asked to supply the original or copies of this material to the former Minister?

(4) If so, when was it asked for and what was the response?

Hon N.F. MOORE replied:

I thank the member for some notice of this question and ask that it be placed on notice.

ROCKINGHAM BEACH OIL SPILL

1304. Hon GIZ WATSON to the Leader of the House representing Minister for the Environment:

In respect of the oil spill at Rockingham Beach understood to have taken place on 18 March this year -

(1) What is the estimated time of this spill?

(2) How much oil was spilt?

(3) What is the nature of the oil?

(4) When the oil was removed, where was the waste deposited?

(5) Is the Minister aware of the source of the oil spill?

(6) What action does the Minister intend to take against the perpetrator?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The spill took place between the late evening of Tuesday, 17 March and the early hours of Wednesday, 18 March 1998. The Department of Environmental Protection was notified at 9.00 am Wednesday, 18 March 1998.

(2) Approximately 10 to 15 litres.

(3) Possibly bunker oil.

(4) The City of Rockingham collected the oily sand and deposited it at the Miller Road landfill site.

(5) The source has not been determined at present. The Department of Transport is conducting tests on oil samples from potential sources.

(6) The responsibility for action rests with the Minister for Transport.

BELVEN ENTERPRISES

1305. Hon BOB THOMAS to the Minister for Transport:

With regard to each of the contacts by the representatives of Belven Enterprises to the Minister's office in December 1997 and January 1998 -

(1) What was the date of the contact?

(2) What type of contact was made?

(3) Where did the contact take place?

(4) What are the names of the people who made contact?

(5) With whom at the Minister's office was contact made?

(6) What was discussed during that contact?

Hon E.J. CHARLTON replied:

As I walked in the door my policy officers told me that there were seven different questions without notice from Hon Bob Thomas and that they do not have the answers at this time.

WESTERN AUSTRALIAN TOURISM COMMISSION

Board Members' Salaries

1306. Hon KEN TRAVERS to the Minister for Tourism:

(1) In relation to the annual reports of the Western Australian Tourism Commission tabled in Parliament in which details on the remuneration received by board members are provided, can the Minister inform the House of the name of the board member whose salary fell within the following band -

(a)	1994	$ 90 000-$100 000	(1995 annual report)
(b)	1995	$120 000-$130 000	(1996 annual report)
(c)	1996	$130 000-$140 000	(1997 annual report)
(d)	1997	$180 000-$190 000	(1998 annual report)?

(2) If this remuneration is for the same position, can the Minister explain the 100 per cent increase over this brief period?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) (a) Mr Kevin Harrison
(b) Mr Kevin Harrison
(c) Mr Shane Crockett
(d) Mr Shane Crockett

It should be noted that the board member is also the chief executive officer of the Western Australian Tourism Commission.

(2) The explanation of the $30 000 increase from 1994 to 1995: On 1 April 1993 Mr Harrison was appointed

to the position of chairman and chief executive officer of the WATC at a salary commensurate with class 4 as determined by the Salaries and Allowances Tribunal. A non-secured tenure allowance, in accordance with the guidelines, was also paid. In July 1994 the position was upgraded by the Salaries and Allowances Tribunal to special 2 and the non-secured tenure allowance was increased to 20 per cent.

The explanation for the $10 000 increase from 1995 to 1996: In February 1996 the management arrangements from the WATC were restructured and the position of CEO advertised. Mr Crockett was appointed chief executive officer.

The explanation of the $50 000 increase from 1995 to 1996: In April 1997 Mr Crockett was paid out three months' long service leave, which is included in the 1997 figures. Also there was the across the range increase to classifications by the Salaries and Allowances Tribunal.

In general, these classification changes, increases to the classifications as determined by the Salaries and Allowances Tribunal and payout of three months' long service leave are the reasons for the movement in remuneration.

COMPREHENSIVE REGIONAL ASSESSMENT REPORT

1307. Hon CHRISTINE SHARP to the Minister representing the Minister for the Environment:

(1) With reference to the comprehensive regional assessment report, are any of the forest with road, river and stream zones included in calculations of the areas of forest protected in the State's conservation reserve system?

(a) If yes, exactly what areas will be accepted for the purposes of meeting the criteria for the regional forest agreement?
(b) If not, what was the criteria for rejection?

(2) What was the source of the map of the old growth forest published in the comprehensive regional assessment?

(a) Has the map being independently reviewed?
(b) If yes, by whom?
(c) Has it been reviewed by the Department of Conservation and Land Management?

(3) How many hectares of forest identified as old growth in the comprehensive regional assessment were discounted due to dieback

(4) When will the Minister for the Environment release maps showing the exact location of the dieback infections throughout the regional forest assessment region?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Yes. This is detailed in table 12.3 at page 125, and table 13.2 at page 166 of the comprehensive regional assessment report. The criteria for inclusion of informal reserves in the CAR reserve system are outlined in section 4.12 at page 6 of the report "Nationally agreed criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia" 1997.

(a) Not yet decided.
(b) Not applicable.

(2) This is detailed in chapter 13, pages 163-166, of the comprehensive regional assessment report.

(a) Some of the data used to compile the map was independently reviewed. An old growth data review report will be published as part of the RFA documentation.
(b) Paul McDonald, consultant to Environment Australia.
(c) Yes. Most of the data used to compile the old growth map were CALM datasets.

(3) Nil. The process did not involve identification of old growth then discounting for dieback. The calculation involved all elements of the rule set for old growth.

(4) All the dieback occurrence maps held by CALM are available to the public for perusal.

MOBILE PHONE TOWERS

1308. Hon E.R.J. DERMER to the Attorney General representing the Minister for Planning:

I refer to the December 1997 "State Planning Strategy" which emphasises the need to consider the impact of telecommunication technologies on planning decisions and the importance of local community consultation to the planning process.

(1) What strategic consideration has been given to dealing with local community concern pertaining to the location of mobile phone towers?

(2) Where is this consideration included in the December 1997 state planning strategy?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) The Western Australian Planning Commission released Planning Bulletin No 22 "Telecommunications Infrastructure" in June 1997 to assist local government in controlling the development of telecommunication facilities in advance of the promulgation of the Telecommunications Act 1997 and the Telecommunications National Code. The community concerns relating to visual, amenity and health effects of telecommunications infrastructure, including mobile phone towers, were addressed in this planning bulletin. Within the bulletin, guidelines are provided setting out the matters which should be taken into account in considering applications from telecommunications carriers.

(2) Three clear references in chapter 7 of the "State Planning Strategy", pages 48 and 50 of part 2 are -

> encourage the consolidation of services, including transport, power, water, sewerage and telecommunications, into single, integrated corridors;
>
> promote provision of underground and carefully designed telecommunications infrastructure;
>
> promoting the role of telecommunications in fostering further development in the regions.

ATTORNEY GENERAL'S VISIT TO JAPAN

1309. Hon LJILJANNA RAVLICH to the Attorney General:

(1) In reference to his trip the year before last to Japan, what documents or material relating to that trip, the itinerary and schedule of appointments does the Attorney still possess?

(2) Where are those documents or material?

(3) Has the Attorney or any of his staff yet asked the Department of Conservation and Land Management to ascertain what material it has?

(4) Has the department responded?

(5) What is its response?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1)-(2) In accordance with office policy, minimal original documentation is held at my office. Most of it has been returned to the appropriate agency. What has been retained are copies of briefing notes, draft itineraries, diplomatic correspondence and some general correspondence.

I mentioned yesterday that I had put out a press release, which I now table. When looking in the officer's file we found a copy of the itinerary. I table that also. [See paper No 1453.]

(3) Yes.

(4) No.

(5) Not applicable.

LEGAL AID COMMISSION

Staff Turnover

1310. Hon N.D. GRIFFITHS to the Attorney General:

Given the comments of the Acting Director of the Legal Aid Commission in the commission's latest annual report

that 46 of its 200 staff left during the year, what steps are being taken to reduce staff turnover?

Hon PETER FOSS replied:

As the member is aware, the Legal Aid Commission is an independent body.

Hon N.D. Griffiths: Are you aware of that?

Hon PETER FOSS: Yes. That independent body makes its own decisions on staffing. If the member wishes, I can take the question on notice and ask the commission's views on that point.

NEW POLICE ACADEMY

1311. Hon SIMON O'BRIEN to the Attorney General representing the Minister for Police:

At what stage is the process for determining the site of the new Police Academy?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The State Government announced in November 1996 the development of a new Police Academy which will play a significant role in the continued development of the Western Australian Police Service into a world class organisation. The estimated cost of the academy is upwards of $35m and has been fully accounted for within the current budget costings. The Government expects the purpose built academy, which will consolidate nearly all police training facilities on the one site, to be fully operation for the new millennium.

A steering committee was convened in July 1997 to consider all possible options for the replacement of the outdated Maylands Police Academy, which was constructed almost 30 years ago. The Government recently announced that two of the original six applicants - Edith Cowan University, Joondalup campus and Murdoch University - had been short listed by the steering committee for the final tender process. The committee expects to report to the Minister in approximately two months' time. At that stage the Minister for Police will take to Cabinet the steering committee's recommendation.

This $35m facility is in an addition to the recently announced $40m operations support facility to be located at Midland. Together, these projects underscore the Government's commitment to provide world class facilities and a world class organisation to service the entire Western Australian community.

COLONOSCOPY WAITING TIMES

1312. Hon HELEN HODGSON to the Leader of the House representing the Minister for Health:

(1) What is the mean waiting time spent by a patient on the waiting list for a colonoscopy at the following hospitals: Joondalup Health Campus, Osborne Park Hospital and Royal Perth Hospital?

(2) What is the mean waiting time spent by a patient on a waiting list for a colonoscopy in the metropolitan area?

(3) Is there any provision to transfer a patient on a waiting list at one hospital to another hospital?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Mean waiting times are recorded by speciality and by some selected procedure. Colonoscopy mean waiting times are recorded only in the general surgery speciality.

(2) General surgery mean waiting time at Royal Perth Hospital is 7.05 months. The metropolitan teaching hospital general surgery mean waiting time is 8.75 months.

(3) There are facilities for patients to be transferred from one hospital to another which are currently being formalised through the central wait list bureau.

RENEWABLE ENERGY PROGRAMS

1313. Hon RAY HALLIGAN to the Leader of the House representing the Minister for Energy:

What programs is the Government currently supporting to promote and encourage the use of renewable energy?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Western Australian Government currently supports the following programs to promote and encourage the use of renewable energy -

Five hundred thousand dollars per annum is provided for installation of renewable energy remote area power supplies in isolated areas.

Energy efficiency awards are provided for outstanding achievements in renewable energy made or energy efficiency in industry, commerce, the community and government, and these are widely promoted.

Independent advice for householders wanting information about renewable energy or more efficient energy use is provided through a telephone service. Displays and advertising are organised in a range of locations.

Two issues of the magazine *Energy Matters*, which features case studies and information about renewable energy, are published each year and widely distributed.

Projects involving research, development demonstration and education regarding renewable energy and energy efficiency to a value of $500 000 per annum are funded through the Alternative Energy Board. Funding applications are sought twice a year. Existing projects include support for the Cooperative Research Centre for Renewable Energy and for the renewable energy information display and information service at Murdoch University.

PORT KENNEDY PROJECTS

1314. Hon J.A. SCOTT to the Attorney General representing the Minister for Planning:

(1) What are the estimated completion dates for the following projects at Port Kennedy -

(a) The second golf course designed for public use;

(b) the hotel complex;

(c) the marina;

(d) the public boat launch ramp; and

(e) the public changing rooms?

(2) Is the Minister satisfied that these projects will meet the completion targets?

(3) If the department has no estimated completion targets, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Port Kennedy Resorts Pty Ltd has advised that the estimated project element completion dates are as follows -

(a) After two years of satisfactory water monitoring studies are completed - estimated late 2000.

(b) March 2001.

(c) After satisfactory marine ecological surveys - estimated late 2000.

(d) 2001.

(e) Already completed.

(2) The information is provided by the company in relation to completion dates.

(3) Not applicable.

MANDURAH DRUG SERVICE TEAM

1315. Hon J.A. COWDELL to the Minister representing the Minister for Family and Children's Services:

(1) Has the Minister had repeated calls from the Mandurah community for a full time drug service team?

(2) If so, why has the newly established team allocated only one person for one day a week to Mandurah?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) I am aware of the Mandurah community's request for additional alcohol and drug services.

(2) The establishment of a community drug service team responds to this request. The team comprises six staff and services to the south metropolitan area from Fremantle to Mandurah. In its establishment phase, the team has commenced by providing a direct client service of one day a week. However, additional services in Mandurah include the provision of training and education, inter-agency coordination, support for local drug action group and continuing drug management and referral work. This accounts for a further two days a week of work for the area. These allocations continue under review during the early period, and the direct client services component in Mandurah will increase as necessary to meet demand.

HOMESWEST'S POLICY ON OLDER TENANTS

1316. Hon KEN TRAVERS to the Leader of the House representing the Minister for Housing:

(1) Does Homeswest have a policy to require older people to move out of their current homes into a pensioner unit?

(2) If no, is the Minister aware that Homeswest seeks to pressure older people to move out of their current home and into a pensioner unit by not improving the security on their home?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) No. However, in areas of high demand Homeswest encourages seniors no longer requiring family accommodation to consider relocating to more suitable seniors' accommodation. Seniors are never forced to relocate.

(2) Homeswest provides a greater level of security for seniors' accommodation than that provided to other types of accommodation. Homeswest has been undertaking a long term security upgrade program on its properties. This program has prioritised seniors and single parent families as having the greatest need for improved security.

ESPERANCE PORT AUTHORITY

1317. Hon GIZ WATSON to the Minister for Transport:

With reference to loans and finance provided to the Esperance Port Authority's upgrade associated with the establishment of an iron ore load-out facility for the ore coming out of the Koolyanobbing mine, I ask -

(1) Can the Minister provide details of the amounts of money granted to, or borrowed by, the Esperance Port Authority that are associated with this project?

(2) In relation to any money borrowed by the Esperance Port Authority, can the Minister provide any detail of any repayments made by the authority and the time frame of such payments?

(3) In relation to expenditure by the iron ore developer of the Koolyanobbing deposit, can the Minister provide details of any payments made by the developer to the Esperance Port Authority or the State Government for the construction of facilities of the port and the time frame of such payments?

Hon E.J. CHARLTON replied:

(1) The Esperance Port Authority borrowed $5.95m to develop facilities for the Koolyanobbing iron ore project. No funds were granted for the project.

(2) One million dollars of the $5.95m was a short term, 12 month borrowing that was fully paid out in the financial year 1994-95. The balance forms part of the port's overall borrowing with Treasury Corporation that is being paid off at a rate of 3.5 per cent principal per annum.

(3) Koolyanobbing Iron contributed a total of $7.5m to the project. This was in the form of $5.5m for the rotary car dumper built at the port, and a $2m contribution for the construction of the storage shed.

WESTRAIL COMMERCIALISATION STUDY

1318. Hon BOB THOMAS to the Minister for Transport:

(1) In relation to the pre-feasibility study to assess Westrail's commercialisation, has the study been completed

and examined by the Government?

(2) Will the Minister table the report of the study?

(3) If not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) In 1997 Westrail commissioned a pre-feasibility study to assess the commercial opportunities of the organisation and to outline some of the issues requiring further resolution. The results of that study suggested that there was merit in considering changes for ownership of the organisation. Accordingly tenders were called for scoping study proposals to investigate fully the issues involved and to develop a firm plan of action. Those tenders closed on 10 February 1998.

(2) No.

(3) The document contains commercial information and it would be inappropriate to make the report public at this stage.

COMPUTER SCIENCES CORPORATION (AUSTRALIA)

1319. Hon TOM STEPHENS to the Leader of the House representing the Minister for Services:

I refer the Minister to the contract with Computer Sciences Corporation (Australia) for the provision of information technology services to nine Western Australian government agencies announced on 1 December 1997.

(1) Has CSC provided evidence in writing of its compliance with the policies as provided for under State Supply Commission policy 1.13?

(2) If so, when was this evidence lodged?

(3) If not, why has this evidence not been lodged?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. I am advised that in respect to the contract between the Western Australian Government and Computer Sciences Corporation (Australia) -

(1) Yes.

(2) 12 March 1998.

(3) Not applicable.

SIGN SUPPLIES PTY LTD

1320. Hon LJILJANNA RAVLICH to the Minister for Transport:

Further to the answer given to question on notice 81 of 1996 in relation to the contract of the Department of Transport with the firm Signs Supplies Pty Ltd, worth approximately $858 775, for the fabrication and installation of bus stops and bus shelters, can the Minister advise -

(1) Was a business case conducted?

(2) Did it include a comprehensive cost benefit analysis?

(3) If so, what did it show?

(4) If not, why not?

(5) What were the identified inherent risks?

(6) What other options were considered?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

(1) Yes. The criteria for commonwealth Building Better Cities funding had to be given high priority to ensure the project was eligible. To attract federal funds, the project had to be innovative, make use of the latest

state of the art technology and be distinctive.

(2) Yes.

(3) Stainless steel construction was considered the most economically viable in the long term.

(4) Not applicable.

(5) An inherent risk identified was that the attractive and distinctive design of the bus stop structures could attract vandalism. Such vandalism may give rise to increased maintenance costs and potential system downtime. The experience of the Department of Transport has demonstrated that these risks have been manageable, as was anticipated.

(6) Standard Transperth shelters and "orange posts" were considered. The design selected was the result of a comprehensive consultative process with the panel and the shelter designer.

I gather members have noticed these new bus stop information signs. Some of them were part of the new circle route that was introduced recently, which runs from Fremantle to Victoria Park, via Curtin University and other areas. I will provide the figures when we return for the next sitting week. There has been a substantial increase in throughput. One of the most impressive responses has been that information is now available at those new bus stops, rather than just an orange post indicating that it is a bus stop.