WESTERN AUSTRALIA

Parliamentary Debates
(HANSARD)

THIRTY-FIFTH PARLIAMENT
SECOND SESSION
1999

LEGISLATIVE COUNCIL

Thursday, 13 May 1999

Legislative Council

Thursday, 13 May 1999

THE PRESIDENT (Hon George Cash) took the Chair at 11.00 am, and read prayers.

WELLINGTON DAM CATCHMENT, NATIONAL PARK

Petition

Hon Christine Sharp presented the following petition bearing the signatures of 1 966 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 call upon the State Government to immediately implement a 30,000 hectare National Park in the Wellington Dam Catchment.
>
> 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 1044.]

JOINT STANDING COMMITTEE ON ANTI-CORRUPTION COMMISSION

Annual Report - Seventh Report

Hon Derrick Tomlinson presented the seventh report from the Joint Standing Committee on Anti-Corruption in relation to the annual report from June 1997 to December 1998, and on his motion it was resolved -

> That the report do lie upon the Table and be printed.

[See paper No 1045.]

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS

Petition Requesting Successful Establishment of a Tidal Power Project in Doctor's Creek, Derby

Hon Murray Nixon presented the thirty-third report from the Standing Committee on Constitutional Affairs in relation to a petition requesting the successful establishment of a tidal power project in Doctor's Creek at Derby, and on his motion it was resolved -

> That the report do lie upon the Table and be printed.

[See paper No 1046.]

CENSURE OF THE MINISTER FOR FINANCE

Answer to Question on Temporary Control Area Notice, Lane Block, Northcliffe - Motion

HON J.A. COWDELL (South West) [11.05 am]: I move -

> That the Minister for Finance be censured for providing an answer to a parliamentary question on 20 October 1998 that was false and misled the House with respect to the issuing of a temporary control area notice by the Minister for the Environment, for Lane block near Northcliffe.

I am not moving this motion because I want to shoot the messenger. I presume that in his representative capacity the Minister for Finance read out the response to my question on Tuesday, 20 October in good faith. However, I believe the material contained in that answer to be false. It certainly misled the House. I am moving this motion to place firmly on the record the expectation held by me, and I hope this House, that answers to questions are true and do not positively mislead the Parliament. On Tuesday, 20 October during questions without notice in this Chamber I asked the Minister for Finance representing the Minister for the Environment the following question -

> (1) When is the Department of Conservation and Land Management planning to log Lane Block near Northcliffe?
>
> (2) Has a temporary control area been declared over this block?
>
> (3) If so, when?
>
> (4) If not, is it intended to issue a temporary control area notice?

The answer I received was as follows -

> (1) As soon as possible.
>
> (2)-(3) No.
>
> (4) Temporary control areas are declared for the purposes of ensuring public safety during logging operations.

> It will not be necessary to declare a TCA if persons who are presently camping in the area without approval can be encouraged to leave. The minister has asked CALM to request those people to leave the area forthwith to allow the log supply of the Pemberton Mill to be maintained.

Members can imagine my surprise when Hon Norm Kelly asked the following question on Tuesday 27 October -

> In response to question without notice 327 of 21 October, which asked whether a temporary control area notice had been placed over Lane block, the minister answered no. In part (4) in answer to whether there was an intention to issue a TCA notice the minister stated that a TCA notice would not be necessary if campers could be encouraged to leave.
>
> (1) Can the Minister for the Environment confirm that she signed a TCA notice for Lane block on 20 October?
>
> (2) Was this notice signed before or after the response to question without notice 327 was initialled?
>
> (3) Who made the recommendation to the minister to declare a TCA?
>
> (4) When was this recommendation made?
>
> (5) When did the minister first have an intention to issue a TCA notice?

Hon Norm Kelly received the following reply -

> (1)-(5) The Lands and Forest Commission recommended creation of temporary control areas in Lane and Wattle blocks at its meeting on 16 October 1998. The recommendation was conveyed to the Minister for the Environment on 19 October. On 20 October she signed a temporary control area notice. At the same time, prior to any action being taken on the TCA notice, she requested that further reports on the safety of protesters and forestry workers and the log supply be provided to her. She also requested CALM to make a final attempt to encourage persons camped in the forest to leave the area. CALM officers visited the site on 21 October and subsequently advised the minister that the protesters had refused to allow access to the area. CALM considered it would be unsafe to carry out forestry operations while these protesters were present. The report on the log supply situation at Pemberton was provided on 21 October and updated on 23 October. Following receipt of advice that the protesters would not move, and the log supply to the mill was critical, the minister wrote to CALM on 23 October and provided authority for the department to proceed to implement the temporary control areas. The gazettal of the two areas occurred at 10.00 am on Monday, 26 October.

That is the crux of my complaint. The question on 20 October was: Has a temporary control area been declared over Lane block? The answer was no. On 27 October, the question was whether the minister signed a temporary control area notice for Lane block on 20 October? The answer was that she signed a TCA notice on 20 October. The answer to my question on 20 October was given after 5.00 pm, so presumably the minister had signed the TCA when I was told she had not. This is not a case of an answer being prepared weeks before I actually asked the question in the House. The question was asked on the first day it could be asked in Parliament. The answer would have been prepared either that day or the day before. No doubt the minister in another place, or her advisers, will seek to get out from under this on semantical grounds; that is, the following commentary: At the same time, prior to any action being taken on the TCA notice, she requested that further reports on the safety of protesters and forestry workers and the log supply be provided to her. The fact remains that she signed on 20 October - the day I was given the answer no. The fact that the Department of Conservation and Land Management did not proceed to implement the TCA until 23 October does not negate the false nature of the answer.

Members should be in no doubt that this was a deliberate deception which is confirmed by the fourth part of my question on 20 October, which was -

> If not, is it intended to issue a temporary control area notice?

The answer to that question states -

> Temporary control areas are declared for the purposes of ensuring public safety during logging operations. It will not be necessary to declare a TCA if persons who are presently camping in the area without approval can be encouraged to leave. The minister has asked CALM to request those people to leave the area forthwith to allow the log supply to the Pemberton Mill to be maintained.

The answer to Hon Norm Kelly's question of 27 of October states -

> The Lands and Forest Commission recommended creation of temporary control areas in Lane and Wattle blocks at its meeting on 16 October 1998.

That was four days before my question. It continues -

> The recommendation was conveyed to the Minister for the Environment on 19 October.

It was under active consideration in the minister's office. It goes on -

> On 20 October she signed a temporary control area notice.

The process was well under way; yet Parliament was given to believe that no process was under way. The answer given by the minister deliberately misled this House.

The PRESIDENT: Did Hon John Cowdell say "deliberately misled"? I ask because there is a significant distinction between a minister misleading the House and a member or a minister deliberately misleading the House. The reason there is a distinction is that one becomes a question of privilege. Perhaps Hon John Cowdell could rephrase it.

Hon J.A. COWDELL: Perhaps I could clarify that. It was not meant to refer to the minister in this Chamber in that regard, so I will delete all reference to "deliberate". It was certainly the case that the answer given by the minister in this Chamber misled the House. Clearly, as indicated in the answer to a subsequent question, a lot of activity was taking place. The answer to the fourth part of my question conveyed the impression that it was not. I again refer to my motion. Members may say it is a little harsh, but when this level of deception is resorted to, the House must respond. We cannot allow it to be perceived or said that the Legislative Council is either too stupid to pick up false and misleading answers or that it is willing to accept false and misleading answers. After all, there was no need for the minister to answer the question at all. If a question is answered, we expect the reply to be truthful. As I have said, some members may think my motion harsh. I ask those members to assess the vindictiveness of the current ministry. It set up a multi-million dollar royal commission into the truthfulness of some answers to parliamentary questions. A former Premier of this State faces charges and the possibility of five years' imprisonment on that basis. At the same time, this Ministry has taken deception in parliamentary answers to a new art form. It should be so fortunate if censure is its only comeuppance. I look forward to the minister's reply.

HON NORM KELLY (East Metropolitan) [11.18 am]: Hon John Cowdell has outlined the basis for this motion by detailing the questions that were asked by him and by me in October last year. I will give some background to the reasons that there was such concern among non-government parties about the logging operations in Lane block near Northcliffe. Significant conservation groups in the south west believed that area was worthy of saving. Because of the uncertainty about when the Regional Forest Agreement would be signed and about the long-term declaration of that forest coupe, it was very important that it be saved from logging until a determination could be made.

I inspected the Lane block and the coupe being logged at the time. I went into the temporary control area to see the areas being logged and the situation in which the protestors on the tree platforms were being placed. I understand that the Department of Conservation and Land Management has an agreement with the loggers that there will be no logging within a distance equivalent to the height of two trees from a tree in which a platform has been erected for protesters. That is, if the forest has trees 50 metres tall, no logging will be done within a 100-metre radius of the tree containing the platform. The agreement is designed to ensure that in the normal logging process a tree will not fall and bring down another tree that could impact on the tree being occupied by the protester.

When I inspected the area in which the tree platform had been constructed I took photographs of machinery tracks going right up to the base of the tree. The protestors confirmed that the loggers had brought machinery to the base of the tree and taunted them. Machinery vibrations at the base of a tree can have a serious impact in that they can precipitate falling branches, even though the platforms are constructed as safely as possible for the protesters. Clearly the loggers were breaching the CALM guidelines for these operations.

I refer to a question that I asked the Minister for Finance representing the Minister for the Environment on 12 November about Lane block. As happens with many questions asked of the Minister for the Environment, I was asked to placed the question on notice. The question was -

(1) Is there an exclusion zone of 100 metres radius around two trees which contain protesters on platforms?

(2) Is the minister aware that Bunnings employees have driven machinery up to the base of one of these trees and scrub-rolled within the exclusion zone?

The exclusion zone is marked on trees at the 100-metre perimeter. The question continued -

(3) Is the minister aware that Bunnings employees are allowed by the Department of Conservation and Land Management to take family and friends into the temporary control area?

(4) Does the minister approve of these actions?

(5) If not, what action will the minister take against Bunnings or the Department of Conservation and Land Management employees for these provocative actions?

The minister's response was that the question should be placed on notice. The answer, which was provided on 23 December - the final sitting day of the year - states -

(1) There are no protesters on tree platforms in Lane Block. Harvesting is now being completed.

Of course, because of the delay in answering the question, the clearing was complete. Cynically one could say that that was the reason for the delay. The response continued -

(2) Not applicable.

I asked whether the minister was aware of an event, and she answered "Not applicable." That is a nonsensical answer. She could have said that she had made inquiries and the allegations were not substantiated, or that she was or was not aware.

Part (3) of the question, which relates to Bunnings employees being able to take family and friends into the area, is based on another complaint I received. The minister's response was that her advice suggested that that was not the case. That is a basic answer and, given the difficulty in getting complete answers from the minister, I have not pursued it. However, there is no reference to the source of the advice, who the minister consulted or what was occurring at Lane block. As I said, I have photographs showing the breaches that have occurred in that area.

Of course, at the time I took the photographs I was in breach of the temporary control area permit. As it turned out, I was cautioned when I left the area. However, I felt that the situation was important enough to investigate for myself and not rely on the complaints I had received from protesters. Because there were no CALM employees around at the time and because of my limited time in the area, I investigated the complaint myself.

Hon Simon O'Brien: Who gave you the caution?

Hon NORM KELLY: A CALM officer. This occurred on a Sunday when no logging was taking place. However, there was a camp of protesters at the edge of the temporary control area. A couple of Forest Protection Society members were there supporting the CALM employees and the loggers. I talked to a CALM officer earlier in the day, but after I made further investigations he was not in the area. However, he was there when I came out of the forest block and I was cautioned.

Members do not raise these questions simply to play on the emotive forest debate that has been going on in recent years. Those involved have genuine concerns. It has been a very peaceful protest. Members have seen the behaviour of the environmentalists in the gallery and at the front of Parliament House in recent days and will acknowledge their effectiveness. These are genuine concerns and they are being addressed to the minister, but we are being given nonsensical answers.

I will not go through what Hon John Cowdell has already said in this debate. It is fair to say that, if she has not lied to the House, the minister has misled it in responding in this manner. My understanding of the events of October last year is that the Minister for the Environment signed the temporary control area permit at 5.40 pm on 20 October, after the permit had been delivered to her in Parliament. Given the timing of question time in this place, that was about 15 minutes after the answer had been given. There may be evidence that at the time that the answer was given, the minister had not signed the temporary control area permit. However, given that the minister had prior notice of that question of 20 October, which had to be in by midday of that day, and that the minister was obviously aware of the need to put in place a TCA urgently, because the question states that the recommendation for a TCA was conveyed to the Minister for the Environment on 19 October, it is very irresponsible and demeaning for the minister to give a response which, although not untruthful, is very much misleading. Members who ask questions do get frustrated when they receive misleading and nonsensical answers, which, unfortunately, appear to come from the Minister for the Environment's office fairly frequently. It would be far more constructive for all concerned if members who asked legitimate questions received legitimate answers that provided information that was relevant to the intent of the question. It becomes, unfortunately, a game to the minister and the people who assist her in answering questions to find a way of getting around the words in the question and thereby avoid answering the question. It is very much a waste of the Parliament's time for ministers to use such avoidance tactics.

It is a serious matter to move that the Minister for Finance be censured for providing a misleading answer to a parliamentary question on 20 October. The Australian Democrats have not decided whether to support the motion. Our decision will depend not only on the response which has been provided to the minister from the Minister for the Environment, but also on his personal response to this debate. At the very least, the minister should give an apology for the answer that he gave and an assurance that there will be a change in the way that the Minister for the Environment, through the Minister for Finance, responds to the legitimate concerns of non-government members in this place. I will await with interest the minister's response before deciding how to vote on this motion.

HON CHRISTINE SHARP (South West) [11.33 am]: I noted the moving of this motion by my colleague Hon John Cowdell some months ago and have kept on hand a record of some of the answers that I have received from the Minister for Finance representing the Minister for the Environment in this place, and while I do not have any answers which show that the Minister for Finance has misled this Parliament, I have a series of answers with regard to the Regional Forest Agreement which show that the Minister for Finance, on behalf of the Minister for the Environment, has provided very inadequate answers to this place. Generally speaking, when I have asked important and complex questions about the detail of what will be set down in the Regional Forest Agreement and how the process will be undertaken, I have received single sentence answers.

On 15 December 1998, I asked the Minister for Finance representing the Minister for the Environment -

(1) When presenting the final Regional Forest Agreement report and the accompanying media releases, will the minister guarantee that all the relevant information is set out clearly and transparently? In particular, will the minister guarantee that the total areas for each of the following forest type categories will be set out in a clear, understandable format -

  (a) original forest area;

  (b) remaining old-growth forest;

  (c) remaining old-growth in genuine reserves - national parks, nature reserves and conservation parks;

  (d) remaining forest within travel, river and stream zones and other non-statutory reserves that has been accredited by the RFA as part of the conservation reserve system?

(2) Will the minister also ensure that in any discussion of current and past RFA protected areas a clear distinction is made between -

  (a) old-growth forest, regrowth and non-forest; and

  (b) forest in genuine conservation reserves and forest in non-statutory reserves?

In response to this long question, I received a one-sentence answer -

> I thank the member for some notice of this question.
>
> (1)-(2) The Regional Forest Agreement will present the data pertaining to forest areas in line with the definitions contained in the Nationally Agreed Criteria for the establishment of a comprehensive, adequate and representative forest reserve system.

On the one hand, we have an answer; on the other hand, we have an attempt simply to regurgitate standard formula for presentation of the RFA, rather than to explain the process and provide additional information to members of this place. We have had some extraordinary examples of misleading information both in answers to parliamentary questions and in advertisements in the wider community about information pertinent to the RFA, where the minister has claimed that what we regard as totally inadequate amounts of forest have been preserved by counting non-forest areas, wetlands and so on. Those matters have been debated in this place in the past few weeks.

The relationship between ministers and members in the Legislative Council must be one of trust. It does not matter what is stated in formal rules and detailed prescriptions; if there is not a basic element of trust and a genuine effort to provide information in response to a genuine inquiry, it undermines the fundamental relationship between ministers and members in this Chamber in seeking to provide accountability to the wider community. We see in the answers that are provided to us a consistent pattern of obfuscation of what is really happening. I wonder who is advising the Minister for the Environment when she provides answers to the minister in this place, because the answers have a certain hallmark that is only too plain to people who have been following these issues for a long time.

The motion moved by Hon John Cowdell is about very serious issues that are occurring in the forest probably right now, in the rain, with regard to the respect for people who are involved in non-violent protest actions against clear-felling in old-growth forests. I know of at least one very serious incident that has taken place in the past few days involving physical threats to the lives of a group of young women protesters.

The PRESIDENT: Order! We are dealing with a motion which is specific in relating to a particular parliamentary question that was answered on 20 October 1998. The member has certainly set her foundation by talking generally about her view of how certain questions are answered in this House. She has now moved into another area and seems to be making observations on some current matter. I cannot tie that to this motion. I draw that to the member's attention.

Hon CHRISTINE SHARP: I was seeking to show that there is a considerable lack of confidence both in this Chamber and in the wider community in the way the minister in the other place is handling her responsibilities. I was seeking to say how serious those responsibilities are. I note that only yesterday the minister from the other place was invited to address a group of students at Murdoch University. The students were so disappointed in the minister's performance when speaking about Environment Week that they created a great uproar.

The PRESIDENT: Order! I am trying to be helpful to the member. That issue is not relevant to the motion we are considering at the moment. It is an issue the member has raised by way of observation. The member must direct her comments specifically to why the Minister for Finance should or should not be censured as set out in the motion. To talk of the Minister for the Environment, who we understand is a minister in another place, is not relevant to this motion in the terms you are speaking.

Hon CHRISTINE SHARP: Thank you, Mr President. I will return directly to the motion. I do not feel that I am able to vote in support of this motion because, despite the Westminster system and the notion of ministerial responsibility as it crosses over between the two Houses, I am very aware that the responsibility for the inadequacy of the answers that I have been recounting and that are the basis for the censure motion before the House lies elsewhere. I understand that the minister in this place would not be in a position to knowingly mislead this Chamber because I doubt that he would be party to information that would cast a critical light on the answers that he had been given to pass on to this place. Therefore, I will not be voting in support of the censure of the Minister for Finance. I have some sympathy for his very difficult role in this place, which I feel he has handled well under pressure for a long time now. We all know the pressure that there has been on forest management. I thank the minister for having to deal with this. However, I support the spirit of the censure motion wherein its true responsibility lies in the other place, which is an area in which I have no confidence whatsoever. I am quite sure that view is echoed beyond the Parliament and will be the subject of much debate over the coming weeks.

HON MAX EVANS (North Metropolitan - Minister for Finance) [11.45 am]: I wish to place on record the circumstances surrounding the temporary control areas declared in Wattle and Lane blocks, part of the detail of which has already been referred to by Hon John Cowdell and Hon Norm Kelly. In doing so, I reassure the House that no false or misleading information was given to the House in respect of these notices except in one respect of the actual timing of the gazettal notices, and that was in the other place. The Crown Solicitor's Office has advised that a temporary control area is not declared until it has been published in the *Government Gazette*. As all members know, the *Government Gazette* is where all government notices are placed. Nothing is really official until it is placed in the *Government Gazette*. I repeat: The Crown Solicitor's Office has advised that a TCA is not declared until it has been published in the *Government Gazette*. The office further advises that a Minister for the Environment can sign approval for a TCA at any time. However, it cannot be enforced as a TCA unless gazettal has occurred. This advice is important in the chronology of events and relevant parliamentary questions.

On 16 October the Lands and Forest Commission wrote to the Minister for the Environment recommending TCAs in Wattle and Lane blocks. The minister received this recommendation on 19 October. On 20 October the minister signed the relevant notices and wrote to the Executive Director of the Department of Conservation and Land Management informing him that

they had been approved. The minister said that before any further action was taken she required an update on the log supply in the area and the safety issues. On the same day, the minister also verbally requested that CALM visit both blocks and make a final appeal to the protesters to leave.

The executive director subsequently wrote to the minister acknowledging the advice and proposing a draft schedule if declaration became necessary. On 21 October CALM officers visited both blocks and spoke to the protesters. The executive director wrote to the minister on that day to advise that the protesters were not prepared to move out of the area voluntarily. A CALM district manager also reported in writing that it would be unsafe for forest operations to proceed while those protesters remained. Later the same day, the executive director wrote to the minister with the log supply report.

The executive director sought approval to gazette the TCAs on 26 October but advised that implementation could cease if the situation changed in the interim. On 23 October the minister approved the gazettal of the TCAs for 26 October. These notices were gazetted at 8.00 am and 8.05 am respectively. The TCAs for both Wattle and Lane blocks were declared on 26 October. This was six days after Hon John Cowdell raised the issue in this House by way of a parliamentary question. All information provided to this House accorded with the facts. No false information was provided and there was no misleading of the House.

Those facts have been referred to by the other two speakers. I appreciate Hon Norm Kelly's comments. He said that on 20 October the TCA was signed at 5.40 pm. We discussed the matter during the debate. I think this is factually correct. Whether Hon John Cowdell wants to go on and say how he was misled when one reads the answer, I do not know. My whole life has been involved with the *Government Gazette*, which is an important document. The answer to the question reads -

> It will not be necessary to declare a TCA if persons who are presently camping in the area without approval can be encouraged to leave. The minister has asked CALM to request those people to leave the area forthwith to allow the log supply to the Pemberton Mill to be maintained.

That is the condition. Whether it is signed at 5.40 pm or not could be an important factor, but the fact is that it is not declared until it is in the *Government Gazette*.

A great deal of pressure is placed on the machinery of government with questions without notice of which some notice has been given. When members on this side of the House were in opposition, we hardly ever used them and I do not believe we should have. Most of those questions without notice of which some notice is given are directed to ministers in the other place, and that is probably the reason for them. Originally the system was to ask questions without notice of the ministers in this House. Timing will always be a risk factor with questions required to be submitted by noon in order to provide the answers by four o'clock or five o'clock in the afternoon. Nothing has gone wrong in this instance, because the TCA was not declared until 26 October. I do not have a copy of the 27 October question.

At this stage someone has asked for an apology. On the basis of the facts put to me and those I put to the House, I do not think there is anything to apologise for. I gave the facts and they are backed up by what has emerged since. These matters must go through a long process and that is the process, for better or worse. The deciding factor is when the information is published in the *Government Gazette*, and that is when it becomes legal. That was always the case.

I repeat that the Crown Solicitor's Office advised that a temporary control area is not declared until it has been published in the *Government Gazette*. I believe that the answer given was adequate, and I am disappointed that Hon John Cowdell does not feel that way with regard to the answer given on 27 October.

Debate adjourned, on motion by Hon N.F. Moore (Leader of the House).

ENVIRONMENTAL PROTECTION AUTHORITY REPORT

Minister for Finance to Table

HON CHRISTINE SHARP (South West) [11.52 am]: I move -

> That the Minister for Finance representing the Minister for the Environment is required to table the report of the Environmental Protection Authority in relation to the fulfilment of condition 18 of the 1992 ministerial conditions on CALM's implementation of its forest management plans, together with the related advisory committee's report.

It is no coincidence that this and the previous motion sit together on the Notice Paper. They indicate the point I made the last time I spoke in this Chamber. There is a sense of inadequacy in the Government's handling of forest management. The motion is now out of date, because it refers to the time just before the release of the report of the Environmental Protection Authority on its compliance audit of the Department of Conservation and Land Management's adherence to management conditions for its forest management plan. I gave notice of this motion in the first place because I had reason to believe that the information in EPA bulletin No 912 had been completed for some weeks before it was released. I was most concerned about the delay in releasing that information. Two days after I gave notice of the motion in this place, and three weeks and four days after the minister had received advice from the EPA, the EPA bulletin was finally released. Under the Environmental Protection Act, the minister is required to make copies of the report available and cause the report to be published "as soon as he is reasonably able to do so" after receiving it. When I gave notice of this motion, I was most concerned that it had been more than three weeks since the minister had received a very important report about which there was significant interest in the community. When I gave notice of that motion, I had no idea when the report would be released and it was very timely that it suddenly appeared two days later. However, that could hardly be described as soon as the minister was reasonably able to do so. Normally when the EPA provides public advice to the minister, the report is published within a few days or a week, not three weeks and four days later. Of course, when EPA bulletin No 912 was

released by the minister, people understood very well the reason for the delay; that is, when the EPA provided the advice to the minister, instead of that report being released, it was provided to the Department of Conservation and Land Management. In a most extraordinary use of the Environmental Protection Act, CALM was granted an extraordinary privilege that would never have been granted to a proponent under part IV of the Act, if that proponent had been a private developer. On the same day that the EPA advice was released, CALM was placed in the privileged position of being able to release its own bulletin countering that advice. It is a disgrace, and it clearly demonstrates the conflict of interest in forest management in this State.

Only last night, I argued that logging in this State is not driven by ecologically sustainable forest management principles, or even by market demand; it is driven by CALM because of its conflict of interest. It can be seen from the subject matter of this motion that the conflict of interest extends to the ministerial level because the minister in the other place was in a very difficult position. She had a report from one of her portfolio areas which was critical of another of her portfolio areas. Human nature being what it is, it is not easy for ministers to bring censure on one of their departments. That is why I gave notice of the motion.

All members know of the furore caused when the report to which I referred was eventually released, and how important the document was. At the time it was an important motion. The events have now passed and are history, but it fits into a pattern in forest management in this State that needs to be understood. The issues behind forest management not only relate to very difficult conflicts in people's values and the future of the forest, but also go to the very heart of issues of accountable government. I am sure there will be more discussion on that in the near future.

HON MAX EVANS (North Metropolitan - Minister for Finance) [11.59 am]: Hon Christine Sharp has detailed this matter very well in her motion, notice of which was given on 1 December. A few days later the document became public. Maybe she made that happen; I think she probably did. I will not comment on all the other delays. I seek leave to table the report.

Leave granted. [See paper No 1047.]

The PRESIDENT: That discharges the obligation. However, it seems to me that it has been discharged before it is put. As a matter of commonsense and tidying up, we should put the motion because an open motion is before the Chair, even though the minister has already done what is required.

Question put and passed.

The PRESIDENT: The good news is that it has been done!

ELECTORAL DISTRIBUTION AMENDMENT (ELECTORAL DISTRICTS) BILL 1999

Introduction and First Reading

Bill introduced, on motion by Hon J.A. Cowdell, and read a first time.

Second Reading

HON J.A. COWDELL (South West) [12.01 pm]: I move -

That the Bill be now read a second time.

The Electoral Distribution Amendment Bill is designed to constitute the Legislative Assembly as a genuine people's House. It increases the metropolitan share of seats from 34 out of 57 to 41. That is something approaching its elector entitlement. Currently 861 682 metropolitan electors constituting 74 per cent of the total have 59.6 per cent of the seats. This Bill would increase that proportionate share to 71.9 per cent of the seats.

The Bill will do away with the grotesque aberration of having one member in the Legislative Assembly representing 33 339 electors, while another represents a mere 10 285. It will also do away with the current alarming situation whereby the Government of Western Australia can safely ignore the views of a majority of Western Australians - that is, 600 000 electors - because their votes are locked up in 24 out of 57 Assembly seats. Under our current system, it is possible for a party or coalition of parties to receive as little as 20 per cent of the vote and still win a majority of seats in the Legislative Assembly. This can and must change.

Form: The Electoral Distribution Amendment Bill is designed to adapt, if not totally reform, the Western Australian electoral system. It is based on the Strickland Bill 1995. It amends the Electoral Distribution Act 1947, so as to redress the imbalance between the metropolitan zone and the country zone in the Legislative Assembly. The passage of this Bill would ensure that the average enrolment in city seats is 20 682 and the average enrolment for country seats is 18 629. The form of the Strickland Bill has been adopted because it is the simplest way of addressing the Assembly malapportionment, as a distinct feature in its own right.

The Labor Party believes that malapportionment should not apply in either House. However, it recognises that some differentiation has been made by the conservative parties between the principle of equality in the people's House, where government is formed, and equality in a second Chamber, or House of Review. Indeed, it is in recognition of the Government's pledge at the last election to address the level of malapportionment in the Legislative Assembly, but not the Legislative Council, that the Bill is framed in this way.

This Bill facilitates the honouring of the pledge made by the coalition parties to the electors in 1996 with respect to the malapportionment in the Legislative Assembly. It is almost the last opportunity to honour that pledge in the current Parliament.

Majority Rule: The principal argument for this Bill is one of majoritarianism. It is the argument that a popular majority should translate into a parliamentary majority. The Australian Labor Party has committed itself to that principle since its first Western Australian platform in 1899. It has sought on numerous occasions to legislate for one vote, one value. It has succeeded only in abolishing the worst excesses of a system of malapportionment. The most notorious example of malapportionment in recent times has been that of South Australia. The Labor Party won a majority in five of the seven general elections between 1944 and 1964; 53.8 per cent in 1947, 52.9 per cent in 1953, 50.4 per cent in 1959, and 54.9 per cent in 1962, but was denied office on all occasions.

In 1965, Labor achieved a slender parliamentary majority with 54.4 per cent of the two party preferred vote. However, in 1968 it lost office with a primary vote of 52 per cent compared with a primary vote of 43.8 per cent for the Liberal Country League. Between 1968 and 1970, South Australia was convulsed by the announcement, "When is a majority not a majority?" before putting its House in order. Western Australia now faces a repeat of the South Australian debacle of the 1940s, 1950s and 1960s; it should not.

In Western Australia in 1989, the Liberal-National opposition received 52.4 per cent of the two party preferred vote, but failed to win government. Not only did it fail to win government, it almost lost seats despite a 6 per cent swing. The Liberal leader, Mr Barry MacKinnon, stated that something was wrong with an electoral system when a party gained a majority of votes, but did not win government. Richard Court also complained that it was outrageous that the coalition, with more votes than the Australian Labor Party Government, could not claim victory.

In Commission on Government hearings, Mr Jeremy Buxton, on behalf of the Liberal Party, put similar concerns to the commissioners. He argued that the political party that wins the majority of the preferential votes should win government. He said -

> The most essential function of the electoral system must be as fair as possible to ensure that the party or coalition that wins over 50 per cent of that same two party preferred vote wins a majority of seats in the Legislative Assembly.

I could not agree more. This Bill contributes in an essential way to that outcome.

Of course, no system based on single member constituencies can guarantee majority rule, but the current Western Australian system, with a minimal majority measure of 20.19 per cent, absolutely encourages such an outcome. Basic equality in the size of Assembly seats is the essential basis for any fair system. Some, including Mr Buxton, have argued that a fairness clause on the South Australian model would also help ensure majority rule. Whilst I have my doubts, the Australian Labor Party would be willing to accept a fairness clause amendment to this Bill. Our commitment is to any measure that will secure the basic democratic principle of majority rule.

The Speaker's Case: The merits of this reform were also canvassed by the current Speaker in 1995. Mr Strickland stated -

> One of the big flaws in the Act -

That is, the Electoral Distribution Act -

> is an issue which COG is raising - the fairness of it . . .
>
> The COG paper on page 22 raises as an issue . . .
>
> > Fairness Between Political Parties. When they vote at elections, voters are primarily choosing between alternative political parties. In the interests of fairness and equality, therefore, the number of seats gained by a political party should be proportional to the number of voters who support that party.

Indeed the Commission on Government was scathing in its comments on the current system. It stated -

> Weighting in Western Australia is controlled by legislative prescription which is unfair and results in electoral districts with boundaries which have little justification. The major defect in existing legislation is to make any seat outside of the metropolitan area half the enrolment of a metropolitan seat.

It also stated -

> For example, genuinely remote electoral districts, such as Kimberley and Eyre, have approximately the same number of electors as electoral districts on the coastal strip near Perth such as Mandurah and Bunbury . . . The comparison between metropolitan and non-metropolitan seats also provides illogical allocations of electors to districts. Mandurah has half the number of electors as the neighbouring seat of Rockingham.

Mr Strickland observed -

> No progress has been made towards one-vote-one-value from the early days when this Parliament was established. Members are able to see from the graph that we are further away than ever from one-vote-one-value . . .
>
> The fact is that the ratio under the existing vote weighting system of the metropolitan electorates to non-metropolitan electorates has consistently been around 2:1. Therefore, metropolitan members of Parliament represent approximately double the number of constituents than do country members. The proposal for the redistribution of boundaries is to have metropolitan members of Parliament represent 23 590 constituents and country members represent 12 500 . . .

> The implication of all of this is that under the boundaries which have been put in place the workload of a metropolitan member of Parliament will be increased and he will represent nearly 24 000 voters. Compared with the 1970s, it is a 50 per cent increase in the workload of metropolitan members and 250 per cent when compared to non-metropolitan members.

Several members interjected.

Hon J.A. COWDELL: There is no need to laugh at the Speaker.

The PRESIDENT: Order! This is a second reading speech.

Hon J.A. COWDELL: Mr Strickland pointed out that under a one vote, one value regime Assembly members would be asked to look after the more manageable number of 18 000 electors.

Equality and Inequality: It does indeed seem incredible that in the last years of the twentieth century in Western Australia we must again argue the case for so fundamental a democratic principle as electoral equality. Others have put the argument far more eloquently than I could. Chief Justice Warren, in striking down United States malapportionment in 1964, stated -

> The right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government. And the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as effectively as by wholly prohibiting the free exercise of the franchise.

His Honour went on to say -

> Legislators represent people, not trees or acres. Legislators are elected by voters, not farms or cities or economic interests. As long as ours is a representative form of government, and our legislatures are those instruments of government elected directly by and directly representative of the people, the right to elect legislators in a free and unimpaired fashion is a bedrock of our political system. It could hardly be gainsaid that a constitutional claim had been asserted by an allegation that certain otherwise qualified voters had been entirely prohibited from voting for members of their state legislature. And, if a State should provide that the votes of citizens in one part of the State should be given two times, or five times, or ten times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavoured areas had not been effectively diluted.

Justice Powell reiterated the principle in 1986 when he stated -

> The concept of 'representation' necessarily applies to groups: groups of voters elect representatives, individual voters do not. Gross population disparities violate the mandate of equal representation by denying voters residing in heavily populated districts, as a group, the opportunity to elect the number of representatives to which their voting strength otherwise would entitle them. While population disparities do dilute the weight of individual votes, their discriminatory effect is felt only when those individual votes are combined. Thus, the fact that individual voters in heavily populated districts are free to cast their ballot has no bearing on a claim of malapportionment.

Some, of course, have taken consolation from the failure of the Australian High Court to strike down the Western Australian malapportionment in 1996, but their principle of inequality is nowhere vindicated. As Justice McHugh, one of the High Court majority in the case in question, stated -

> The Parliament of Western Australia has the constitutional power to alter the principles of representative democracy or legislate inconsistently with those principles unless it is prevented from doing so by an entrenched provision in the Western Australian Constitution or some provision in the Commonwealth Constitution. Because neither Constitution contains a provision that prevents the Parliament of Western Australia from legislating for unequal numbers in electoral divisions and regions, that Parliament may modify or legislate inconsistently with the principles of representative democracy . . .

Justice Toohey further remarked -

> . . . it does not follow that an implication of equality of voting power at the Commonwealth level effects, through section 106, an implication of equality of voting power at the State level . . . Any guarantee of voting equality in Commonwealth elections will not be affected by State electoral laws permitting inequality in State elections. In this respect there is no necessary inconsistency between voting inequality at the State level and voting equality at the Commonwealth level . . .

In supporting the Western Australian case, South Australia had argued that it was not logically or practically necessary for the preservation of representative democracy at the commonwealth level that there be representative democracy in the States. Tasmania pointed out that even if electoral laws did not ensure representative democracy, this would not necessarily affect the working of the Commonwealth Parliament and, in any case, the Commonwealth could insulate itself from such laws. That is hardly a ringing endorsement for the champions of inequality and malapportionment. Justice McHugh in fact observed -

> The scheme set up by the two Acts -

That is, the Constitution Acts Amendment Act 1899 and the Electoral Distribution Act 1947.

> - arbitrarily distinguishes between metropolitan and non-metropolitan voters. On no rational basis can the special

> needs of electors in areas outside the metropolitan areas justify such large disparities as exist between . . . electoral districts and regions.

Similarly, Justice Toohey stated -

> Its written submissions -

That is, Western Australia's.

> - point to the long history in Western Australia of differentiating between rural and urban electorates. But historical considerations are not conclusive . . .
>
> . . . around 1900 the method of choosing representatives involved significant inequality in voting power. At that time, the ratio between the number of electors in the largest and smallest electorates varied from 2:1 for the Legislative Council of South Australia to 38:1 for the Legislative Assembly of Western Australia. Clearly the expression of representative democracy then did not encompass equality of voting power. But just as clearly, the expression of the concept is now thought to do so, at least in this country. Equality of electorate size, with an allowable percentage variation, is now required for parliamentary elections in the Commonwealth . . . New South Wales . . . Victoria . . . Queensland . . . South Australia . . . and Tasmania . . . This move towards equality of electorate size reflects a change in society's perception of the appropriate expression of the concept of representative democracy.

Justice Gaudron went further and said -

> In my view, the malapportionment which is detailed in the judgment of Toohey J is so great as to be distinctly at odds with democratic standards revealed in the electoral laws of the Commonwealth and other Australian States referred to in his Honour's judgment. Moreover, the distinction between metropolitan and non-metropolitan areas is, as his Honour points out, arbitrary and inflexible and, that being so, it cannot be justified on the basis that it is reasonably capable of being seen as appropriate and adapted to the dispersed nature of the population in the more remote regions of Western Australia or to any other matter or circumstance which might bear on effective parliamentary representation.

Democratic Evolution: The other great democracies have addressed the electoral abuse of malapportionment. The United States is a striking example. It was only this century, when the urban American population overtook the rural population, that representative disparities became widespread. The minimal majority measure was devised in the 1930s to demonstrate the enormous malapportionment in American state legislatures. Figures for this period show that 35.4 per cent of the Illinois population could elect a majority of the state legislature. The comparable figure for Western Australia in 1999 is 20.19 per cent. In 1946 a Chicago resident argued that since his federal congressional district had a population of 914 653 compared with 112 116 in a downstate district, his vote was worth only one-eighth the value of those of some other Illinois voters.

The Supreme Court did not act immediately. This position of judicial inactivity in the face of gross malapportionment was, however, brought to an end in 1962 with the Supreme Court decision in Baker v Carr. Two years later a series of verdicts confirmed population equality as the sole criterion in the apportionment in state legislatures, and for the House of Representatives. In all, 15 decisions held that the Fourteenth Amendment's equal protection clause must include representation. These court decisions caused an apportionment revolution with re-apportionment on a large scale in every State. The Supreme Court has continued to be rigorous in the application of the principle of voting equality.

The United Kingdom has probably come the farthest in terms of malapportionment. Prior to the Great Reform Act there were 36 constituencies with fewer than 25 electors, and a further 115 of fewer than 200 electors. One constituency in Wiltshire, Old Sarum, was in fact a deserted hill top where the 11 non-residential voters cast their votes in specially-erected tents. Some in this Parliament would no doubt echo the sentiments of the Duke of Wellington when he supported malapportionment. He stated that he could not -

> . . . satisfy his mind that the state of representation could be improved, or be rendered more satisfactory to the country at large . . . He was fully convinced that the country possessed at the present moment a legislature which answered all the good purposes of legislation, and this to a greater degree than any legislature ever had answered in any country whatever . . . He was . . . not prepared to bring forward any measure;

That is, any measure of reform.

The House of Commons put paid to the Duke's career as Prime Minister soon thereafter on this very issue. The United Kingdom has moved away from malapportionment. The three redistributions of the nineteenth century moved progressively towards equality of constituencies, while the redistributions of the twentieth century have explicitly incorporated equal size criteria into the practice of drawing constituency maps. Recent legislation will see the malapportionment that operates in favour of Scotland done away with.

Australian Experience: Although Australia inherited a tradition of malapportionment, the nation as a whole has addressed this electoral abuse in line with the other major western democracies. The Commonwealth provided the lead to the States in this matter, as it has on so many other matters of basic democratic principle, including votes for women, the abolition of plural voting and the abolition of the property franchise. The Commonwealth Electoral Act 1902 established a common quota in each State for House of Representatives divisions. The Act required that -

> . . . the quota of electors shall be the basis for the distribution, and the Commissioner may adopt a margin of

> allowance, to be used whenever necessary, but in no case shall such quota be departed from to a greater extent than one-fifth more or one-fifth less.

Ninety-seven years on and the Western Australian Legislative Assembly has not even achieved this level of equity. Of course, the Commonwealth Parliament acted again in 1973. It was disturbed that enrolments between the largest and smallest House of Representatives electorates in New South Wales varied by 35 000 voters, in Victoria by 38 000 voters, in Queensland by 43 000 voters and in South Australia by 31 000 voters. The Commonwealth Parliament reduced the level of variance to no greater than 10 per cent between lower House divisions.

Twenty-six years on, Western Australia is nowhere near the commonwealth standard. All the other States have now followed the Commonwealth's lead. The zonal system of malapportionment has been swept away in New South Wales, Victoria, South Australia and Queensland, and it never applied in Tasmania. Western Australia alone remains the pariah State of Australian democracy, maintaining a gross malapportionment, massively discriminating against a whole class of its citizens.

Western Australia: I turn now to the recent momentum for reform in Western Australia. A concept that will be alien to some. Some of this momentum was generated by the Royal Commission into Commercial Activities of Government and Other Matters. In its final report in November 1992, the royal commission stated -

> As the House of Government . . . the Assembly must be constituted in a way which is truly democratic in character . . .
>
> There are democratic arguments which are compelling, which suggest that . . . a majoritarian approach should prevail in the Legislative Assembly
>
> The democratic principle by which the majority of votes in the Assembly determines the formation of the government is generally and properly understood to require as close to equal value in the votes of electors as is practicable.

The royal commission recommended a review of the electoral system along the lines suggested.

This was followed by the deliberations of the Commission on Government. As I have previously noted the commission did not mince words about the Assembly malapportionment. Commission recommendation 42 stated -

> 1. The present metropolitan and non-metropolitan zones for the Legislative Assembly should be abolished.
>
> 2. The quota of enrolled voters for each Legislative Assembly electoral district should be determined by dividing the total State enrolment, projected four years in advance, by the number of seats to be distributed. A plus or minus 15 per cent deviation from the quota should be permitted based on the criteria listed below.

The commission returned to the issue with recommendations 250 and 255 -

> 1. To improve the effectiveness, legitimacy and public acceptance of the Parliament as the primary agency for ensuring governments are accountable to the people of Western Australia, electoral reform for the Legislative Assembly and the Legislative Council, in accordance with our recommendations set out in *Report No. 1*, should be implemented as a matter of high priority.
>
> 1. The *Constitution Act 1889* should be amended to require that the Legislative Assembly comprise members directly elected by the people from single member electoral districts, such districts having equality of enrolments with a 15 per cent permissible deviation.

In October of 1995 our own joint parliamentary committee reported on this matter. The Joint Standing Committee on the Commission on Government - composed of six coalition and four ALP members - resolved in its fourth report that -

> The Committee support the recommendation that the present zones [for the Legislative Assembly] should be abolished.

In agreeing to a common quota, the committee majority - comprising four Liberal and two National Party members - resolved to replace the permissible 15 per cent deviation with a 20 per cent deviation.

Exactly one year later, on the eve of the state election, the Government formally responded to Commission on Government recommendations 250, 255 and 256. It stated -

> The Legislative Assembly cannot continue with the current arbitrary boundary line between metropolitan and non-metropolitan seats, with the present fixed allocations of seats . . . The Government considers that the Legislative Assembly should move far closer to a basic equity of enrolments. The Government will address reform in the next Parliament.

The Government's commitment received extensive publicity in the election campaign. *The West Australian* ran a headline on 1 March 1996: "Court backs call for voting reform". Commitment to a common quota for Legislative Assembly seats with a 15 per cent tolerance was widely reported.

On 3 November 1996 *The West Australian* ran an editorial complimenting the Government on its new policy in the following terms -

> Although it has ducked some issues raised by the Commission on Government, the commitment by the Court Government to an electoral system approaching one-vote one-value is an encouraging sign that Western Australia is headed for some meaningful electoral reform.

After the election there were further pledges.

On 11 February 1997, Electoral Affairs Minister Doug Shave reassured the public that the Government would introduce an Electoral Amendment Bill that year to bring in a form of one-vote one-value to the Legislative Assembly. A week later Mr Shave declared that he hoped to introduce legislation in the Parliament by August or thereabouts with a view to passage by the end of the year. Since then we have descended into farce. First, we had Mr Shave warning that if it appears that the Government could not introduce legislation that would pass through the upper House, then the issue would be shelved. We had Premier Court indicating that he could not guarantee passage of legislation because there was a danger that the minor parties could fiddle with it after they gained the balance of power in the upper House. We had Mr Shave again warning that the legislation would not proceed if the Government's move to one vote, one value met unreasonable opposition in the Legislative Council. We had Mr Shave saying that the Government could not proceed because the National Party State Council had rejected any reduction in vote weighting.

I ask the Minister for Parliamentary and Electoral Affairs and the Government, since when has his pledge been contingent on the National Party State Council? The National Party State Council has always opposed reapportionment. As for the threat from other parties in the Legislative Council, the only threat that the Government seems to fear is that we will pass a Bill embodying the Government's own electoral pledge and force it to acknowledge its duplicity.

The West Australian's editorial of 26 September 1995 was more accurate than the editorial of 3 November 1996. In the former editorial *The West Australian* expressed concern about the sudden new convert to electoral equality in the following terms -

> The WA Liberal Party has developed a sudden enthusiasm for electoral reform . . . Anyone who has followed the debate about WA's electoral system over the past 20 years will be astonished at the speed with which the Liberals, who have consistently resisted reforms, now want to enact radical change. It is clear that they want new boundaries drawn in time for the next State election . . . the Liberal Party's backroom operatives have calculated that under the new suggested electoral boundaries the coalition could win more votes than Labor in 1997 but still lose government. The move to change the Electoral Act is based on transparent political expediency and will be seen as yet another chapter in WA's disgraceful history of electoral chicanery . . .

We suspected that electoral equality was a principle embraced by the Liberal Party in 1995-96 solely because it was perceived to be in the electoral interests of the party.

Hon Derrick Tomlinson interjected.

Hon J.A. COWDELL: At least the National Party has been consistent on this matter, which is to its credit, whereas others have not.

Hon Derrick Tomlinson: Including your party.

Hon J.A. COWDELL: We have been consistent.

Several members interjected.

The PRESIDENT: Order! The custom in this House is to have second reading speeches read without interjection. In due course, if the courts want to interpret the legislation, they will not be confused by myriad interjections.

Hon J.A. COWDELL: Little did we realise that that principle was quite so expendable as to be cast aside within three months of the general election, when it no longer served the immediate interests of the Liberal Party.

This Electoral Distribution Amendment Bill is based on the Strickland Bill of 1995; it goes no further than the Government's electoral pledges at the last general election. The currency of this Bill is the worth of the Government's electoral pledge. Let us hope that that pledge is not completely worthless.

Prospective: I conclude with the words of Hon E.G. Whitlam when he introduced the legislation in 1973 to reduce the commonwealth tolerance to 10 per cent. These words are as applicable today as they were then. He said -

> We believe the purpose of this Bill to be a clear and honourable one. Its basic principles have been recognised by the Supreme Court of the United States for 10 years and by an all-party committee of our Parliament for 15 years. It affirms the Government's belief that every person's vote is of equal value no matter where that person lives. It affirms our belief that all men and women should be equal in making the law as they are before the law. It gives to those who sit in this Parliament the opportunity to stand up and be counted, to say whether they believe in these democratic principles and, above all, in the supreme principle of one vote one value.

I fear, however, that this Government has already stood up to be counted against the most basic of democratic principles.

This year marks the centenary of the Forrest Government's grant of the vote to women - an initiative that placed Western Australia at the forefront of democratic reform. By contrast, in the last years of this century, the Court Government clings to a massive malapportionment in the people's House, and embraces the principle of electoral inequality. Why does it not surprise me that the party that maintained plural voting for 73 years, the property franchise for 73 years and malapportionment now for over 100 years, and denied the vote to Aboriginal people for 62 years, should stand once again

for electoral inequality? These are political pygmies in the establishment and progress of our democracy, and history will judge them with the contempt they deserve. I commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

SENTENCING LEGISLATION AMENDMENT AND REPEAL BILL

Order of the Day Discharged and Referral to Standing Committee on Legislation

HON HELEN HODGSON (North Metropolitan) [12.44 pm]: I move -

That the order of the day be discharged and the Bill be referred to the Standing Committee on Legislation.

It is fairly unusual to give notice of this type of motion, which I did some time ago, but I believe that this piece of legislation is so important that it is appropriate that all members of this place have the opportunity of considering for themselves whether they are happy for the legislation to proceed, or whether it should be referred to the Standing Committee on Legislation. I feel very strongly about this legislation, because I believe it has major implications for the way in which our justice system will be administered over the next few years, and it is important that members in this place give its potential implications due consideration. The most appropriate place to do that is in a committee of the House.

A number of the matters that are proposed in this legislation with regard to criminology, the justice system and the parole provisions have been brought to my attention as a member of this place. Those matters need to be brought to the attention of the House as a whole through our committee process. Those matters can be addressed properly only by obtaining expert evidence from witnesses who can give us the information that we need to make an impartial decision about whether those matters are appropriate for the direction of justice in this State. I have just picked out a number of the matters about which we need to obtain evidence and with regard to which we need to consider the options that are available.

The Legislation Committee should examine any alternatives to imprisonment. This Bill is about imprisonment and using imprisonment as a means of punishment. Many people these days are saying that although imprisonment is one means of punishment, it is not the only means and it is not always the most appropriate means. This Bill does not recognise alternative means of punishment that may be available and that may be more beneficial to the community. This Bill considers some of the alternatives that are in use, such as parole provisions and work release orders, and narrows the scope within which those alternatives can operate. We can make a decision about those matters in this place, being half-informed, or we can make a decision after informing ourselves fully about the potential implications. I spoke in this place last week during the appropriation debate about some justice matters. I have involved myself significantly in that matter over the past 18 months since I have been elected. There are many alternative views in the community. It is no longer the view of criminologists that the best way to deal with criminals is to lock them up for longer. There are alternatives, such as restorative justice, which I addressed briefly last week, where the victim of the crime and the offender are brought together to find ways of dealing with the crime and to ensure a win-win situation. The offender still incurs some level of punishment, but punishment does not mean imprisonment. These matters need to be considered properly, rather than just responding with the knee-jerk reaction of saying there is a higher level of crime and more people should be put in prison. We need to take a more responsible attitude than that. We need to look at whether imprisonment is appropriate, and find a way of incorporating alternative means of punishment into our justice system.

One of the options, which is actually being reduced in this Bill, is community service orders. We need to find out more about how they work in practice and how effective they are. There was some debate on that matter in the other place, but there was not enough debate for us to be able to say comfortably that we are fully informed about that matter. If we were to do that through the processes of this Chamber, those members who are interested and involved in this issue would spend weeks in this place debating one piece of legislation. One of the goals of our committee system is to make the processes of this place more efficient. We should not necessarily involve the Committee of the Whole House in debating a matter that is so complex and requires so much in-depth examination that other items of the Government's legislative program are not addressed. We need to have time to look at and be fully informed about options such as community service orders, work release orders and parole, and to obtain expert evidence outside the process of the Committee of the Whole, because if we were to do that in this Chamber we would simply bog down that process.

Another aspect which is not recognised in the legislation and on which we need to inform ourselves is drug dependency and crime levels. I have heard evidence to suggest that up to 70 per cent of crime is drug related. Is that true; and, if it is true, is it appropriate to put those people in prison? Will putting people in prison address their drug dependency and limit their access to drugs? We do not know. To try to draw out those things in a Committee of the Whole in this Chamber will be far less practical than taking these matters to a committee and asking that committee to explore these issues and tell us what options are available to address them.

We need to make a full and thorough analysis of the overall impact of the sentencing legislation. An area that obviously needs full investigation is prison numbers and musters and the impact that this legislation will have on them. Last week I read into *Hansard* some figures that I obtained through questions on notice and in debates. They gave some estimates of the prison population over the next five years. The minister, in response to a question on notice on 18 March, said that we are expecting the numbers to continue to increase until the year 2005, when we are expecting between 3 085 and 3 393 to be in the system. I have heard estimates from other sources which say that we will hit 3 000 before the end of this year. That is without the implications of this legislation. I have heard estimates that this legislation on its own will increase prison musters by up to 300 per year, which is about a 10 per cent increase on the current prison population. The minister's figures that were presented in the debate in the other place were considerably lower than that. I need an explanation of why there are such significant differences between the estimates. What is the minister taking into account that is so different from that

which expert criminologists are taking into account? To understand that I need to have the evidence of the criminologists. I need to know what they are taking into consideration that the minister may be overlooking. That is the sort of thing we cannot do in a Committee of the Whole House but can do in one of the committees of this place.

The sentencing legislation contains a huge number of very involved issues. The one that has attracted most media attention - I will come to this in more detail shortly - is the sentencing matrix. However, there is much more than that in this legislation: There are massive changes to the system of parole and remissions, which will have a flow-through impact on prison numbers; the removal of work release options; changes to home detention programs; and questions of parole. If people make one mistake while they are on parole, they can be returned to prison to serve the full duration of their sentence. An example of what might happen is a convicted murderer who had served his non-parole period and was released on parole. For the rest of his life he would have hanging over his head the threat that if he committed another offence he would be returned to prison.

Hon Peter Foss: That is a misreading of the Act.

Hon HELEN HODGSON: That is the sort of explanation that I need to hear from other sources as well as from the Minister for Justice. I have heard analyses from many different places. We need to get this information together into one place, to review it in total and to hear more than what the minister thinks are the implications.

As an example of the dissent that has been raised in respect of this legislation, we have the report to the Parliament that was tabled last year by Chief Justice David Malcolm. He took the step of tabling the report directly to the presiding officer in this place rather than going through the Attorney General. The Chief Justice and the judges of the Supreme Court felt so strongly about the implications of this legislation that they felt they had to be drawn to the attention of this place by tabling that independent report.

It is not just a question of the sentencing matrix, although that part has come in for the most serious criticism. The Chief Justice's report raises a huge number of issues that have implications for sentencing based on the Bill as it is before us. For example, page 2 of the report states -

> The implication within the Bills and accompanying memoranda that Judges do not explain sentences has no foundation.

I would like to hear more about that. I would like to hear how the judges explain their sentencing. I would like to know whether it is necessary to take these steps. Comments are made about the perceptions of the way in which the sentencing provisions are applied. Perception is a large part of the problem we are facing. I acknowledge some genuine problems, for example with the way in which automatic remission currently applies. The community does not understand how automatic remission applies. It is very easy for it to be beaten up into much more than it is. However, there are many misperceptions about the sentencing system. The best way to deal with them is to review them properly and to have a committee review the whole matter and a report brought into this place and made public. If the committee identifies problems in the way the system currently operates, we will make sure that it addresses those issues. If the committee finds areas where problems are a matter of perception rather than reality, it becomes a question of education rather than changing our legislative system, which has long-term implications that will adversely impact on our justice system.

There is widespread dissent among the legal community about many aspects of the legislation before us. I have had communication from a number of legal groups which have been telling me that they think it goes far beyond what is appropriate in sentencing legislation and beyond what is needed to address some of the issues that are arising. I have heard an argument that all this legislation is doing is addressing the report of the review on remission and parole, which was tabled last year and is commonly known as the Hammond report after its author. Although some of the provisions fall within the recommendations of the Hammond report, many are totally outside, above and beyond the scope of the report's recommendations. If we look at the recommendations, we find attached to the report an appendix which contains some of the comments of the key stakeholders. These comments indicate the level to which people in the legal community are concerned that there are issues to do with sentencing and parole that need to be addressed. Some of the issues that the key stakeholders are saying that they specifically do not agree with are now contained in the legislation before us. It is essential that the committee be given the opportunity to conduct detailed analyses and comparisons. It is all well and good for me to go through them, but when one hears people from other perspectives saying that they are simply implementing the Hammond report, it comes down to a question of whether that is being done. The community needs to know that we have genuinely analysed the report and compared it with the legislation to make sure that we are doing what we have said we are doing.

The problem with this issue is that it is so emotive. It is very difficult to sit down and make an objective analysis with people who are affected by crime. The victims of crime justifiably get angry. To digress for a moment, this morning we heard the call for the reintroduction of the death penalty as a result of a gross crime. That is an understandable emotional response but one to which I hope this Parliament will not say that because some people are calling for the reintroduction of the death penalty, it will be reintroduced. Surely we have a responsibility to look at the system as a whole to decide whether it is appropriate that we reintroduce the death penalty or whether there are other factors to be taken into account. We need to take these questions out of the emotional arena and look objectively at what is before us. The committee would be the best place to conduct that particular analysis.

Sitting suspended from 1.00 to 2.00 pm

Hon HELEN HODGSON: I have talked about some of the issues in the Bill that I think should be considered by a committee, but I have not yet addressed some procedural matters. First, why does this Bill need to be referred to the

committee prior to its second reading? I would be very concerned if any Bill containing the policy implications that this one contains were referred to a committee after its second reading. Many of the issues I have raised are matters of policy, and once this House has approved the policy of a Bill by agreeing to its being read a second time, a committee can do very little about that policy. Even if the committee were concerned about specific provisions, it could meddle with them only to the extent that it did not negate the policy of the Bill. This Bill is designed to amend the sentencing laws and it provides for a compulsory sentencing matrix to be imposed. If this House agreed to the second reading of the Bill, that would limit the ability of any committee to consider those aspects and make recommendations on them. A number of rulings have been made in this place within the past few months about matters that are within the scope of a Bill. It would be extraordinary for a Bill to be passed at the second reading and then be the subject of recommendations from a committee agreeing with the policy but not with core policy elements. If the Bill were referred after the policy contained within it had been agreed to, that would negate the purpose of referring the Bill to a committee.

It is essential to consider this Bill in as much detail as possible, and its policy must be thoroughly explored and tested against the opinions of criminologists, scientists and other experts in the area, as well as the overall implications for imprisonment rates, the impact on the justice and prison system, and whether more prisons will be needed to deal with the situation. This House is buying into an argument when it has only half the story, and it must test this policy thoroughly before approving or disapproving of it.

There is also the question of whether it is appropriate that this Bill be referred to the Standing Committee on Legislation. That is the committee to which Bills are normally referred, and that is the reason for my suggestion in this case. However, most members are aware that the House is awaiting a report from another committee of the Legislative Council which will seriously overlap these functions. I am disappointed that the Bill is before the House before members have had an opportunity to consider the implications of the anticipated report of the Standing Committee on Estimates and Financial Operations. I do not know how much progress has been made on that report because I am not a member of the committee, and I would not expect any member of the committee to in any way imperil privilege by referring to its deliberations. However, if this House is to make a full and thorough analysis of the prison and justice system, that should include the information currently being considered by the Standing Committee on Estimates and Financial Operations. I understand there is a great deal of overlap and that much evidence has been heard. It would be very useful if that information were available.

However, as we are dealing with legislation, it is appropriate that it be referred to the Standing Committee on Legislation. If that happens, I hope we can ensure that the two committees in some way confer and are able to share information in order to consider the implications in the context of the whole prison and justice system. I return to the point that members will not have the opportunity to fully assess the overall implications of this legislation unless it can be done within the committee system, whereby the members of the committee can coolly and calmly analyse what is happening. I understand that a committee of the Legislative Assembly is also doing excellent work in this area.

We are now putting in place the result of what we would want to see developed through the way in which these other committees of this House are dealing with and analysing our justice and legal system. Many issues must be drawn out. It is not easy to speak on a referral motion when the second reading speech has not been given, because I feel I must canvass many issues that would normally be in the second reading speech. That is why I am trying to limit my comments to the reasons and things that the committee should look at.

The PRESIDENT: I have listened very closely to what the member has said. Prior to suspending for lunch, there is no doubt that the member's contribution was a classic submission on why something should be referred. The words the member used were absolutely on target. I now ask the member not to spoil the record that she enjoyed before the luncheon suspension. The question is whether we will refer this Bill. The member can raise specific substantive issues without debating them, but that is it.

Hon HELEN HODGSON: I want the committee to examine one further issue in detail which I have not referred to as one of the reasons that the Bill should be referred. I am concerned with some reparation provisions in this Bill, which on the surface I would agree with, but I would like to hear the committee's assessment whether the way it would operate in practice could result in some form of double jeopardy. Anyone who has any experience of the law, especially criminal law, would say it is absurd to be imprisoned for not paying reparation for a crime for which one has already been imprisoned. That is something on which we must obtain expert evidence.

These provisions are very complex. In fact, the more I examine this Bill, the more I see that all the provisions interrelate. It would be pointless to refer only one part of the Bill to a committee and to get an analysis back of why that part of the Bill should or should not be proceeded with, when we find that all the other provisions hinge on it one way or another. If one takes out what was considered by the minister to be a key part of Bill, all the other provisions may fall over or become nonsensical. The Bill must be referred in total. Without pre-empting debate on any other order of the day, I would say that when anything else is contingent on the provisions of this Bill, it must go as a package. It is essential that we have the opportunity to not only analyse this detail as members of this place, but to hear what the community and the practitioners who are working in this area say about it, and to consider the real implications on our prisons, justice system, sentencing and the operations of our courts. The only way we should proceed with this Bill is to obtain a detailed analysis of it through a referral to the Standing Committee on Legislation.

HON GIZ WATSON (North Metropolitan) [2.13 pm]: I support Hon Helen Hodgson's motion. I agree that the combined passage of these Bills is of enormous significance to the State and deserves the full scrutiny of a parliamentary standing committee. It is critical that the committee have the ability to assess the full ramifications of not only the matrix, but the

policy and intent of the combined package of Bills. The key reason for referral to a committee being critical is that we are talking about potentially reducing judicial discretion, which is a significant step for any Parliament to take. It has already been mentioned by Hon Helen Hodgson that the committee hearing process allows members to hear from the full spectrum of stakeholders and concerned people in this important area.

It is of significance that this proposed sentencing legislation represents a significant shift in the approach to sentencing in this State. It has been noted that a lack of consultation has been experienced on these proposed laws, particularly with the judiciary, which has been noted both publicly and privately. It is important that representatives from the judiciary be given the opportunity to present a full and thorough presentation of their concerns about the proposed legislation. These Bills represent a challenge to some fundamental principles about the separation of powers and about the relative weighting of powers between the judiciary and the parliamentary system. Therefore, of all the Bills that have come before Parliament in my period as a member in this place, these are among the most significant, and I do not think it makes sense for the committee to examine the matrix aspect without being able to examine the full intent of these Bills in combination.

It has been raised again publicly that enormous potential exists for chaos within the judicial system if these Bills are passed. It has been suggested that the passing of these Bills could lead to a clogging up of the court system with an extensive amount of appeals, a flooding of the already crowded jail system and -

The PRESIDENT: Order! That is not what we are debating. In due course, in the second reading debate, the member may make those comments about the Bill. We are presently debating whether the House should refer the Bill to the Standing Committee on Legislation. The member is now starting to debate the Bill proper.

Hon GIZ WATSON: I was trying to indicate the gravity of the package that is being proposed. I will restrict my comments as much as I can.

This is an area of significance because it is a very complex area of law. Allowing an opportunity for the Standing Committee on Legislation to produce a report would greatly enhance the debate in this place and also the public's understanding of the implications of these proposed laws. If the Bill does not go through that committee process, that report will not be produced and full scrutiny of the package will not occur. The referral of both of these Bills to a committee would create opportunities to also fully examine the economic ramifications of these proposed new sentencing laws, because alternative methods of dealing with crime and punishment might prove to be not only better socially, but also economically. The package of Bills is likely to have an enormous impact particularly on young people and Aboriginal people. We will have the opportunity to consider the package in total if it is referred to the Standing Committee on Legislation.

I assume that the most appropriate committee to review these Bills is the Standing Committee on Legislation of which I am a member. It is not presently overburdened with other Bills. At recent meetings we have dealt perhaps too thoroughly with legislation. I am referring to our spending four hours discussing the impact of changes to the beekeeping legislation. I suggest that the committee has the capacity and the time to examine both Bills thoroughly rather than simply the Bill on the matrix.

In supporting Hon Helen Hodgson's motion I refer to a letter of 3 December 1988 sent to me by Kate O'Brien, who was the President of the Law Society.

Hon Peter Foss: No she isn't.

Hon GIZ WATSON: She was when she wrote the letter. Her concluding paragraph reads -

> The proposed legislation is too important to rush through Parliament. The legislation imposing mandatory prison sentences on young offenders was hastily passed by Parliament, purportedly in response to community concerns. That turned out to be ill-considered and attracted national and international condemnation and ridicule. The Law Society is most concerned that the sentencing legislation whatever its eventual content does not meet the same fate.

Those words of caution should be heeded by members in this place and the opportunity should be taken to have the Standing Committee on Legislation fully examine these Bills. I appeal especially to members of the Labor Party to consider our proposition. I cannot support an argument that it is appropriate to deal with only one aspect of these major legislative changes.

Hon N.D. Griffiths: I can assure Hon Giz Watson that the proposition has been considered.

HON PETER FOSS (East Metropolitan - Attorney General) [2.22 pm]: I can assure Hon Giz Watson that this legislation has not been hurried through the Parliament. It has taken considerable time and that is appropriate. Regarding the suggestion by Hon Helen Hodgson that we should be considering alternatives to prison, quite plainly the legislation encompasses that issue. Many of her comments are relevant to when the Sentencing Act was debated in this place. Obviously those are matters for the judiciary; the options are given to the judiciary. Her suggestion that we should be considering alternatives to imprisonment is strange because that has been proposed and it is now for the judiciary to decide what it should do. No amount of deliberation in committee by this Parliament will change the way in which judges consider those options, although we can attempt to steer them in a direction. I think that the legislation indicated to judges that they must consider imprisonment as a last option. All those matters are history. That is not what this legislation is about.

Hon Helen Hodgson's suggestion that we should send it to a committee to some extent fills me with horror. These two Bills deal with two major areas. I notice that members' comments did not distinguish between the first or second pieces of legislation. The issue of parole and remission in the legislation, on which Hon Helen Hodgson spent much time, was consequential on, I think, two and a half years of consideration by a committee of experts. I can remember being, quite

rightly, castigated by Hon Nick Griffiths about the time taken to bring this legislation before Parliament. He said that it appeared to be taking an unconscionable amount of time. When I established the committee I hoped that it would give me an answer by, I think, December of the first year.

Hon N.D. Griffiths: It is Order of the Day No 27.

Hon PETER FOSS: Exactly. I have been under considerable pressure by him to get on with it.

Hon N.D. Griffiths: I am pleased that you are responding to my pressure.

Hon PETER FOSS: As I think I explained to the member a number of times, it was a difficult issue. I do not for one moment propose to the House that it has been easy to arrive at this situation. A committee of experts took two and a half years to make some recommendations and even they could not reach general agreement.

The report quoted by Hon Helen Hodgson indicated that some significant stakeholders still do not agree. I am sure we will never have everyone agreeing. The only thing we can agree on is that not everyone will agree. Even the people who came from the same set of considerations do not agree. The District Court decidedly disagrees with the Supreme Court on that part of the Bill that deals with parole and remission. If we cannot even get the Supreme and District Court judges to agree, it will be very difficult to arrive at some form of panacea for these difficult issues.

I do not pretend that we necessarily have the solution in this case. Some of the present problems arose from the previous recommendations for dealing with the issue. We cannot predict how human beings will react to legislation that we pass. We can undertake research and expert committees can spend two and a half years before making recommendations; however, there is no guarantee that at the end of that we will have the answer. It fills me with horror that Hon Helen Hodgson thinks that a committee of this House will agree on recommendations in less than two and a half years when a committee comprising people intimately involved in the issues had difficulty achieving that in two and a half years.

She is mistaking the role of this House. Occasionally we must say that somebody must make the system work. In passing this legislation the Government is implying that it hopes it will work and that it has done the best it can to arrive at a workable solution. We must say at some stage that it is the judiciary's legislation; it should make it work. If we tamper with it in our own little committees and make our own conclusions, where will it leave the Government that must make the system work? It will give the Government no great satisfaction to say that it passed the legislation but the judiciary mucked it up and that is why it is not working. We will be stuck with it. There comes a time when eventually we must say we do not know whether it is right or wrong, even though the best brains in the community have worked on it.

Chief Judge Hammond, for whom I have the greatest respect, is one of the most pragmatic and practical people I know. He has done wonders with the capacity of the District Court to deal with business. We keep giving the District Court more and more cases to deal with; yet somehow he seems to be able to get his team of judges to swallow the whole lot and deal with it expeditiously with considerable humanity and understanding. I trust him to do his job. I am pleased to say that when this matter came forward the District Court judges did not agree with the concerns raised by the Supreme Court judges regarding recommendations on remission and parole.

We know of the public concerns, in particular that the system is unable to be understood. There was one recommendation of the Hammond committee that we did not follow which related to that very point. It had always been understood that a parole period should not exceed two years. The old system operated that way and the Hammond report recommended that. However, the problem was that the public did not understand that as a sentence got longer, greater amounts of it were served - in fact it got closer to two-thirds - whereas this Bill proposes that one-half be served. The difficulty was that the parole system was never understood by a member of the public sitting in the back of the court as to how much time that person would spend in jail. Therefore, because there was never any understanding in the court, the media supplanted the lack of knowledge and said that the person sentenced would spend one-third of that sentence in jail which, for a person with a severe sentence, was significantly long and, understandably, the public was concerned.

Everybody is agreed that part of the problem with our system of sentencing is that people do not understand it. We do not blame them for not understanding it because when I have tried to explain the present system of parole to people, their eyes glaze over because it sounds so complicated. Yet, Hon Helen Hodgson is suggesting that even before members contribute to the second reading debate, the Bill should be referred to a committee of the House to try to rework the Bill. There comes a time when one has to say enough is enough; a decision must be made; we cannot inquire forever.

Hon Helen Hodgson seems to want to use the parliamentary committee system for conducting her research. That is not the role of parliamentary committees. Their role is to inquire when there is a necessity to inquire, not to supplement the lack of knowledge of individual members. If Hon Helen Hodgson wants to know about the situation, she should read the Hammond report and the earlier papers. She may not know the answers any more than anybody else does but she will know the issues. I suspect that if she inquired for two and a half years - the time taken by the Hammond committee - she would still not know the issues. She would probably know the problems in depth and length but still would not have an answer. What she proposes is futility itself.

The other concern relates to the question of the matrix. I accept that it is a new matter on which there has been no consultation. On matters of policy I do not regard the approval or otherwise of judges as the touchstone of good legislation. At times there is a role for the Parliament to play, in particular on policy. Provided the policy is accepted, the legislation can be set up in such a way that the practical application of it can be extremely efficient. The criticism from the District Court on the practical application of the legislation was not knowing what that practical application should be.

Currently there is a new sentencing information system being installed in the District Court which is intended to, and I

believe will, enormously increase the efficiency of judges. If we were to follow that particular method for the sentencing matrix, obviously that part of the report would be dealt with also. These motions are typical reactions to people who do not want to make a decision. One of the banes of our private, government and Parliament lives is the wish to defer making a decision while we think again about a matter. The fact is that other people have been thinking and thinking about it and have had the most dreadful problems making a decision. Hon Helen Hodgson is being incredibly optimistic if she thinks that she can come along to the situation and somehow be able to wave a magic wand over it and solve it instantly when a person as practical, informed and close to the situation as is Judge Hammond had difficulty.

The Bills are a mixture of hard work, research and policy. It is important to find out if the House agrees with that policy. If the House agrees that there are practical problems that may arise, fine, but we must make up our mind about it and whether we support a policy of clarity in sentencing which is supported by the people of Western Australia. People want to know when people are sentenced what that sentence means. They particularly want to know when the sentence is a term of imprisonment. No amount of talking about the Sentencing Administration Act will have any bearing whatsoever on whether we look at alternatives to prison. The first Bill deals with the practice to be applied if there is to be a sentence imposed. The second Bill deals with policy, whether this Parliament should have the capacity to direct the effect of sentences imposed by courts. We have tried measures such as minimum matrix sentences and lifting maximum sentences and that has had little effect on sentencing. What we are seeking to do here is a matter of principle: Should we have the capacity to report information to the public? Should the public have a capacity to understand it? Should the Parliament have the capacity to dictate sentences?

Statements have been made about the role of Parliament and the judiciary. I state clearly that I do not accept that Parliament should dictate what a sentence should be other than in the role of Parliament. We have said that people should be sentenced to life imprisonment and when they are sentenced to life imprisonment for murder or wilful murder, they are sentenced to life imprisonment. Nobody has ever suggested, and I do not think anybody ever could, that that was not the proper role of Parliament. It is not the role of Parliament to investigate whether those crimes have been committed and it is certainly not the role of Parliament to decide whether in a particular case there are mitigating or aggravating factors; however, it is the role of Parliament to decide in some cases that there will be consequences following from those factors; we do it all the time. Members should read the Criminal Code. Robbery in company is a circumstance of aggravation and is a totally different offence to robbery. Burglary with a weapon is aggravated burglary. Nobody suggested at the time those offences were enacted that Parliament stepped outside its role by saying that those circumstances created a totally different and far more serious offence. It is very easy to trot out an argument that needs no justification and no logical support needs to be found for it. I am sorry but I do not agree with that as a proposition for deferring getting on with what I think is a very important piece of legislation. I expect Hon Nick Griffiths to stand up shortly and accuse me of taking too long in bringing forward this legislation and being far too tardy.

Hon N.D. Griffiths: You are taking too long to make your speech.

Hon PETER FOSS: I am sorry; I will bring it to an end. However, if anything, I would have thought that the accusation to be made was that I have been too cautious and taken too long in trying to get people to come to agreement. I have failed to get that agreement but that fact indicates that the matter is incapable of agreement and it is time for Parliament now to get on with it.

HON W.N. STRETCH (South West) [2.38 pm]: With the Attorney General's final comments ringing in my ears, I would like to comment that I am a member of the Standing Committee on Legislation, hereinafter referred to as the Legislation Committee. This Bill should not be referred to the committee at this stage. There is a time for leadership. This is a burning issue in the community. There has been enough debate on this issue for this House to be able to proceed. I was rather bemused by the talk of this Bill being rushed through this House. Nothing could be further from the truth or even further from the hopes of many people.

I will speak on how I see the role of the Standing Committee on Legislation. It is important to recognise the genesis of the committee in that its principal role - one which I will defend strongly here and in the committee - is to facilitate the committee stage of a Bill that is referred to it. By definition, that should be as it is; it is a legislation committee. I repeat that the committee was instituted to streamline the committee stage. It is a distortion of the role of the committee, except possibly in exceptional circumstances, to take on consideration of any Bill before the second reading stage has been completed. The Attorney General pointed out fairly clearly that a Government is elected to a role of leadership, and that is decided well outside this place. However, having been elected, it takes on the mantle of putting through legislation, whatever is decided to be appropriate according to the policies and the general will of people on a broad and well-considered stage.

As a good example, I refer to the Energy Coordination Amendment Bill, which was recently dealt with in this House. That Bill was referred to the committee at the completion of the second reading debate, after some very good speeches, particularly one by Hon Mark Nevill which highlighted what he saw as severe shortcomings in that piece of legislation. The Bill was referred to the committee on that basis, and much of the committee's deliberation was based on those informed comments made by Hon Mark Nevill and other members during the second reading debate.

The best judgment on that process can be measured by the speed with which the Bill went through the committee stage. Members came back with a lot of amendments which were well thought through. They were drafted with a great deal of consultation and interested-party input. It is generally regarded that the Bill that came out of the process was a lot better than the one that went into it. Governments accept and welcome this process. However, if we are to take Bills at this early stage before they have been formed and moulded by this House into a reasonable format and policy framework, we will open

up an enormous can of worms, and we will indicate to the committee that we want it to go far and wide and virtually reshape what the government mandate has delivered through this House to the committee. I do not think that is a role for which the committee is equipped.

Although there may not be many Bills in front of the committee at this stage, that is a credit to the work done in the House, to the drafting of the legislation, and no doubt to the deft handling of the committee by the chairman. In any event, the fact that there is a reasonably easy workload in front of the committee is not a matter about which to complain; it is a matter about which the committee should be congratulated - in other words, it is handling with despatch the Bills that are referred to it. It also reflects credit on the House and on the Government that the legislation put forward can be handled within the traditional processes of the House. Therefore, we should consider the Legislation Committee as an important adjunct to this House in handling that stage of consideration. However, it is not an adjunct to the Government in reshaping and redesigning legislation about which a few people have some worries.

I notice that Hon Nick Griffiths has a further motion on the Notice Paper. I can accept that because he has possibly picked out a particular item, just as Hon Mark Nevill in his speech picked out items that needed further examination. Hon Nick Griffiths' concerns could also be handled through a referral at the normal stage. However, I accept that there could be cases in which further special investigation at that stage could be required. In the meantime, I strongly oppose the referral of this Bill to the Legislation Committee at this stage, because I do not think it will add a great deal more by calling in predominantly the same people to resubmit much of the same evidence.

HON N.D. GRIFFITHS (East Metropolitan) [2.45 pm]: We are dealing with a motion to send the whole of the Sentencing Legislation Amendment and Repeal Bill to the Standing Committee on Legislation, presumably for consideration and report. The Australian Labor Party is opposed to the proposition that the whole of this Bill should be sent to the Legislation Committee. We are opposed to it because the Bill essentially has three ingredients. The major part concerns the implementation of the substantive provisions of the Hammond report, as it has been referred to, its proper name being the "Report of the Review of Remission and Parole". The second part of the Bill concerns the so-called matrix proposals, and the third part deals with matters such as reparation, and aspects of parole and remission covered in the Bill do not concern specific recommendations proposed in the Hammond report. However, they are the three categories.

It is the view of the Australian Labor Party that these three categories of measures should not be dealt with in the same way. First and foremost, those matters, the concern of the Hammond report, should be dealt with fairly quickly because enough time and enough consultation has taken place. One can consult with any number of people. Consultation is one thing; persuading people to one's point of view is another thing. His Honour the Chief Judge got it right when he said at page 1, chapter 1 of the report -

> For several years there has been a simmering disquiet in the community and amongst members of the judiciary concerning the sentencing system in Western Australia.

He then makes observations. In the context of what he said, I note that the report refers to the consultation process. Frankly, it seems that it was a very wide consultation process. I refer to page 2, chapter 1, which states -

> Public submissions were called by way of advertisements placed in *The West Australian* newspaper and local community newspapers. In addition, key stakeholders were invited to formally provide submissions for the Committee's consideration.

There was then reference to the committee's work and the people who were consulted, and those who were provided with copies of the draft report are referred to. Therefore, insofar as we are dealing with those matters which come to this Bill by way of proposed implementation of Chief Judge Hammond's report, enough consultation has occurred. In that case, enough is enough. With respect to the other matters, there is no good reason that they cannot be dealt with in the normal way. What happens to those other matters in committee is something that the House will determine in due course when it moves into the committee stage.

With respect to the issue of the matrix, I note in passing that Hon Bill Stretch referred to a motion I have on the Notice Paper. What happens to that motion will be determined when and if the House deals with it, depending of course on the result of the question that is currently before the House.

The Hammond report, and the other matters that are contained in this Bill, are matters about which the public of Western Australia has been crying out for something to be done, I suppose because it does not understand the current system. The reason the public does not understand the current system is that, in a strange way, it involves the almost strict application of a formula for the administration of sentences which states one thing but means another. It is no wonder the public does not understand how six years can mean two years and how there can be automatic remission of one-third of the sentence for periods up to six years, and of two-thirds minus two years of the sentence for periods longer than six years. I will not mention in detail the reason for that, because that would be against standing orders, but I will say that those who were in this place before us had a strong view about the maximum time to be spent on parole and made a policy determination - a very wise policy determination - which took into account the views of the criminologists and other people from whom Hon Helen Hodgson wants to hear, and looked at the whole of this sentencing process, including imprisonment, remission and parole, to achieve the end result, which was a formula approach. We continue to have a formula approach, and I find that somewhat ironic given some of the comments that have been made in this debate.

The crucial question is whether we should send to the Legislation Committee the whole of the Bill at this stage. We could send to the Legislation Committee the whole of the Bill after the second reading, if the House were so minded. As I have explained, the Australian Labor Party does not want to send to the Legislation Committee parts of the Bill, particularly that

part to do with the Hammond report, because we believe that enough consultation has taken place with those who have an interest in and are informed about this matter; and with regard to the other parts of the Bill to which I have referred, we can wait and see how they are dealt with down the track, and that will depend on debate and matters of that kind. The standing orders provide that the process of splitting a Bill must take place in committee, not in a proceeding of the House as a whole. I have explained what the Australian Labor Party wants to achieve, and we will wait and see whether the House agrees with what the Australian Labor Party proposes.

Hon Peter Foss: I think you had also indicated that you support the principle of the matrix, although you may have some concern about the detail.

Hon N.D. GRIFFITHS: No. I am not indicating any support with regard to the principles of the Bill. I believe that although it is a Government's right to propose a measure which is novel, when a measure as novel and, may I say, as radical as this is proposed, it must be given due consideration; and the Attorney General has acknowledged the lack of consultation with regard to this measure. It seems to me that there is a role - I do not want to advance to another debate which may or may not occur - for that consultative process and that examination to take place.

I want to deal with the question of the wisdom, or otherwise, of referring a matter to a committee before the second reading has taken place. The Parliament is called by the Executive to deal with matters that the Executive wishes to deal with. The primary role of the Parliament in a legislative sense is to deal with government legislation, of course not to the exclusion of all other legislation, because it is open to all members to propose Bills to be enacted, but that is its primary role. A Government in bringing forward a government Bill is entitled to say," This is the Government's policy". After all, the Government was elected to govern. When the Parliament examines government policy, if it disagrees with that policy and the Government does not have the numbers, it can reject that policy; it can, under our standing orders, amend the Bill, consistent with that policy; or it can pass the Bill unamended. None of those processes would be inhibited in any way with regard to this Bill if this Bill were sent to the Legislation Committee after the second reading. However, if this Bill were sent to the Legislation Committee prior to the second reading, the Legislation Committee would be able to countenance different language with regard to the policy of the Bill and propose amendments that were contrary to the policy of the Bill - in fact, to behave as a Government in committee. That would not be a particularly desirable course of action. I can understand that other parties might have a different point of view, but the Australian Labor Party, of which I am a member, is a party of government, as are the Liberal and National Parties, in the proper sense; namely, that from time to time - frankly, regularly; I believe that in the balance sheet of the century, it is about even - we form Governments in the State of Western Australia. The Labor Party is a party of government. As such, we acknowledge the proper role of a Government in advancing legislation and policy. I do not know what the future will hold for the Greens (WA) and the Australian Democrats, but historically those other parties are not parties of government. They do not hold seats in the other place where Governments are formed.

With regard to how the Australian Labor Party wishes to deal with this Bill, I assure the House and those members who are interested that what it wishes to do will in no way be inhibited by the processes which have been foreshadowed and will in no way be inhibited by our voting against the motion moved by Hon Helen Hodgson.

Question put and a division taken with the following result -

Ayes (5)

Hon Helen Hodgson	Hon Christine Sharp	Hon Norm Kelly	*(Teller)*
Hon J.A. Scott	Hon Giz Watson		

Noes (24)

Hon Kim Chance	Hon B.K. Donaldson	Hon Tom Helm	Hon Ljiljanna Ravlich
Hon J.A. Cowdell	Hon Max Evans	Hon Barry House	Hon Greg Smith
Hon M.J. Criddle	Hon Peter Foss	Hon Murray Montgomery	Hon Tom Stephens
Hon Cheryl Davenport	Hon N.D. Griffiths	Hon N.F. Moore	Hon W.N. Stretch
Hon Dexter Davies	Hon John Halden	Hon M.D. Nixon	Hon Ken Travers
Hon E.R.J. Dermer	Hon Ray Halligan	Hon Simon O'Brien	Hon Muriel Patterson *(Teller)*

Question thus negatived.

The PRESIDENT: Order of the Day No 6 is the Sentence Administration Bill 1998. This is a procedural matter. I am happy not to proceed with it, but I am wondering whether Hon Helen Hodgson has for a brief moment left the Chamber on urgent parliamentary business. If Hon Norman Kelly, who attempted to get the call, is indicating that he acts on behalf of Hon Helen Hodgson, he is in a position to move the motion. If that is the case, I will call on Hon Norm Kelly to move that the Order of the Day be discharged and that the Bill be referred to the Standing Committee on Legislation.

SENTENCE ADMINISTRATION BILL

Order of the Day Discharged and Referral to Standing Committee on Legislation

HON NORM KELLY (East Metropolitan) [3.05 pm]: I move the motion standing in the name of Hon Helen Hodgson -

That the order of the day be discharged and the Bill be referred to the Standing Committee on Legislation.

Given the resounding vote on the previous motion, I am unclear whether we will be proceeding right through with this motion. As a result of the recent debate there is an argument about whether Bills should be referred to the Standing

Committee on Legislation prior to the second reading debate. I know that is not the usual course of action and that usually we have the second reading debate, not only to determine whether the House supports the policy of the Bill but also to raise issues in order better to instruct the Standing Committee on Legislation on what issues to address when looking at such a Bill. If we refer a Bill after the second reading debate, we are bound by the principle of the Bill as stated in the second reading debate. Sometimes that can limit consideration of a Bill by a standing committee. However, as I said before, given the resounding vote on the previous motion, I now seek leave to have the motion withdrawn.

Leave granted. Motion withdrawn.

The PRESIDENT: It may seem unusual for me to have invited Hon Norm Kelly to move that motion on behalf of Hon Helen Hodgson. However, it was my understanding that Hon Helen Hodgson intended to move the motion but left the Chamber for a few minutes on parliamentary business and the order of the day came on much sooner than she anticipated. There is nothing exceptional in this, as I have some knowledge that that is what she intended to do. The seeking of leave to withdraw is something that I did not know about. However, the House approves.

SENTENCING LEGISLATION AMENDMENT AND REPEAL BILL

SENTENCE ADMINISTRATION BILL

Cognate Debate

On motion by Hon Peter Foss (Attorney General), resolved -

> That leave be granted for the Bills to be discussed concurrently at the second reading stage in accordance with standing order No 228.

Second Reading

Resumed from 8 December 1998.

HON N.D. GRIFFITHS (East Metropolitan) [3.09 pm]: The Bills taken together deal with two areas: The matters to do with parole and remission, substantially as a result of the report handed down by Chief Judge Hammond on 20 March 1998, the so-called matrix provisions which are contained in the Sentencing Legislation Amendment and Repeal Bill 1998, and other matters to do with, among other things, reparation and motor vehicles, and parole and remission not canvassed and reported on by Chief Judge Hammond. Before making some general observations and moving to some specific observations, I should point out that even though some of the measures in the Bill are directly in accord with what Chief Judge Hammond recommends, other provisions that deal with the issues discussed in the Hammond report are not themselves directly in line with the proposals of the Hammond report. In many cases those matters will be dealt with more particularly in committee, but will be mentioned by me in passing as I make my observations. This is a major area of public concern. It deals with public safety and how the people of Western Australia view the justice system. The fact is that public faith and the views of the judiciary with respect to the justice system are not what they should be. Those matters are set out succinctly on page 1 of chapter 1 of the Hammond report in a passage which I read out a few moments ago in dealing with another matter that was before the House; therefore, I do not propose to read it again. However, it should be taken as a given that there is a lack of faith in the current sentencing regime with regard to sentences of imprisonment. It is the duty of the Government and of members of this Parliament to do what can be done to restore that faith. If there is a lack of faith in the operations of our sentencing system, and if the judiciary have major concerns of the kind that they have raised and the kind consistent with the concerns of the general public, and those matters are not addressed, the public will engage in activities which may undermine our civilisation, to the extent that we are civilised.

The Australian Labor Party places a premium on issues to do with public safety. We want a safer community; a community which has faith in our institutions, particularly the Parliament and in this case our justice system. We want that faith to be justified. We want to have a sentencing system - particularly with respect to that sentence of last resort, imprisonment - that the public understands. We do not want a state of disquiet. We do not want to have sections of the public turned into mobs, because they are easily led astray as a result of having a system in place with respect to which they have no faith. Essentially those areas of the Bills which are substantially in accord with what Chief Judge Hammond has recommended are matters which the Australian Labor Party endorses because we are of the view that his proposals are a fairly significant attempt to rectify the state of affairs, to which I have referred.

However, the Labor Party is very concerned about the matrix proposal. We note the criticisms that many have put forward with respect to it. I said a few moments ago, but in the context of dealing with these Bills I should repeat my observations, that when something new and radical is proposed by the Government - the Government has every right to propose it - it is proper, where there has been little consultation, as the Attorney General agreed -

Hon Peter Foss: There has been consultation.

Hon N.D. GRIFFITHS: I said "little consultation". Perhaps I should speak up so the Attorney General can hear more easily what I say. It is proper that a measure that is radical to the way we do things in Western Australia be given very close scrutiny. The fact that that measure is contained in one of the two Bills that we are debating is not in itself sufficient reason not to agree to the passage of these Bills through the second reading stage. This legislation as a whole is very worthwhile. Unfortunately, it is only part of what should be a holistic response to what the community needs. It does not in itself provide for public safety and it does not purport to do so. Because no other measures are in place, what these Bills propose to do falls far short of what the Government should be doing. It is because of that that regrettably a primary objective of the Bill to make our sentencing system work better will not be achieved.

I want to mention in that context the reasons that is so. These matters do not go directly to words contained in the Bill, but they deal with the essence of the Bill. These measures have a potential to, and the Government accepts the proposition that they will, increase the prison muster. Hon Helen Hodgson a few moments ago referred to an answer to a question in which figures were given about increases in the musters over time. There will be increases, although those increases in themselves are nothing compared with the very dramatic increases that we have experienced in our prison musters in relatively recent times.

In debating these Bills it is appropriate that some consideration be given to the fact that numbers will be increased and numbers have increased; and that the Government is not managing that state of affairs adequately. If these Bills are passed the need for the Government to manage that state of affairs becomes yet more urgent. It seems that when we deal with what is the core of these sorts of measures, we shall talk about crime and the incidence of crime, and how to get on top of crime. I would have thought one of the easiest ways of tackling crime is to target those people who commit crimes. People who are serving sentences of imprisonment are people who have shown that they have a capacity to commit crimes. They are a very easily targeted group. However, they are not being targeted appropriately. They are not being subjected to those treatments and programs that they should be subjected to in order to turn their lives around. Once this State starts to see lower rates of recidivism and starts to approach the rates in most of the rest of Australia we can be seen to be heading in the right direction. We must bear these matters in mind when considering the Bills.

In so far as there are programs in place I would have thought those programs have some difficulty in being operated efficiently. In that regard I will refer very briefly to some matters raised in the report of the inquiry into the incident at Casuarina Prison of 25 March 1998, and dated 19 March 1999. It relates to increased prison numbers and how that should be dealt with in relation to crime. I will refer to it as the Smith report as Mr Smith had a prominent role in presenting it. The Smith report refers to overcrowding. I note the observation that overcrowding is an oxymoron, but I refer to it in the sense the public understand it. We must have the necessary treatment programs, which are not in place, to operate effectively, to target the prisoners and help them get their lives turned around, to reduce rates of recidivism and, thus, reduce rates of crime and not have courts exercise the sentence of last resort of sending people to prison and having parole and remission considered. To do that, prison management must improve. That prison management problem seems to be exacerbated by how we deal with the musters. I briefly quote from page 58 of the report which states -

> There is a range of evidence that greater prisoner numbers placed a strain on the system . . . Overcrowding not only led to increased strain on resources but contributed to staff and prisoner stress. Overcrowding is not the direct result of increasing numbers of people coming to prison, but of the inadequacy of plans to deal with the greater numbers.

On page 59 at point 5.2.4.5 the report states -

> The effects of overcrowding are pernicious because they stress every aspect of the system . . .

At page 60 it continues -

> Overcrowding is thus not really about gross numbers - it is about management and resource capacity.

Mr Smith then goes on to give a specific example of how the matter is dealt with. It states -

> The effects on Casuarina of having to deal with such large numbers of prisoners were not difficult to find. The prisoner Induction and Orientation Unit (designed so that staff could get to know prisoners and properly introduce them to the prison and regime) had never functioned as intended.

How on earth will people be realistically treated and given the opportunity to turn their lives around if this state of affairs occurs? How can we have a workable parole system - remissions are being disposed of under the Bills. To my mind it should work as a system where the incidence of offending on parole is minimal, and where the parolees find themselves back in the mainstream of society.

Mr Smith observed -

> . . . many prisoners were being directly allocated to units with staff often having little idea who they were dealing with. This factor combined with the extra numbers meant that the unit management system was severely stretched. There was no sentence management or planning system which could formally drive staff / prisoner relationships.

By all means we should get the legislation right, but something more is required. Very recently we have been told there are serious deficiencies. It is about time we got on with the job and did something about it.

This legislation must be part of a wider approach. We have a Safer WA program. I think it is fair to say that to some extent that program is part of a wider approach; in fact, in its background paper Safer WA refers to this legislation as being part of that approach. Safer WA has many good aspects, particularly the involvement of community, the use of local knowledge, the involvement of agencies and people who know what must be done and who can deal with issues in a coordinated manner, and the very important role of the community policing. Members will recall that community policing was championed by the Labor Party; in fact, it was a Labor innovation, and we brought it in. There are some new initiatives, but basically it is a repackaging.

Although I should not complain about it because this legislation is part of that program, there is an offensive part to the Safer WA program. A cabinet subcommittee oversees the program. The offensive part of the program is contained in that background paper, which is handed out to community groups when they confer, and tells people that they must work together. Central to it is the Government's point of view with respect to legislation. Governments are entitled to have a point

of view and are entitled to put it; however, they should not say, "We are all working together. Let's all be bipartisan." The Australian Labor Party is very bipartisan on these matters of public order. We support the passage of this legislation.

In its background paper, Safer WA advocates part of this legislation with respect to which the Australian Labor Party has voiced concern. Under the legislative reform, referred to on page 5 of the background paper, a critical element is stated to be that the Government's legislation reform program must address the community's law and order concerns. We are supportive of addressing those concerns, and I think we have dealt with a number of Bills on this issue - I have dealt with just about all of them on behalf of the Opposition - very speedily and with very little amendment.

We have adopted a view that the Government is here to govern. When something is clearly wrong we point it out, and from time to time the Government takes it up and, I regret to say, gets the credit for an improved piece of legislation. That is the nature of politics and Parliament, and one day in the not too distant future, perhaps the Government will return the favour. The Safer WA background document goes on to talk about the centrepiece being amendments to the Sentencing Act which will provide a totally new scheme for sentencing. It almost paraphrases the opening parts of the second reading speech to the Sentencing Legislation Amendment and Repeal Bill 1998; the same scriptwriter was probably involved, and I can understand that. In the context of the bipartisan measures the Government says it is seeking to engender, it should not be espousing a controversial piece of legislation in the Safer WA program.

However, I acknowledge that it is important to place legislation such as this in the context of other measures. In that sense it is appropriate that reference is made to legislation which is to take place, but not to the extent of this legislation, and describe it as critical or the centrepiece. Most discussion in the document is devoted to the matrix. Very little in that part of the document deals with the proposed changes to parole and remission. Governments are allowed to play politics, but I do not think that is appropriate in this case. I am pleased to note in that context that such legislation should be dealt with by other measures, but there are many positive measures which can be undertaken. I regret that, to the extent that the Government has endeavoured to undertake them, it has failed to do so adequately.

Effective sentencing procedures must be supported by measures such as working with families and with children in schools to prevent young people from becoming the offenders of the future. We need look no further than the performance of the Minister for Family and Children's Services to note the Government's abject failure in dealing with that matter. In that context, one would look at issues such as truancy, bullying and early-intervention programs to deal with children who disclose antisocial behavioural patterns and, frankly, children who are just not coping. It is well documented that such measures have an impact on crime down the track and therefore are a great supplement to the legislation that we are discussing.

Of course, we must also seriously tackle widespread offensive behaviour such as burglary. Community policing has an important role, but in recent times it has not been given the role that it should have been given, or the role, I am pleased to say, that Hon Graham Edwards, the federal member for Cowan, espoused so vigorously when he was Minister for Police. We must consider the development of programs and systems which resist crime. I note that there is an immobiliser scheme, but insufficient emphasis is placed on the use of technologies that may easily be applied to lead to a decrease in crime. It is a matter of taking the lollipop from in front of the would-be sweet thief.

In the context of those who are in prison and those who would otherwise end up in prison, I refer to working with offenders to ensure that, insofar as it can be done, they do not re-offend. That is part of the efficient functioning of a parole system, and we are dealing with laws which affect parole. There are some very welcome things in terms of what is envisaged, I trust, to be proactive measures in dealing with parolees, but that will need administrative back-up. The best pieces of legislation in the world are meaningless unless we have in place programs which will give substance to them. I have already dealt with the proposition that there should be more effective programs in prisons to rehabilitate people. Ministry of Justice officers are very skilled in dealing with offenders and would-be offenders. Their role needs to be resourced to a greater extent than it is, because in prevention, whether we are dealing with parolees or people who might otherwise find themselves in prison, money spent is actually money saved.

Looking at the budget papers this year and last year - and no doubt in years to come - and listening to answers to questions it seems to me that prisons are expensive to build, maintain and operate in terms of the public purse. If we can minimise crime and not need to depend on prisons or such laws, we will save a lot, especially in terms of the financial and non-financial impact on victims, and of course the criminals themselves and their families.

In an earlier debate, reference was made to notions such as restorative justice. That matter should be examined and researched more than it is at the moment. To an extent, restorative justice exists with respect to the juvenile justice system, but greater examination should be made of it than appears to be taking place. According to research, restorative justice has a potentially great effect in the juvenile justice system. Those are the sorts of measures which could be part of a package with the legislation but which are not put forward. Insofar as they are put forward, they are not put forward adequately.

In order to make the legislation effective so that it does not impinge to an unacceptable degree on the public purse, we should finally do something about the causes of the unacceptable levels of crime in the community. There will always be committees examining that matter. People who commit crimes and therefore find themselves subjected to the legislation, and quite properly so, are antisocial. Crime is a form of antisocial behaviour which requires a criminal sanction as distinct from a civil sanction. People who commit crime have a beef about society in some way, whether it is momentary or longstanding, and it is an expression of a degree of alienation or of selfish behaviour - in other words, they put themselves above society, do not care about society or feel that they do not belong. One way of dealing with that is to make society fairer than it is. If we do nothing about making society fairer than it is, the legislation inevitably will be applied to more and more people and we will spend more and more money on prisons, not because the legislation as such exists but because

people will be sentenced to imprisonment and the legislation affects matters to do with their imprisonment, particularly with respect to parole and the administration of sentences.

With respect to prisons one problem is how the parole system is operating. Again, I refer to the Smith report. Many people have commented that the legislation will impact on Aboriginal people to a greater degree than on non-Aboriginal people. No doubt that follows because of the fact that, regrettably, Aboriginal people find themselves represented in the prison musters to a far greater extent than is the case with the general population. In that context, Mr Smith has made some observations which I have not seen picked up anywhere. I will quote briefly from page 56 of what I have called the "Smith Report". He puts it far more succinctly and eloquently than I have seen for some time in observations of this kind. Although he is saying it in the context of what took place in Casuarina Prison, its relevance is that which I have mentioned. It reads -

> The contemporary lifestyle of Aboriginal people today has many factors which compound the growing frustration felt by particularly younger members of the community. Whilst education is accessible, in most cases the notion of its purpose is questionable in the light of limited work opportunities for a vast number of school graduates. Aboriginal people represent a significant rate of the unemployed population within our society and are still the most disadvantaged group in any comparative statistical assessment concerned with social justice and equity issues.

On how Aboriginal society has developed in recent times, he says -

> Due to the demands of urban society and all that it represents it is increasingly difficult for traditional practices of Aboriginal culture to be maintained.

He continues further -

> It can be argued that the loss of language and culture may for some contribute to a loss of an individual's identity and feeling of acceptance within their community. It could be further argued that this may then lead to a general disregard of property, respect for others including elders and any form of controlling influence which may be applied to prohibit activities which give a form of recognition of individuals through alternative means, such as 'bucking the system' whatever the system is.

That is a significant statement dealing with a significant cause of crime. It has real relevance for the operation of this legislation because it goes to the core of what leads many people to find themselves in the prison system. What has been said by Mr Smith about those people who commit acts against society so bad that they must be sentenced to terms of imprisonment, to a great extent also applies to people who are not Aborigines. The Attorney General knows that I am extremely bipartisan when it comes to law and order matters. I do not think any Attorney General has ever dealt with anyone as bipartisan as me on these matters, and they never will.

Hon Peter Foss: It is possibly me.

Hon N.D. GRIFFITHS: It may be the Attorney General; it may be me. At the end of the day, it is both of us. One of the problems in dealing with the policy of these Bills, and the reaction it has had from many people in the community, lies with how the Government treats law and order and sentencing issues. The Government deals with sentencing by the use of so-called spin doctors. It seems to seek headlines.

Hon Peter Foss: I seem to get it whether or not I try.

Hon N.D. GRIFFITHS: The Attorney General has an unrivalled capacity to attract the attention of the media. In the media's defence, he seems to seek out media attention, particularly by his wearing of wigs when not appearing in court.

Sitting suspended from 3.40 to 4.00 pm

[Questions without notice taken.]

Hon N.D. GRIFFITHS: In the lead-up to the second reading debate a number of observations have been made. It is not necessary to go over that ground again. I do not propose to do so to any great degree because I have no interest in delaying the consideration of the Bills. Although the Australian Labor Party supports the second reading of these Bills, I do not want that support to be taken to mean that we resile in any way from the proper condemnation of the handling of the processes by the Attorney General. In particular, I refer to the delay with respect to the Hammond proposals and the Attorney General's evident failure to consult with respect to the matrix.

Hon Peter Foss: I did not fail to consult.

Hon N.D. GRIFFITHS: I should have said to consult appropriately.

Hon Peter Foss: I had it in the public arena for about two years.

Hon N.D. GRIFFITHS: I also refer to his difficulty in bringing the substantial part of the legal profession and people who have an interest in those matters along with him.

Hon Peter Foss: They do not agree. That is the big problem. If they all agreed, it would not be a difficult matter.

Hon N.D. GRIFFITHS: For the moment, I will put the matrix to one side.

Hon Peter Foss: A judge could not get them to agree.

Hon N.D. GRIFFITHS: If the Attorney General had gone about this matter in the right way, the criticism he has had to face on other matters would not be as hot as it is, and that is regrettable.

Hon Peter Foss: That is absolute nonsense.

Hon N.D. GRIFFITHS: The Attorney General should not get upset. After all, it is Thursday afternoon and he should be enjoying himself.

Hon Peter Foss: I am now.

Hon N.D. GRIFFITHS: For Western Australian purposes the matrix is a radical proposal. It is proper that it be looked at carefully. It must be shown to be workable. Given the comments of the Chief Judge, in particular, it must be shown not to undermine the independence of the judiciary in the way the Chief Judge of the District Court set out in his report to the Parliament of last November. The Bill contains measures which are very welcome and needed to make our sentencing laws better, to offer more realistic penalties, to restore faith in the integrity of the system and to bring the sentence imposed closer to the time served. The abolition of remission is central to this process. I note that is something the former President of the Law Society of Western Australia is reported as having agreed to when the matters were first announced on 29 October 1998.

In looking at the Hammond report, I am reminded that the Chief Judge expressed general support for this matter. It is necessary because that aspect has the potential to undermine the integrity of the process. That is not to say that the issue of earned remission is not something that can be addressed down the track, although the Hammond report touched on it. At this stage I do not propose to go through each item in that report and say where we agree with it, where we differ and how it arises in the legislation, although I could do so. Those matters were covered in the second reading speech and are matters of record. Similarly, with respect to "Other matters", such as reparation, it is sufficient to make the general observation that they are worthy of consideration in committee. To conclude, the Australian Labor Party supports the proposition that each of the Bills be read a second time.

HON LJILJANNA RAVLICH (East Metropolitan) [4.37 pm]: I, too, support the second reading of these two Bills. It was not my intent to make a lengthy speech on this legislation; however, when I picked up the second reading speech on the Sentencing Legislation Amendment and Repeal Bill 1998 and saw what the Bill proposes to do, I felt somewhat compelled to make some points about sentencing and law and order issues. It is interesting to note that among the reforms is the abolition of the one-third remission in sentences. This interesting question arises: What will happen to prison numbers? On a number of occasions in this place I have asked questions of the Attorney General about the impact of this legislation on the prison population in the State. The Attorney General has assured me that there is no correlation between the two; therefore, we should not expect to see any increase in the prisoner population. That assessment is totally inaccurate. There will be enormous pressure on state prisons as a result of this legislation. I do not have any difficulty with giving courts a greater capacity to refuse eligibility for parole, particularly for repeat offenders and offenders who are on parole.

I have some problems with regard to the abolition of work release and home detention, but one matter of extreme concern to me is Aboriginal incarceration and the extent to which indigenous people are over-represented in the prison system. The other Sunday I watched a *60 Minutes* segment about an Aboriginal gentleman in the Northern Territory who had committed a murder. He was sentenced by white law to a number of years imprisonment. Even though he had served his time under so-called white law, he faced the prospect of going back to his community and facing tribal law, which in his case was horrific. A certain percentage of the indigenous population is subject to two sets of punishment as a result of the current arrangements.

What concerns me about the legislation is the "round 'em up, lock 'em up" mentality that the Government has embraced as a solution to very complex law and order issues. That is a bad strategy, because crimes will still happen, and unless we address the causes of crime we will continue to sentence people, to build new prisons and then to fill those prisons. Members might say, "That's okay; those people are off the street", but if we put it into context, the crime must be committed in the first place for them to be locked up, so really we are not doing much about the problem. Prior to the 1993 election the Government gave numerous commitments with respect to law and order, including that there would be increased resourcing for the police generally and also in the form of overtime. It said that would make the streets of Western Australia safe. Clearly, the streets of Western Australia are not safe and the Government has not achieved that promise. In fact, it has fallen very short of achieving that promise. In its 1993 coalition policy it said that the coalition Government would stop the revolving door syndrome in juvenile crime. The truth is that the Government has an absolutely woeful record on law and order and it should hang its head in shame at its lack of effectiveness. Australian Bureau of Statistics crime data in its 1997-98 report clearly show that Western Australia has possibly the highest rate of crime in Australia.

Hon B.K. Donaldson: Have you seen the latest figures over the past six months in Western Australia?

Hon LJILJANNA RAVLICH: I am referring to the 1997-98 ABS data. I do not care what happened in the past six months, because at the end of the day it is part of a trend. Let me tell Hon Bruce Donaldson that in respect of the number of reported victims per 100 000 of population we ranked first; on unlawful entry with intent we ranked first; on unlawful entry with intent involving the taking of property we ranked second; on motor vehicle theft we ranked second; on other theft we ranked first; on manslaughter we ranked first; and on driving causing death we are ranked first. As to problems of neighbourhood, on housebreaking we ranked first; on motor vehicle theft we ranked equal first; and on sexual assault we ranked second. The list goes on.

We have a serious problem in the community, and unless it is addressed it will put significant pressure on our court system and on our prison system, as we have already seen, but the Government does not seem to be too worried about that. It seems

to have adopted the approach that, provided it can get the private sector to build prisons and put offenders in them, it will not have a problem. However, we are still left with a major problem. The Sentencing Legislation Amendment and Repeal Bill does nothing to address the causes of crime, and other law and order legislation does nothing to address crime.

A key matter which must be examined is what causes people to commit crimes in the first place. Albeit at a fairly simplistic level, I argue that people need a purpose in life. They need a job. They need to be able to provide economically for themselves and their families. They need a decent standard of living. They need a quality of education which provides them with the resources to be able to make the right decisions for themselves about which way is up, which way is down and what is the right or wrong path to take in life. Those are fundamental issues. If we are to reduce crime, reduce pressure on the court system and therefore impact on sentencing requirements, we must go back to some of the fundamentals. Since it has been in office, the Government has certainly produced nothing which would suggest that it is remotely interested in addressing some of those fundamentals, and that is of major concern to me. This Bill tackles the end of a problem. As in education, it is like trying to introduce an alternative program for a recalcitrant child at year 10. It is a pointless exercise, albeit that it might be better than nothing, when we consider the lost opportunities to address the problem from its commencement.

Hon B.K. Donaldson: That is an expectation in the wider community.

Hon LJILJANNA RAVLICH: That might be an expectation of the community. The community wants good law and order. The Government has not met any of its commitments, and the crime statistics bear that out. Hon Bruce Donaldson does not want me to embarrass him by reading through the list of where we rank first and second and to compare 1996-97 with 1997-98, because it is not a pretty picture. The Government has an appalling record on law and order. It has done nothing to reduce the rate of crime within our community.

Hon Peter Foss: It has.

Hon LJILJANNA RAVLICH: It might have, but what it has done is ineffective.

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: Come on! There might be a trend, but I can tell the Attorney General that the records -

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: That is a nonsensical message. The Government is building a prison for 600 additional prisoners at Wooroloo. Incarceration is increasing at a phenomenal rate. The Government has a disaster of a minister who has done nothing but get himself into trouble.

Hon Peter Foss: You are a harsh person.

Hon LJILJANNA RAVLICH: I am not a harsh person; I am an honest person.

The PRESIDENT: Order, members! I was listening to the interjections and trying to better understand why Hon Ljiljanna Ravlich always attracts the interjections.

Hon Kim Chance: Because she gets picked on.

The PRESIDENT: Is that the reason?

Hon LJILJANNA RAVLICH: I am starting to feel like a victim in this place, but I will not let it get the better of me. This Bill addresses the problem at the wrong end. I know it is about sentencing and I know there is a need for reforms in this area. These reforms may be OK in principle, but we must assess what will be the impact of these reforms on the prison system. I cannot cop the argument that there will be no flow-on effect on the numbers in our prison population as a result of this sentencing legislation. We do not need more prisons; that is no solution to law and order. We do not want more prisons; we want fewer prisons, and the fewer, the better. I am sure that public sentiment is with me in that respect. We already have an enormous problem in our prison system. The other day a situation arose in which a young prisoner was fighting for his life after being stabbed in front of 30 other prisoners at Canning Vale Prison. The bottom line is that the State has a duty of care. Given the riots at Christmas and the stabbing of this prisoner, if members are telling me that this State is providing duty of care, they do not know what is going on.

Hon Peter Foss: We have the lowest rate of prisoner-on-prisoner assault in Australia.

Hon LJILJANNA RAVLICH: That is per ratio of prisoners. We have more prisoners than any other State. Of course there would be a lower ratio.

Hon Peter Foss: Get it right! Why do we have the lowest prisoner-on-prisoner assault rate in Australia? You said it the other way around. Why do you think we have the lowest prisoner-on-prisoner assault rate?

Hon LJILJANNA RAVLICH: The Attorney General is trying to distract me from my speech. The Attorney General does not have a leg to stand on.

Hon Peter Foss: Get the facts straight!

Hon LJILJANNA RAVLICH: If the Attorney General provided me with half the answers to half the questions I ask in this place about issues concerning law and order, I might have a few more facts with which to work.

Hon Peter Foss: You have not asked me questions.

Hon LJILJANNA RAVLICH: I have asked the Attorney General questions. I asked a very pertinent question about the impact of this legislation on the prisoner population and he said that there would be no impact. He is out with the fairies; he is off the planet. The Attorney General cannot for one moment tell me that I do not know what I am talking about. He is the Attorney General, yet he has no idea. He should hang his head in shame because of the appalling state of law and order in this State.

Several members interjected.

The PRESIDENT: Order, members! Someone interjected that it was time to talk about the Bill, and I agree.

Hon LJILJANNA RAVLICH: There is no doubt that the Sentencing Legislation Amendment and Repeal Bill will have a significant impact on prison numbers in this State. That is of enormous concern to me because I do not believe that the consequences of this legislation have been thought through. How will our current prison system cope with the increase in numbers in the prison population? The prisoners who are currently within the prison system are not adequately looked after in some areas. I put some questions on notice about psychiatric services for prisoners for the period 1997-98. I was advised that a total of $219 600 was allocated to psychiatric services for the State's prison system. I did a calculation which worked out to be about $114 per prisoner. Many of these people in prison might have some psychiatric problems, and that may be a key reason why they have ended up in the prison system. This Government - lousy as it is - has allocated $114 per prisoner. How does it link to this legislation?

Hon Peter Foss interjected.

Hon LJILJANNA RAVLICH: I can always tell when I am getting under the skin of the Attorney General, because he takes the bait all the time. In the next life, he will be a fish. He will be a snapper or a cobbler, but he definitely will not come back in human form. This directly relates, because the prison system is obviously under-resourced.

Hon Peter Foss: Who says so?

The PRESIDENT: Order, members! Enough is enough! I do not need a running commentary from the Attorney General. He will have his opportunity when he replies, and the same applies to Hon John Halden.

Hon LJILJANNA RAVLICH: There obviously will be an under-funding of the prison system if we abolish one-third remissions on sentences, reduce opportunities for parole and abolish work release and home detention options. An ordinary person, such as myself, without the intellect of the Attorney General, might draw the conclusion that it will lead to increased numbers because people will not be put through the system at such a rapid rate to get them back into society. Unless the Government substantially increases the resources to facilitate that shift in the increase in prison population, I fear for the safety of prisoners; I fear for their ability to be rehabilitated; and I fear that this Government will not be providing an adequate duty of care to them. Even though Corrections Corporation of Australia has started building the new prison at Wooroloo - minus a contract to operate it - we cannot hand over the duty of care responsibilities purely and simply because a prison is being built. Indeed, in this case, it will be operated by a private -

Point of Order

Hon PETER FOSS: I have two options: I can reply to this irrelevant material in my response, but that would be unfortunate. I do not think a private prison has anything to do with the Sentence Administration Bill or the Sentencing Legislation Amendment and Repeal Bill. These matters demand a reply because they are so wrong. However, I would be very much off the text of the Bill if I replied, as they have nothing do with it.

The PRESIDENT: The Attorney General is right: To reply by way of interjection would be a breach of the Standing Orders. The custom and usage of not only this House but also other Parliaments is that, to enable a free flow of the debate on occasions when a member seeks some clarification or additional advice, it is not considered unruly for a clear, concise question to be asked. The trouble we have in this place is that when someone asks a question, everyone wants to either give an answer or ask another question. We cannot even manage our interjections in a reasonable manner.

Returning to the Attorney General's point of order, my understanding is that the comments made by Hon Ljiljanna Ravlich about the private prison can be deemed to be incidental to the question of sentencing. Obviously, if Hon Ljiljanna Ravlich makes her speech in substance on the question of the private prison, it will certainly not be within the scope of the Bill. I know that Hon Ljiljanna Ravlich is aware of the standing orders in that regard.

Debate Resumed

The PRESIDENT: Members having invited me to make those comments, I see that it is now five o'clock, and under the standing orders I am required to interrupt the debate. The debate stands adjourned.

ADJOURNMENT OF THE HOUSE

Special

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

That the House at its rising adjourn until Tuesday, 25 May.

Ordinary

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.00 pm]: I move -

That the House do now adjourn.

Answer to Question on Table 2 of Budget Document - Adjournment Debate

HON JOHN HALDEN (South Metropolitan) [5.01 pm]: I wish to engage in yet another discussion with the Minister for Finance, although I do not think I will get a chance. Be that as it may, on the basis of last night's answer to my question, it probably will not make me any wiser after the event anyway.

I want to take up the point that I raised in last night's adjournment debate. It arose out of my criticism of the Premier for not being able to give me an answer to a relatively simple question. The Leader of the House advised me that the Premier was unable to tick off on that question yesterday. However, I found it amazing that he could not tick off on a question that he had from 10 o'clock in the morning until presumably five o'clock in the afternoon when I note by reference to *Hansard* that he spent the whole day here and also had half of Treasury's budget staff here, probably explaining to him how there is a difference between the federal budget surplus and his own budget surplus.

Point of Order

Hon N.F. MOORE: I raise the same point of order that I raised yesterday during the adjournment debate; that is, we have an order of the day on the Notice Paper which relates to the budget. I suggest that the member is in fact talking about the budget, and that is out of order.

The PRESIDENT: I understand the point of order. There is an order of the day that the Council take note of the budget papers. Certainly it would be against the standing orders to pre-empt debate on that matter. I explained to Hon John Halden yesterday that as long as his comments were seeking clarification in respect of a question asked in the Parliament, which I understand was the case yesterday, that was in order, but he could not canvass the budget in general. It is proper to talk about this question but not the budget in general.

Debate Resumed

Hon JOHN HALDEN: Quite clearly, I wish to pursue this issue, because I think some information has been put around with respect to figures in the budget. I cannot do that -

The PRESIDENT: Order! The Leader of the House was about to rise on the same point of order. There is nothing wrong with raising something that is in the budget if it relates to a question that is being asked, as long as the member does not go any further and start discussing the budget in substance, so to speak. Clearly, the question relates to some item that is apparently within those tabled papers. I cannot stop the member raising an issue just because there happens to be a reference in the tabled papers to that same item. However, Hon John Halden knows the rules.

Hon JOHN HALDEN: Mr President, you are just confusing me and the Leader of the House is confusing me with the pointless interjections.

Hon N.F. Moore: I have not said anything yet. I am about to.

Hon JOHN HALDEN: The Leader of the House took a point of order. For God's sake, let us get on with this.

The PRESIDENT: Order!

Hon JOHN HALDEN: I want to make and seek clarification of a point. I attempted to do this today by way of a question without notice but never got the opportunity. I take the opportunity now. The situation is that the Government has laid out a series of claims, which I am trying to narrow down, saying that it is in deficit because of a capital blow-out - I do not want to transgress anything, but it says that on page 208 of budget paper No 3. Last night I tried to get an answer. Members should read it, because I have never in my life read anything that is more nonsensical. Anyway, it was only given by the Minister for Finance, who I guess does not understand very much about these matters.

Hon Peter Foss interjected.

Hon JOHN HALDEN: The Attorney General should read it. The realities are that the capital outlays show an increase of $156.9m. The recurrent outlays are up $470.3m. How can the Government say - this is the point of my question of which I keep trying to seek clarification - that capital spending will keep the sector in an overall deficit position from 1998-99 to 2000-01? Quite clearly, on those figures there has been a blow-out in recurrent expenditure. I tried to provide the opportunity for the Minister for Finance to correct me, to tell me the error of my ways and to explain to me what evil thing I am doing here to misread the budget documents. Why would I be at variance with the Premier, a man of absolutely boundless fiscal knowledge beyond anyone's expectations? Only I could possibly be wrong; I am aware of that. However, why is there this absolute effort not to answer this simple question? I made it clear to the Minister for Finance when he was in this place that I would go through this again. He is not here now; I am sure he is away on parliamentary business. However, I want to understand why we go through a series of misleading statements about the net debt of this budget. It is clearly not brought about by a huge blow-out in capital expenditure when compared with recurrent expenditure. The recurrent blow-out is three times greater, in absolute terms, than the capital. Maybe I am wrong. I concede that. I just want an explanation which I can understand, which might even be in pidgin English, to clarify this matter for me. If I am right, the point is that it would mean that recurrent expenditure for the next financial year will increase by 6.6 per cent. When that

is compared with an inflation rate of 2.25 per cent, this Government is not showing a lot of constraint in the area of its own public sector.

I made a speech about this recently, and I intend to make more speeches. The Government tells us it knows how to run the show and the shop. The realities are that these budget documents show, in my best interpretation, that that is not the case; nor is it the case that this debt figure of - I want to be exact -

Point of Order

Hon SIMON O'BRIEN: We are clearly now moving into a discussion of the budget papers in general. We have gone well beyond a query as to whether a question was answered by a responsible minister.

The PRESIDENT: I understand the point of order, and I was about to call Hon John Halden's attention to that situation. I said earlier that it was not a breach of the standing orders to refer to a matter that might be contained in the budget. I give an example: If someone asked a question in the House about how many police officers are currently employed in Western Australia and was given an answer, the mere fact that there is probably reference to that in the budget would not of itself restrain the member from raising the issue of police officers. Hon John Halden has been given the liberty to attempt to clarify the answer to a question which was asked, which apparently makes some reference to budget figures. I believe that is in order. However, Hon Simon O'Brien is equally correct in saying that Hon John Halden has now moved off on a tangent and is now discussing the substance of the budget, and that is out of order. Therefore, I say to Hon John Halden that it is either back to the specific question or I call Hon Ljiljanna Ravlich.

Debate Resumed

Hon JOHN HALDEN: To conclude this, I want to quote the figure in the budget so that the minister, who might read this and might discuss it, either formally or informally, will know it. There is a total deficit of $638.4m. I want to return to the start of these comments - not debate, because I do not seem to be involved in a debate owing to stupid points of order because the Government does not want to talk about this.

Hon Simon O'Brien: My point of order was justified.

Hon JOHN HALDEN: The Government could not answer the question despite the fact that the Treasurer was in the building. Last night the Minister for Finance did not have a clue about government accounting processes; his answer was gobbledegook. In this place the point is this: When one seeks information on the basis of trying to be constructive in one's opposition, which is the job we on this side have, we need some priority in getting competent, clear answers. If that offends the standing orders, I apologise profusely to Hon Simon O'Brien. I understand the necessity for obliqueness, obstruction and obsfucation from the facts of this budget. In our preparedness to follow this matter down the line and to be fair, if we cannot have the opportunity in an adjournment debate to try to elicit competent, clear and accurate answers, we may as well give away this business. I invite Hon Simon O'Brien to read the Minister for Finance's answer to my question in yesterday's adjournment debate.

Hon Simon O'Brien: Yes, we've got all that.

Hon JOHN HALDEN: It is nonsense, is it not?

Hon Simon O'Brien: You repeated yourself yesterday and today a dozen times.

Hon JOHN HALDEN: I have again risen tonight to give the Minister for Finance the opportunity to correct me or to agree with me. I guess I could only be wrong. However, if these opportunities are not provided in this way without this stupid point of order stuff, the realities are that the Government can make these statements and not ever clarify the situation and not give the minister a fair go. If the Government wants that process to apply in this place, I will oblige it. At the moment the Government knows that its statements made about this budget were wrong and it will not clarify or agree with those statements. Government members should stop this obsfucation and stop trying to hide behind the standing orders of this place because, bluntly and frankly, it is a disgrace.

Mrs Joan Martin - Adjournment Debate

HON LJILJANNA RAVLICH (East Metropolitan) [5.15 pm]: I want to comment on a report tabled today of the Commissioner for Public Sector Standards on a complaint lodged by Mrs Joan Martin against the Commissioner of Homeswest. Mrs Martin complained to the commissioner that she had been discriminated against when personal information had been released relating to her tenancies with Homeswest. I do not want to get into the specifics of the case but I will comment on the interesting findings of the Commissioner for Public Sector Standards. I then want to raise some issues about the office of the Commissioner for Public Sector Standards.

One of the findings was that there was no evidence that the release of detailed client information by Homeswest was deliberately intended to ridicule Mrs Martin and her family or the Aboriginal community. However, the commissioner stated that, in his opinion, in releasing such information to the news media, Homeswest had not complied with section 9(b) of the Public Sector Management Act 1994 and had not been scrupulous in its use of official information. Secondly, the commission found that the Western Australian Public Sector Code of Ethics was breached in that Homeswest had not shown respect for the privacy and confidentiality of records.

I am interested, from the public sector management viewpoint, as to how one could be found to have breached section 9(b) of the Act without a breach of sections 9(a) and (c) having been found at the same time, because they are so interrelated. Section 9(b) states -

9. The principles of conduct that are to be observed by all public sector bodies and employees are that they -

(b) are to act with integrity in the performance of official duties and are to be scrupulous in the use of official information, equipment and facilities;

Clearly the commissioner found that there was a breach of that section. My interpretation of the Act is that there is also a breach of section 9(a) and (c) because in breaching subsection (b) the Homeswest agency did not exercise proper courtesy, consideration and sensitivity in its dealings with a member of the public. There is no way that Mrs Martin's case was handled with any degree of courtesy, consideration or sensitivity as shown by the mere fact that that information was made public. Secondly, section 9(a) of the Act clearly states that agencies must comply with the provisions of not only the Public Sector Management Act but also any other Act governing their conduct. They must comply with the Public Sector Code of Ethics. In making a determination that the code of ethics had been breached, there is a clear breach of section 9(a)(ii). There can be no other conclusion drawn except that that section has been breached. Thirdly, section 9(a)(iii) states that the principles of conduct to be observed by all public sector bodies and employees are that they are to comply with the provisions of any code of conduct applicable to the public sector body or employee concerned. I am not convinced that the commissioner has in fact reported as accurately as he might have. In my interpretation of the Act it would be difficult for the commissioner not to have concluded that there was a breach of sections 9(a), (b) and (c) rather than the conclusion which the commissioner drew that only section 9(b) and the Public Sector Code of Ethics had been breached.

I go on from there because these findings raise interesting questions on the role of the supposedly independent Commissioner for Public Sector Standards. The Court Government crowed considerably when it established the new Public Sector Management Act 1994, and crowed even louder when it announced that it would establish a new independent office of the Commissioner for Public Sector Standards. In fact, it argued strongly that there was a need for improved standards throughout the state public sector and a need to uphold the recommendations made by the Commission on Government. Since the Government has put in place the office of the supposed independent Commissioner for Public Sector Standards, this Government has not given the commissioner the opportunity to carry out his investigations with any great degree of independence. I am concerned, as a member of the public, that there is political interference in this office and that public resources to the tune of $2.459m annually are allocated to an office where the commissioner is hamstrung by the political interference of the Premier. I am referring to the budget allocation for that office for 1999-2000.

I understand that there are some limitations under the Public Sector Management Act. One of those limitations is that the commissioner cannot make a finding against a person but rather must make a finding against the agency in question. I understand there are some problems with regard to section 105, which requires that there be no interference from a member of Parliament's office with regard to secondment, appointment, recruitment, transfer and the like - they being the public sector standards. However, this Government has now been in office for six years, this Act is now five years old, and this Government has had ample opportunity to rectify any shortcomings in the Public Sector Management Act. For the Government to consistently interfere with the findings of the commissioner and to consistently argue that because there is a problem with the Act, it will not take any note of the findings of the commissioner is an absolutely appalling situation and one which may lead many Western Australians to ask the question: Why are we funding this agency if the Government has no regard for it?

I believe the commissioner attempts to do a good job and has an enormous task in attempting to do that job. I note from the budget papers that the total number of complaints, breaches, reviews and inquiries in 1998-99 was 2 160 and in 1999-2000 is estimated to be 2 580. That says a couple of things. It says that there is enormous pressure on the commissioner. It says also that the public sector is in pretty bad shape. I am interested to know the breakdown of that figure of 2 580 and how many complaints are estimated as opposed to breaches, reviews and inquiries. I do not believe the commissioner's situation is made any easier by the political interference of the Premier.

A survey about whether members of Parliament are satisfied with the quality of the commissioner's activities in monitoring standards in the public sector indicated that only 54 per cent of members are satisfied. That indicates to me that Parliament does not have confidence in the work of the commissioner. That is a sad state of affairs. I call on the Premier to do the right thing by the commissioner and to allow him to get on with his job and do it independently, without the Premier's sticking his bib in all the time. This is required urgently. The commissioner has an important and independent role to play, and the Government should enable him to get on with his job.

Safer WA (Newman) Committee - Adjournment Debate

HON TOM HELM (Mining and Pastoral) [5.23 pm]: Just to set the Minister for Mines' mind at rest, I do not think he has any responsibility for the matter that I am about to bring to the attention of the House.

The PRESIDENT: Order! Does it have anything to do the budget?

Hon TOM HELM: It may have. I wish to read to the House a copy of a letter that I received from the Safer WA (Newman) Committee. My comrade Hon Nick Griffiths told the House this afternoon that the Labor Party is very pleased with the work of the Safer WA Committee. It is a good initiative by this Government. Newman has been blessed to have had the epitome of community policemen. Our present officer in charge, Alan Phillips, is about to leave, and he will be missed, but then we have missed all of our officers in charge at Newman. Although the Safer WA initiative is very good, it highlights a problem that Newman has been experiencing for quite some time. The letter is from Maurice Lee, Chairman of the Safer WA (Newman) Committee, and is addressed to the Court Services Directorate, Ministry of Justice, with a copy to Ron Sweetman and me. The letter states in part -

> It has come to our notice that there are no facilities for anyone who is called as a witness (or otherwise) to appear in the above Court.

That is the Newman Magistrate's Court. It continues -

> They are required to wait where there is no shelter from the elements, which can range from extreme heat (up to forty seven degrees at the height of Summer) to torrential rain or bitter cold weather conditions. There are no toilets/wash rooms nor anywhere where a drink or food could be purchased to sustain even the most basic of human requirements.
>
> Witnesses/Lawyers/Welfare and Court Officers/Defendants/Plaintiffs can be required to wait from early morning awaiting Court opening at 10 am extending to late in the evening, on some occasions, in what amounts to less than adequate conditions. We would like it recorded that we are totally dissatisfied with this service. There is no waiting area provided whatsoever. The Court Service might meet the needs of judiciary but certainly does not meet even the most basic needs of the community. It does not induce anyone to uphold justice when required to do so.
>
> We would ask could some form of shelter be erected with basic facilities as a matter of urgency.

I know that when people listen to me talk, they think Newman is some kind of paradise, and I believe it is most of the time, but in the past three months we have had some unseasonal rains, and there is no shelter for people who are attending court for whatever reason. It has always been that way. The latest figure I can find is that $100 000 was spent in about 1990. I think that even this Government made a budget allocation early in the piece to recognise the needs of the people in Newman and to upgrade the police station. The black hole of Calcutta would look like the Calcutta Hilton compared with the holding cells in Newman! However, the Government does not like criminals, so who cares? The court next door is a reflection of the condition of those holding cells. It appears from a glance at the budget papers that there is no allocation for those facilities to be upgraded.

If this Government gets the praise from our side of the House that it deserves for this good initiative, surely it should look at bringing this facility into the twentieth century. That was promised by the previous Labor Government on a number of occasions, and an allocation was made in the budget, and I am sure, although I could not find it, there was also an allocation in a budget of this Government early in the piece, but it is no longer in the budget. I would be lacking in my duty if I did not pass on the concerns of the members of the Safer WA (Newman) Committee and ask the Government to look at the budget papers to see whether funds can be allocated to bring those facilities into the twentieth century.

Question put and passed.

House adjourned at 5.27 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT CONTRACTS, GRAIN TRANSPORT

1156. Hon LJILJANNA RAVLICH to the Minister for Transport representing the Minister for Primary Industry:

Further to the answer given to question on notice 956 in relation to the Grain Pool of WA contract with the WAGR for transportation of grain by rail, can the Minister for Primary Industry advise -

(1) Was the contracting project risk management process applied to this contract as per the requirements of Contract and Management Services' risk management policy?

(2) What was the risk rating of this project?

(3) Will the Minister table the Risk Management Plan for the Contract Development Phase of this contract?

(4) Was any risk monitoring carried out?

(5) If so will the Minister table the outcomes?

(6) Was the performance of this contract evaluated?

(7) Will the Minister table the evaluation?

Hon M.J. CRIDDLE replied:

(1) The Grain Pool of WA does not fall under the definition of a "public authority" under the State Supply and Commission Act 1991. As such the contract was not managed by State Supply Commission and therefore does not come under the requirements of the Contract and Management Services Risk Management Policy.

(2)-(7) Not applicable.

GOVERNMENT MEDIA OFFICE, MEDIA SUMMARIES MAILING LIST

1192. Hon TOM STEPHENS to the Leader of the House representing the Premier:

Will the Premier table in the House a list detailing the officers names, agency and position held of each person to whom the media summaries and transcripts are sent on a regular basis by the Government Media Office?

Hon N.F. MOORE replied:

The Monitoring Unit of the Government Media Office sends regular media summaries to each Ministerial Office and to the following agencies :

Office of Youth
Department of Productivity and Labour Relations
Ministry of Premier and Cabinet
Office of Auditor General
Perth Office of Federal Attorney General
Department of Treasury
Ministry of Justice media office
Government House
Anti Corruption Commission
State Parliamentary Library

PUBLIC SERVANTS, SALARIES IN EXCESS OF $100 000 PER ANNUM

1197. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Public Sector Management:

(1) Can the Minister for Public Sector Management advise how many public servants have salaries in excess of $100 000 per annum?

(2) Can the Minister advise how many public servants have salary packages in excess of $100 000 per annum?

Hon MAX EVANS replied:

(1)-(2) Information in relation to the salaries of public servants is retained by individual agencies and is not readily available. However, as by way of example, of Chief Executive Officers employed by the Minister for Public Sector Management, 50 have salaries in excess of $100,000 per annum. If the member has a specific query, I will arrange for the details to be provided.

EDUCATION DEPARTMENT, EXPENDITURE ON CONSULTANTS

1406. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Education:

With regard to the $228m worth of purchases made by the Education Department through the State Supply Commission (SSC) in 1996/97 (see Figure 3, Annual Report 1997/98, page 29), how much of this figure was spent on consultants?

Hon N.F. MOORE replied:

Information from the Ministry of the Premier and Cabinet's consultant's returns outlining expenditure on consultants across government indicate the amount spent on consultants by the Education Department for the Year 1996/1997 was approximately $3 195 000.

SCHOOLS, COMPUTERS

1462. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

In relation to the 1998/99 State Budget announcement of $100m for computers in schools -

(1) Can the Minister for Education advise the current ratio of computers to students for -

(a) non-Government primary schools in the Perth Education District;
(b) Government primary schools in the Perth Education District;
(c) non-Government secondary schools in the Perth Education District; and
(d) Government secondary schools in the Perth Education District?

(2) Can the Minister advise the age and capacity of the computers available for student use in -

(a) non-Government primary schools in the Perth Education District;
(b) Government primary schools in the Perth Education District;
(c) non-Government secondary schools in the Perth Education District; and
(d) Government secondary schools in the Perth Education District?

(3) Can the Minister advise the amount of funding that will be available to fulfill the given criteria of one computer to five students in secondary school and one computer to ten students in primary school, for -

(a) non-Government primary schools in the Perth Education District;
(b) Government primary schools in the Perth Education District;
(c) non-Government secondary schools in the Perth Education District; and
(d) Government secondary schools in the Perth Education District?

(4) Can the Minister advise how schools will fund ongoing costs for access to Internet providers, networking, professional development, technical repairs, support and maintenance?

Hon N.F. MOORE replied:

(1) (a),(c) Information about the current ratio of computers to students in non-government schools, including those in the Perth Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at the 31 December 1998 the ratio of computers to primary school students for government schools in the Perth Education District was 14:1.

(d) As at the 31 December 1998 the ratio of computers to secondary school students for government schools in the Perth Education District was 7:1.

(2) (a),(c) Information about the current ratio of computers to students in non-government schools, including those in the Perth Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at 31 December 1998, 82 per cent or 1 149 computers available for use for primary students in government schools in the Perth Education District were no greater than four years old or a functional equivalent.

(d) As at 31 December 1998, 91 per cent or 1 372 computers available for use for secondary students in government schools in the Perth Education District were no greater than four years old or a functional equivalent.

(3) (a),(c) The target figure quoted as ratios of computers to students are for government schools only and take account of pre-existing government funding commitments for computers in government schools. The funding available to non-government schools is $20 million over four years ($5 million in each year). This is a completely new initiative with no history of previous funding and will apply to all eligible non-government schools, including those in the Perth Education District.

(b) From 1998 to 2002 government primary schools in the Perth Education District will receive $5 793 000 to reach a ratio of one computer to ten primary school students. Of this, $4 347 000 will be from the Learning Technologies funding.

(d) From 1998 to 2002 government secondary schools in the Perth Education District will receive $5 657 000 to reach the ratios of one computer to five secondary school students. Of this, $4 274 000 will be from the Learning Technologies funding.

(4) For non-government schools, the essential benefit is to allow schools to upgrade or expand (through purchase or

leasehold) computer hardware and associated software. Non-government schools may then redirect their own funds, otherwise earmarked for these purposes, to other areas such as professional development, networking, technical support and the like.

For government schools the funding to acquire the target ratio of computers includes a surplus allocation of between $400 and $1 900 per computer depending on the school's socio-economic and isolation factors. Schools are able to use this funding for other learning technologies costs such as professional development and technical support.

SCHOOLS, COMPUTERS

1463. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

In relation to the 1998/99 State Budget announcement of $100m for computers in schools -

(1) Can the Minister for Education advise the current ratio of computers to students for -

(a) non-Government primary schools in the Swan Education District;
(b) Government primary schools in the Swan Education District;
(c) non-Government secondary schools in the Swan Education District; and
(d) Government secondary schools in the Swan Education District?

(2) Can the Minister advise the age and capacity of the computers available for student use in -

(a) non-Government primary schools in the Swan Education District;
(b) Government primary schools in the Swan Education District;
(c) non-Government secondary schools in the Swan Education District; and
(d) Government secondary schools in the Swan Education District?

(3) Can the Minister advise the amount of funding that will be available to fulfill the given criteria of one computer to five students in secondary school and one computer to ten students in primary school, for -

(a) non-Government primary schools in the Swan Education District;
(b) Government primary schools in the Swan Education District;
(c) non-Government secondary schools in the Swan Education District; and
(d) Government secondary schools in the Swan Education District?

(4) Can the Minister advise how schools will fund ongoing costs for access to Internet providers, networking, professional development, technical repairs, support and maintenance?

Hon N.F. MOORE replied:

(1) (a),(c) Information about the current ratio of computers to students in non-government schools, including those in the Swan Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at the 31 December 1998 the ratio of computers to primary school students for government schools in the Swan Education District was 16:1.

(d) As at the 31 December 1998 the ratio of computers to secondary school students for government schools in the Swan Education District was 8:1.

(2) (a),(c) Information about the current ratio of computer to students in non-government schools, including those in the Swan Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at the 31 December 1998, 83 per cent or 1 353 computers available for use for primary students in government schools in the Swan Education District were no greater than four years old or a functional equivalent.

(d) As at the 31 December 1998, 82 per cent or 1 023 computers available for use for secondary students in government schools in the Swan Education District were no greater than four years old or a functional equivalent.

(3) (a),(c) The target figures quoted as ratios of computers to students are for government schools only and take account of pre-existing government funding commitments for computers in government schools. The funding available to non-government schools is $20 million over four years ($5 million in each year). This is a completely new initiative with no history of previous funding and will apply to all eligible non-government schools, including those in the Swan Education District.

(b) From 1998 to 2002 government primary schools in the Swan Education district will receive $8 316 000 to reach a ratio of one computer to ten primary school students. Of this, $6 345 000 will be from the Learning Technologies funding.

(c) From 1998 to 2002 government secondary schools in the Swan Education District will receive $6 375 000

to reach the ratio of one computer to five secondary school students. Of this, $4 806 000 will be from the Learning Technologies funding.

(4) For non-government schools, the essential benefit is to allow schools to upgrade or expand (through purchase or leasehold) computer hardware and associated software. Non-government schools may then redirect their own funds, otherwise earmarked for these purposes, to other areas such as professional development, networking, technical support and the like.

For government schools the funding to acquire the target ratio of computers includes a surplus allocation of between $400 to $1 900 per computer depending on the school's socio-economic and isolation factors. Schools are able to use this funding for other learning technologies costs such as professional development and technical support.

SCHOOLS, COMPUTERS

1464. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

In relation to the 1998/99 State Budget announcement of $100m for computers in schools -

(1) Can the Minister for Education advise the current ratio of computers to students for -

(a) non-Government primary schools in the Joondalup Education District;
(b) Government primary schools in the Joondalup Education District;
(c) non-Government secondary schools in the Joondalup Education District; and
(d) Government secondary schools in the Joondalup Education District?

(2) Can the Minister advise the age and capacity of the computers available for student use in -

(a) non-Government primary schools in the Joondalup Education District;
(b) Government primary schools in the Joondalup Education District;
(c) non-Government secondary schools in the Joondalup Education District; and
(d) Government secondary schools in the Joondalup Education District?

(3) Can the Minister advise the amount of funding that will be available to fulfill the given criteria of one computer to five students in secondary school and one computer to ten students in primary school, for -

(a) non-Government primary schools in the Joondalup Education District;
(b) Government primary schools in the Joondalup Education District;
(c) non-Government secondary schools in the Joondalup Education District; and
(d) Government secondary schools in the Joondalup Education District?

(4) Can the Minister advise how schools will fund ongoing costs for access to Internet providers, networking, professional development, technical repairs, support and maintenance?

Hon N.F. MOORE replied:

(1) (a),(c) Information about the current ratio of computers to students in non-government schools, including those in the Joondalup Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at the 31 December 1998 the ratio of computers to primary school students for government schools in the Joondalup Education Districts was 17:1.

(d) As at the 31 December 1998 the ratio of computers to secondary school students for government schools in the Joondalup Education Districts was 8:1.

(2) (a),(c) Information about the current ratio of computers to students in non-government schools, including those in the Joondalup Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at the 31 December 1998, 82 per cent or 684 computers available for use for primary students in government schools in the Joondalup Education District were no greater than four years old or a functional equivalent.

(d) As at the 31 December 1998, 81 per cent or 580 computers available for use for secondary students in government schools in the Joondalup Education District were no greater than four years old or a functional equivalent.

(3) (a),(c) The target figures quoted as ratios of computers to students are for government schools only and take account of pre-existing government funding commitments for computers in government schools. The funding available to non-government schools is $20 million over four years ($5 million in each year). This is a completely new initiative with no history of previous funding and will apply to all eligible non-government schools, including those in the Joondalup Education District.

(b) From 1998 to 2002 government primary schools in the Joondalup Education District will receive

$4 198 000 to reach a ratio of one computer to ten primary school students. Of this, $3 248 000 will be from the Learning Technologies funding.

(d) From 1998 to 2002 government secondary schools in the Joondalup Education District will receive $2 851 000 to reach to ratio of one computer to five secondary school students. Of this, $2 145 000 will be from the Learning Technologies funding.

(4) For non-government schools, the essential benefit is to allow schools to upgrade or expand (through purchase or leasehold) computer hardware and associated software. Non-government schools may then redirect their own funds, otherwise earmarked for these purposes, to other areas such as professional development, networking, technical support and the like.

For government schools the funding to acquire the target ratio of computers includes a surplus allocation of between $400 and $1 900 per computer depending on the school's socio-economic and isolation factors. Schools are able to use this funding for other learning technologies costs such as professional development and technical support.

SCHOOLS, COMPUTERS

1465. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

In relation to the 1998/99 State Budget announcement of $100m for computers in schools -

(1) Can the Minister for Education advise the current ratio of computers to students for -

(a) non-Government primary schools in the Fremantle Education District;
(b) Government primary schools in the Fremantle Education District;
(c) non-Government secondary schools in the Fremantle Education District; and
(d) Government secondary schools in the Fremantle Education District?

(2) Can the Minister advise the age and capacity of the computers available for student use in -

(a) non-Government primary schools in the Fremantle Education District;
(b) Government primary schools in the Fremantle Education District;
(c) non-Government secondary schools in the Fremantle Education District; and
(d) Government secondary schools in the Fremantle Education District?

(3) Can the Minister advise the amount of funding that will be available to fulfill the given criteria of one computer to five students in secondary school and one computer to ten students in primary school, for -

(a) non-Government primary schools in the Fremantle Education District;
(b) Government primary schools in the Fremantle Education District;
(c) non-Government secondary schools in the Fremantle Education District; and
(d) Government secondary schools in the Fremantle Education District?

(4) Can the Minister advise how schools will fund ongoing costs for access to Internet providers, networking, professional development, technical repairs, support and maintenance?

Hon N.F. MOORE replied:

(1) (a),(c) Information about the current ratio of computers to students in non-government schools, including those in the Fremantle Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at the 31 December 1998 the ratio of computers to primary school students for government schools in the Fremantle Education Districts was 15:1.

(c) As at the 31 December 1998 the ratio of computers to secondary school students for government schools in the Fremantle Education Districts was 8:1.

(2) (a),(c) Information about the current ratio of computers to students in non-government schools, including those in the Fremantle Education District, is not known. Some information is being obtained during the current application for funds phase of the program for non-government schools. Catholic schools are applying to the Catholic Education Office and independent schools to the Association of Independent Schools.

(b) As at the 31 December 1998, 81 per cent or 1 270 computers available for use for primary students in government schools in the Fremantle Education District were no greater than four years old or a functional equivalent.

(d) As at the 31 December 1998, 91 per cent or 1 394 computers available for use for secondary students in government schools in the Fremantle Education District were no greater than four years old or a functional equivalent.

(3) (a),(c) The target figures quoted as ratios of computers to students are for government schools only and take account of pre-existing government funding commitments for computers in government schools. The funding available to non-government schools is $20 million over four years ($5 million in each year).

This is a completely new initiative with no history of previous funding and will apply to all eligible non-government schools, including those in the Fremantle Education District.

(b) From 1998 to 2002 government primary schools in the Fremantle Education District will receive $6 935 000 to reach the ratio of one computer to ten primary school students. Of this, $5 279 000 will be from the Learning Technologies funding.

(d) From 1998 to 2002 government secondary schools in the Fremantle Education District will receive $6 569 000 to reach a ratio of one computer to five secondary school students. Of this, $4 957 000 will be from the Learning Technologies funding.

(4) For non-government schools, the essential benefit is to allow schools to upgrade or expand (through purchase or leasehold) computer hardware and associated software. Non-government schools may then redirect their own funds, otherwise earmarked for these purposes, to other areas such as professional development, networking, technical support and the like.

For government schools the funding to acquire the target ratio of computers includes a surplus allocation of between $400 and $1 900 per computer depending on the school's socio-economic and isolation factors. Schools are able to use this funding for other learning technologies costs such as professional development and technical support.

AUSTRALIA'S OCEANS POLICY

1482. Hon GIZ WATSON to the Leader of the House representing the Premier:

With respect to the release of Australia's Oceans Policy in 1998 -

(1) Is the Premier aware of the Australia's Oceans Policy?

(2) Is the Western Australian Government supporting this Commonwealth policy?

(3) If yes, how will Western Australia be supporting the policy?

(4) Has the Government formally responded to the policy?

(5) If yes, will the Premier table that response?

(6) If not, will there be a formal response and when will that response be made?

Hon N.F. MOORE replied:

(1) Yes.

(2) No.

(3) Not applicable.

(4) Yes, the Premier responded to the Prime Minister on 3 March 1999.

(5) Yes.

(6) Not applicable.

GOLD CORPORATION, FOREIGN CURRENCY HEDGE FUND

1515. Hon LJILJANNA RAVLICH to the Minister for Finance representing the Treasurer:

In respect to the Gold Corporation's decision, in partnership with the Sydney 2000 Olympic Coin Program, to commit US$33 million to a foreign currency hedge fund, which fell due on March 11, 1999, referred to on page 41 of the Gold Corporation 1997/98 annual report -

(1) Were the overseas sales of US$33 million realised?

(2) If not, why not?

(3) If no to (1) above, what was the cost to the Sydney 2000 Olympic Coin Program of not being able to meet its commitment, and what was the share of this cost to Gold Corporation?

(4) What was the US$ value of the hedge upon maturing on March 11, 1999?

(5) At what exchange rate was the currency first hedged, and what is the current exchange rate of the contract if it has not been met?

(6) Based on the exchange rate today, what is the potential profit or loss that could accrue to Gold Corporation if the contract was not met?

(7) Which executive and non-executive directors of Gold Corporation were involved in the decision to hedge this currency amount and its timing?

(8) If the sales equal to the outstanding US$33 million have not occurred, what is the total value of the foreign currency sales that have occurred since the start of the program?

(9) When did the first currency sales occur?

(10) What total US$ sales were made in 1997/98 under the direction of each Gold Corporation international office listed on page 60 of the 1997/98 annual report?

(11) How many countries has the Olympics allowed the Sydney 2000 Olympic Coin Program partnership to sell into and what is the total value of sales in each of these countries since the start of the partnership?

Hon MAX EVANS replied:

The Sydney 2000 Olympic Coin Program partnership has not committed any USD funds to a foreign currency hedge fund.

MIDLAND COLLEGE OF TAFE, ROOF TILING COURSE

1574. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Employment and Training:

(1) What is the total amount of funds spent on preparing Midland TAFE for a roof tiling course?

(2) From what source has these funds come from?

(3) How many students have passed the roof tilers course at Midland TAFE since its inception?

(4) Has the Minister for Employment and Training or the department held consultations with any other organisation, TAFE College or training provider to contract out this course?

(5) If yes, who have talks been held with?

Hon N.F. MOORE replied:

(1) Roof structures $11,250
Chimney construction $1,250
Storage/covered work area $2,700
Site power supply $1,125

TOTAL $16,325

(2) The Department of Training as a grant in the performance and delivery agreement between the college and the department.

(3) The course has not been delivered due to lack of demand.

(4)-(5) Not applicable.

QUESTIONS WITHOUT NOTICE

FEDERAL BUDGET, VISA COST INCREASE

1212. Hon TOM STEPHENS to the Minister for Tourism:

I refer to the federal budget that was handed down this week, and in particular to the Federal Government's decision to increase the cost of visas, and ask: Will the minister in his capacity as Minister for Tourism combine with the Opposition in condemning the Federal Government for this decision, given its negative impact on the tourism industry? Will the minister take the opportunity of making urgent representations to the Federal Government to ask it to reverse this decision and remove the visa charge altogether; and if not, on what basis will the minister refuse to make such representations?

Hon N.F. MOORE replied:

Of course I share the concern expressed by the Leader of the Opposition about any increase in the cost for individuals who visit Australia. I certainly will not join with the Opposition in doing anything, because that will be a counterproductive activity, but I will make my views known to the federal minister.

BUNBURY RAILWAY STATION, RELOCATION

1213. Hon TOM STEPHENS to the Minister for Transport:

Last year, the minister received a report from transport consultants BSD Consultants Pty Ltd on the relocation of Bunbury Railway Station.

(1) Has the minister made a decision on the relocation yet; and, if yes, what decision has been made; and, if no, when will the minister make a decision?

(2) Will the minister make the BSD report available to the public?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of the question.

(1) My position is that major improvements to the *Australind* service, including relocation of the Bunbury terminal, should be examined as part of the consideration about replacing the rail cars after 2005. In the meantime, it would be appropriate for the Department of Transport to continue to consult with the City of Bunbury on the matter to resolve priority and planning issues for the Marlston Hill site for the relocated terminal.

(2) Yes.

QUEEN'S COUNSEL, APPOINTMENTS

1214. Hon N.D. GRIFFITHS to the Attorney General:

(1) Does the Attorney General intend to have new procedures in place for this year's appointments of Queen's Counsel?

(2) Why is the Attorney General proposing to take the unprecedented step of involving the Premier in the appointments?

(3) Why is the Attorney General proposing to have a greater involvement in the process?

(4) When will the Attorney bring the matter before Cabinet?

Hon PETER FOSS replied:

(1)-(4) I have been proposing for some three years to have new procedures for the appointment of silk, partly because of the involvement of a greater variety of people in the nomination of silk, and that has already been set up on an informal basis by my predecessor, Hon Cheryl Edwardes, and I intend for that to be formalised. I intend also to carry out the recommendations of the Clarkson committee. No doubt all members who have an interest in this matter will remember the recommendations of the Clarkson committee. I understand that Hon Ian Medcalf and Hon Joe Berinson both undertook to bring in some measures to do that. I will bring forward those measures. The two measures mentioned by Hon Nick Griffiths are that the Premier is the premier person to give advice to the Governor on the exercise of the royal prerogative. The Premier already must sign every appointment that goes before Executive Council. No minute can get before Executive Council without the Premier's signature. Therefore, his involvement is most appropriate. Finally, I have already taken it to Cabinet.

ENERGY, GREEN POWER POLICY

1215. Hon J.A. SCOTT to the Leader of the House representing the Minister for Energy:

(1) (a) When will the minister announce the green power policy and/or legislation, and what will be the period and form for public submissions and consultation?

(b) Has the Office of Energy consulted any groups or individuals on the green power legislation; and, if so, who?

(2) Will the minister introduce a green power scheme that allows the green power generators to sell power directly to the end user?

(a) If no, why not?

(b) If yes, how will the minister ensure that the green power generators can also be licensed as retailers under the WA green power scheme?

(3) Will the Minister for Energy promote the use of green power in government agencies as a mechanism to encourage green power users in the private sector?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(3) The Government is currently considering the development of a green power policy. Any such policy and the process for its implementation will be announced around mid-year.

PRISON, PYRTON SITE

1216. Hon NORM KELLY to the Minister for Justice:

(1) What is the standard specification for perimeter fencing at minimum security prisons?

(2) Can the minister give an assurance that a perimeter fence similar to that surrounding the Greenough Regional Prison minimum security area, which consists of four rolls of razor wire and three metres of cyclone mesh topped by three rows of barbed wire, will not be constructed at the Pyrton site?

(3) What are the specification for the perimeter fence that is planned to be constructed at the proposed Pyrton minimum security prison?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) There is no standard.

(2)-(3) No. Pyrton is at the proposal stage with the State Planning Commission. If the Ministry of Justice is successful in this process, further discussions with the community will occur, including the issue of fencing.

The fencing at Greenough Regional Prison was requested by the local community, whereas some of the local community at Pyrton have requested there not be such fencing. It is a matter of local requirements.

REGIONAL FOREST AGREEMENT, NET INCREASE IN FORMAL RESERVES

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

I ask this question on behalf of Hon Muriel Patterson. Can the minister explain what is the net increase in formal reserves under the Regional Forest Agreement?

Hon MAX EVANS replied:

Under the RFA, there are 205 000 hectares of new formal reserves, and, as has been raised in this Chamber previously, there are some 54 000 ha of areas which were previously proposed as reserves and which are now proposed to remain as state forest. As a result, the net increase in formal reserves under the RFA is 150 885 ha.

CYCLONE VANCE, EXMOUTH AND ONSLOW

1218. Hon TOM HELM to the Leader of the House representing the Premier:

(1) What total state government funds have been distributed in the towns of Exmouth and Onslow to respond to the damage caused by cyclone Vance?

(2) Will the Premier table details of funds released to individuals, businesses, community organisations and local shires?

Hon N.F. MOORE replied:

In view of the difficulty I had yesterday when Hon John Halden asked a question and I said put it on notice, and he assumed I had something to hide, I will say put this question on notice, not because I have anything to hide, but because the Premier is not in town today and I have not been able to get him to tick off the answer to the question. I assure the member that lots of funds have been distributed already. I can say, having visited Exmouth and Onslow, that the people there are very satisfied with the response of the Government, particularly the response to the business community, but I will give the member the details if he either puts the question on notice or asks it on Tuesday week.

COURT SECURITY FUNCTIONS, OUTSOURCING

1219. Hon JOHN HALDEN to the Minister for Justice:

I ask this question of the minister in his capacity as representing the Chief Justice.

(1) Has the minister sought the views of the Chief Justice regarding the outsourcing of court security functions currently performed by the police?

(2) If not, why not?

(3) Has the Chief Justice independently, or as a result of the minister's initiative to seek his views, provided the minister with such views?

(4) If yes, what were those views?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1)-(4) There has been detailed correspondence and discussion between the Chief Justice of the Supreme Court and the project group, and also with the Ministry of Justice. These discussions are continuing and have been fruitful.

ABANDONED MINESITE INVENTORY

1220. Hon GIZ WATSON to the Minister for Mines:

In relation to the proposed budget and funding commitment to carry out an audit on abandoned minesites made by the minister on 7 April 1998 in the debate on the Mining Amendment Regulations (No 4) 1997, motion for disallowance, and in correspondence dated 3 March 1998 to the minister on the matter, I ask -

(1) What was the additional amount agreed to by the minister and assured by the Treasury that would be expended to carry out an abandoned minesite inventory?

(2) Can the minister identify where in the budget this amount is allocated?

(3) Who will carry out this inventory?

(4) Will extra people be employed to carry out this task?

(5) If so, how many?

(6) If not, why not?

Hon N.F. MOORE replied:

Oh ye of little faith!

(1) $350 000.

(2) Under the output 8 described as "A system for regulating and promoting environmental management in the mineral industry" on page 909 of the budget papers.

(3) Staff employed by the Department of Minerals and Energy.

(4) Yes.

(5) Two extra people.

(6) Not applicable.

WOOROLOO SOUTH PRISON, PROPOSED

1221. Hon HELEN HODGSON to the Minister for Justice:

(1) In respect of the request for proposal for the proposed private prison at Wooroloo South, have staffing levels or staffing ratios been prescribed for different areas of the prison?

(2) How were these levels determined?

(3) I refer to the minister's answer to question on notice 1171 answered on 11 May 1999, and ask why staffing ratios have not been prescribed for different areas of the Canning Vale Prison?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Although staffing levels have not been prescribed, the contract ensures that there are sufficient staff to provide each category of service. The arrangements made by the contractor will also subject to on-site monitoring and written monthly reports.

(2) Not applicable.

(3) Canning Vale Prison rosters sufficient staff to meet its needs on a day-to-day basis. When particular situations arise, operational procedures vary to ensure security and safety concerns are met. These operational procedures differ between areas of the prison and may include the lock-down of certain areas, escorting prisoners between locations, locking grill gates, allocation of additional staff and other measures. These measures have been arrived at in consultation with the Western Australian Prison Officers Union.

WESTERN POWER, PRIVATISATION

1222. Hon LJILJANNA RAVLICH to the Leader of the House representing the Minister for Energy:

I refer to the ongoing survey about Western Power privatisation by Market Equity.

(1) Who commissioned the survey?

(2) What is the purpose of the survey?

(3) When did it commence and when is it expected to be finalised?

(4) What is the cost of the survey?

(5) Will the minister table a copy of the survey; if not, why not?

Hon N.F. MOORE replied:

(1)-(5) Western Power is not conducting a survey on privatisation.

AGED AND DISABLED PERSONS

1223. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

(1) Was an impact assessment completed to determine the status of aged and disabled persons in relation to the poverty line before the implementation of the home and community care safeguard policy?

(2) If so, will the minister table the impact assessment results?

(3) If not, why not?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) No.

(2) Not applicable.

(3) On the basis of the current inconsistent and unregulated practices relating to the charging of fees in WA, the policy was developed to provide agencies with the necessary tools to ensure that clients are treated in a consistent manner. In addition, the policy is about putting in place necessary protections to ensure any contribution is based on the ability to pay. As part of the implementation of the policy, a comprehensive review is to be undertaken. One of the issues will be to examine issues of affordability for clients.

KEMERTON INDUSTRIAL PARK

1224. Hon CHRISTINE SHARP to the minister representing the Minister for the Environment and the Minister for Lands:

(1) In regard to the Kemerton Industrial Park expansion proposal, it was expected that there would be preliminary reports on the ongoing flora-fauna and hydrological studies of the Kemerton region. Are these completed or imminent and will they be made public?

(2) Will LandCorp be standing in the market in the interim before a final expansion decision is made?

(3) In light of past difficulties, is the search for a suitable solid waste site to service the Kemerton industrial area continuing?

(4) If so, have any sites been identified and have the public been made aware of them?

Hon MAX EVANS replied:

Question (1) is answered by the Minister for the Environment.

(1) The preliminary Kemerton vegetation and fauna survey report has been completed. The Environmental Protection Authority considered this report in April 1999. The hydrological studies are not yet complete. The EPA has requested further information concerning vegetation in the study area. The vegetation-fauna survey was commissioned by the Department of Resources Development and provided to the EPA. The EPA recommendations will be published once its assessment has been finalised.

The rest of the answers are provided by the Minister for Lands.

(2) No.

(3) Yes.

(4) Yes. It is an intended that this information will be released shortly.

REGIONAL FOREST AGREEMENT, OLD-GROWTH FOREST

1225. Hon J.A. COWDELL to the minister representing the Minister for the Environment:

I ask the minister to table the following information.

(1) How many hectares of -

(a) old-growth karri forest;

(b) old-growth jarrah forest and woodland; and

(c) old-growth wandoo forest and woodland,

will be logged between the signing of the RFA and 31 December 2003?

(2) What will be the remaining extant area of -

(a) old-growth karri forest;

(b) old-growth jarrah forest and woodland;

(c) old-growth wandoo forest and woodland,

as at 31 December 1999?

Hon MAX EVANS replied:

To provide the information in the time required is not possible, and I request that the member place the question on notice.

KEYSTART, MANAGERS

1226. Hon TOM STEPHENS to the minister representing the Minister for Housing:

(1) Will the Minister for Housing table how much has been paid to the Keystart managers in each of the following years -

(a) 1994-95;

(b) 1995-96;

(c) 1996-97;

(d) 1997-98; and

(e) 1998-99?

(2) Who are the current Keystart managers?

Hon MAX EVANS replied:

(1) The Keystart managers are paid for their scheme management by a fee based on the volume of funds under management. The volume of funds has increased from $658m in 1994 to the current level of $1 386m. The fees are the result of a tender and contract entered into in March 1995.

(a) $1 138 000.

(b) $1 067 000.

(c) $1 139 572.

(d) $1 368 294.

(e) $1 428 778.

(2) Price Waterhouse was the Keystart scheme manager until March 1995 when it was replaced as the result of a tender. The current Keystart scheme manager is a consortium of IF & I Securities Pty Ltd and Stamfords accountants, advisors and consultants. The current contract expires in March 2000 and tenders will be called later this year.

FOOTBALL MATCH, DIRECT TELECAST

1227. Hon GREG SMITH to the Minister for Sport and Recreation:

Is the minister aware of any decision by the ABC to provide a direct telecast of the Western Australia versus Tasmania football match to be played in Kalgoorlie on Saturday, 19 June?

Hon Tom Stephens: Megan Anwyl organised that!

Hon N.F. MOORE replied:

I am fascinated by the interjection from the Leader of the Opposition.

Hon Kim Chance: Did you not know that either?

Hon N.F. MOORE: I did. I am fascinated by some suggestion that the Labor Party might have had something to do with this event. Megan Anwyl has been running around somehow trying to associate herself with a range of positive initiatives from this Government. She turned up at the opening of the swimming pool and swam the first 50 metres, which we thought was a good idea as I suspect it lost her a few votes. Every time we do anything in Kalgoorlie, she is there as though she has had something to do with the occasion. This football match in Kalgoorlie was organised by me.

Several members interjected.

The PRESIDENT: Order! It is turning into the first quarter of a footy match here.

Hon N.F. MOORE: Having recognised what a good idea it was, Ms Anwyl sought to gain some kudos for being involved.

Several members interjected.

Hon N.F. MOORE: It is not a matter of jealousy; I would do the same thing if I were her. However, one must give credit where it is due. This match was organised as a result of my initiation of the country sport enrichment scheme. That scheme has resulted in a vast number of top-class athletes visiting country Western Australia. Part of the scheme in Kalgoorlie was a one-day cricket match between South Australia and Western Australia last year. That was an excellent occasion.

Hon Tom Stephens: Next the Minister for Tourism will tell us he had something to do with the Exmouth match - it had nothing to do with him.

Hon N.F. MOORE: It has. I was going to give a "yes" answer.

Hon John Halden: Are you bringing peace to the Balkans as well?

Hon N.F. MOORE: I would like to.

Hon John Halden: It is a wonder you don't go there, you are so talented.

The PRESIDENT: Order! The members with pained expressions are those who are waiting to ask their questions. If members stop interjecting we can listen to the answer, and get on with business.

Hon N.F. MOORE: The answer to the question is, yes, the ABC will telecast the match. I am disappointed that initially it had not intended to. It was necessary for action to be taken for the ABC to do so. For anyone to claim credit for that, namely Ms Anwyl, is nonsense. A vast number of people contacted the ABC about that. Ultimately, Barry Haase, the federal member for Kalgoorlie, persuaded the federal minister to lean on the ABC and that is what happened.

Hon Tom Stephens interjected earlier and said that next I would claim credit for the game in Exmouth. I do, and if the member talks to the Western Australian Football Commission he will also find that a game was played in Moora at my instigation. If Hon Tom Stephens ever visits the Pilbara he will find that the Wildcats played exhibition matches in four towns, attracting 5 000 young people, again at the instigation of the country sport enrichment scheme. It is a very good program. I suggest to members of the Opposition that instead of trying to hang on the coattails of the Government and get some kudos as a second-best option, why not look at the country sport enrichment scheme to see whether they can use it in their electorates. It is a good opportunity for the Government to assist members to get top-class sports men and women into regional Australia. Members opposite like it when it happens and they can do some good for their communities by becoming involved. However, they should not try to get on the bandwagon of somebody else and try to score points. At the end of the day, by then everybody will know who did the work and who is responsible for these things.

AGRICULTURE WA, COMBINED RECURRENT CAPITAL BUDGET

1228. Hon KIM CHANCE to the minister representing the Minister for Primary Industry:

I refer to the minister's answer yesterday that he had a note saying that he was still waiting for an answer. Does the minister now have an answer to my question which reads -

(1) Will the minister confirm that the combined recurrent capital budget for Agriculture WA will be cut by $8.7m, or 9 per cent, in 1999-2000?

(2) What impact will such a cut have on services provided by the department?

Hon M.J. CRIDDLE replied:

I thank the member for some notice of this question.

(1) The equivalent recurrent services budgets for 1998-99 of $84.065m and 1999-2000 of $86.004m show an increase of $1.939m.

(2) There will be no impact on the services currently provided by Agriculture WA. Presently $7.28m in capital works is under way in regional Western Australia and a further $5.015m has been allocated for these ongoing projects.

EDUCATION DEPARTMENT, EDRFP002/1997

1229. Hon E.R.J. DERMER to the Leader of the House representing the Minister for Education:

(1) Will the Minister for Education confirm that his departmental officer Ms Heather Leaney advised a 3 July 1997 briefing session relating to EDRFP002/1997 that any company contracted consequent to that request for proposal would receive revenue only if individual schools chose to use the contracted company's software?

(2) If not, can the minister confirm that no such advice was given by any Education Department officer at that briefing?

(3) Will the minister table the minutes of the briefing session on 3 July 1997 relating to EDRFP002?

(4) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) No. The Minister for Education was advised that at the time of the briefing the Education Department indicated that the request for proposal was being put out to determine the extent to which software packages met the department's requirements. At no time was it indicated that any company would receive revenue only if individual schools chose to use the contracted company's software.

(2) The Minister for Education was advised that to the best of the department's knowledge no such advice was given at the briefing.

(3) I seek leave to table the minutes.

Leave granted. [See paper No 1048.]

(4) Not applicable.

BANDYUP WOMEN'S PRISON, OVERCROWDING

1230. Hon N.D. GRIFFITHS to the Minister for Justice:

(1) What are the minister's plans to deal with the overcrowding at Bandyup Women's Prison in the event that planning approval for the facility at Pyrton is not forthcoming?

(2) Is there sufficient land adjacent to Bandyup to accommodate a minimum security women's prison?

(3) What would it cost to construct such a prison on that land?

Hon PETER FOSS replied:

(1)-(3) I am quite hopeful, and have been for about a year, that we will be able to use Pyrton. I do not at this stage wish to indicate what the alternatives might be. I have as an interim measure used Nyandi as a women's minimum security prison, but that would be unsuitable in the long term. There are problems with extending Bandyup - principally because at some stage Bandyup will need to expand for the purpose of accommodating maximum and medium security prisoners. At the moment we have difficulties with constructing something new there, because it would cost considerably in excess of the amount required at Pyrton, and would take a considerable amount of time to do so.

DERBY AND HALLS CREEK HOSPITALS

1231. Hon TOM HELM to the minister representing the Minister for Health:

(1) Are the funds allocated in the 1999-2000 state budget for stage 4 of the Derby Regional Hospital and the upgrade of Halls Creek District Hospital?

(2) Can the minister guarantee that completion of stage 4 at Derby and the upgrade at Halls Creek will occur this financial year?

(3) If not, why not?

(4) When will such funds be allocated and completion of these projects occur?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1)-(2) No.

(3) The Norhealth 2020 Service Plan addresses service and infrastructure needs in the north west of the State. The provision of health services in the north west in future years will be guided by the Norhealth 2020 plan. Cabinet has yet to consider this plan in conjunction with other major strategic planning initiatives.

(4) Subject to cabinet approval the Norhealth 2020 plan and acquisition of the required funds.

JAMES POINT PORT, METROPOLITAN REGION SCHEME AMENDMENT

1232. Hon TOM STEPHENS to the Minister for Transport:

Can the minister confirm that the Government has received advice that the proposed James Point port will require an amendment to the metropolitan region scheme in order to give effect to that proposal?

Hon M.J. CRIDDLE replied:

I am not aware of any plan. I ask the member to put the question on notice.

WORLD MASTERS OF BUSINESS SEMINAR

1233. Hon HELEN HODGSON to the Leader of the House representing the Minister for Commerce and Trade:

(1) Is the Department of Commerce and Trade supporting the world masters of business seminar being held at the Burswood Dome on Tuesday, 25 May?

(2) If so, what support has the department provided?

(3) If the support is financial, what amount has been provided?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1)-(2) A letter of support for the seminar was sent by the chief executive officer of the Department of Commerce and Trade to businesses on the department's mailing list.

(3) No financial support was provided.

MANYINGEE MINESITE, DISPOSAL OF URANIUM PRODUCT

1234. Hon GIZ WATSON to the minister representing the Minister for Health:

I refer to the disposal of uranium product left by Total Mining Australia Pty Ltd as a result of its solution mining trials at the Manyingee sight near Onslow.

(1) What encapsulation method was used?

(2) How was the product returned to the strata from whence it came, given that it was extracted by a solution mining method?

(3) Will the minister table any documents that identify that this product was, indeed, returned to the strata from whence it came.

Hon MAX EVANS replied:

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

HOME AND COMMUNITY CARE SAFEGUARDS POLICY

1235. Hon CHERYL DAVENPORT to the minister representing the Minister for Health:

Following the implementation of the home and community care program safeguards policy, does the minister propose to make available to HACC service programs any funding to offset the heavy administrative burden which will be imposed on service providers to implement the fees policy?

Hon MAX EVANS replied:

I thank the member for some notice of this question. Many agencies already have administrative arrangements in place for the collection of fees or donations within the heath and community care program, which are built into existing operating budgets. The safeguards policy does not require agencies to develop new collection mechanisms, so existing procedures can be used. The safeguards policy has provided agencies with the necessary tools to ensure clients are treated in a consistent manner, and the necessary mechanisms are in place to ensure any contribution is based on the ability to pay.

Also, a number of strategies have been developed and implemented to minimise any additional administrative requirements by home and community care providers related to the implementation of the safeguards policy. Funding for the printing and distribution of client and carer information brochures has been provided by the Health Department, which is in addition to the provision of the income assessment and waiver and reduction instruments to all agencies. A recommended fee schedule has been developed by the industry peak bodies, which is available for use by any agency. The working group has also developed a model fees policy that can be adopted for use by any agency. A 1800 information line will be available for clients and carers to seek additional information. This information line is to be operated out of the Health Department of Western Australia.