Legislative Assembly

Thursday, 2 August 2001

THE SPEAKER (Mr Riebeling) took the Chair at 9.00 am, and read prayers.

CIRCUS, PERFORMING WILD ANIMALS

Petition

Mr Quigley presented the following petition bearing the signatures of 13 500 persons -

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

We, the undersigned residents of Western Australia are opposed to the use of animals in circuses.

Your petitioners request that the Legislative Assembly urge the cabinet to accept the recommendations of the Animal welfare Advisory Committee, which state:

"It shall be an offense to import exotic animals into Western Australia as part of a circus troop, whether or not for the purpose of using animals in the circus."

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

[See petition No 23.]

SOUTHERN RAIL LINK

Petition

Mr Pendal presented the following petition bearing the signatures of 347 persons -

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

We, the undersigned say that the Gallop Government is making a grave error in re-routing the proposed southern rail link through South Perth-Como without undergrounding all overhead cables, given the adverse visual impact on the Swan and Canning Rivers and adjacent suburbs.

We ask the Legislative Assembly to note our view and for the Premier and Minister for Infrastructure & Planning to review the existing plans to ensure all such cables are undergrounded.

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

[See petition No 24.]

DUNCRAIG HOUSE, SALE

Petition

Dr Woollard presented the following petition bearing the signatures of 51 persons -

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

We, the undersigned say the Government

1. should not sell Duncraig House and its surrounding land. Duncraig House is an integral part of the Heathcote Heritage and Parkland Area. It is an important historical site with Point Heathcote being a landing for Captain Stirling in 1827. Duncraig House is a valuable community asset south of the river and should be kept for community use;

2. should adhere to the Heathcote Coordinating Agreement between the Minister for Land and the City of Melville dated 9/01/01. This Agreement, amongst other things, preserves the Heathcote lower land permanently for Parks and Recreation with full public use and access.

Now we ask the Legislative Assembly to note our view in order that the Government reject the sale of Duncraig House and maintain the lower lands as Parks and Recreation with full public use and access.

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

[See petition No 25.]

PUBLIC EDUCATION, REVIEW

Statement by Minister for Education

MR CARPENTER (Willagee - Minister for Education) [9.05 am]: Earlier this year I announced the most significant review of public education in Western Australia for two decades, with the appointment of Professor Alan Robson to chair the three-person Taskforce on Structures, Services and Resources Supporting Government Schools. The report of that task force, which I table today, provides a comprehensive and visionary blueprint to take our public education system into the twenty-first century. It makes 58 recommendations, most of which I have accepted outright, that cover all facets of public education, including the resources provided to schools, learning with technology, the status of teachers, and the role and functioning of district offices and central office. Throughout the recommendations is one constant theme that I support wholeheartedly: children must be put first.

In schools, district offices and, most significantly, central office, there needs to be a refocus on the fundamentals of teaching and learning. This includes: developing clear and explicit standards that all children are expected to meet; setting targets for schools and student achievement and participation, and holding schools accountable to these goals; differential resourcing and more flexibility for school administrators; and developing clearer curriculum guides for teachers.

In many ways, the report is hard hitting. It is at times critical of departmental culture, structure and decision-making processes. There is a strong sense that the dysfunctions and lack of cohesion within central office stem largely from structural problems, and that these naturally have a flow-on impact on districts and schools. I remind the House that I have already announced the restructuring of the Department of Education along the lines recommended by the task force. The report recognises that although restructuring is important, the culture of an organisation - its people at all levels of the organisation - also plays a vital role. In this respect, the task force believes that there is a compelling case for urgent reform of the culture of central office. Undoubtedly, change in a large and complex organisation is not easy, but I agree that it is possible, provided it is underpinned by changes in strategic focus and leadership, and efforts are directed towards more collaborative ways of working. The report also confirms that there is a high level of commitment within the department to government education. Indeed, all the recommendations are directed towards harnessing this commitment and expertise for a stronger focus on better teaching and learning outcomes.

I offer my sincere thanks to the task force members: Professor Robson, Ms Christine Hill and Mr Ed Harken. The task force was ably supported by the executive officer, Mr Paul Albert, and a secretariat of officers seconded from the Department of Education, the Department of Education Services and the Curriculum Council, including Mr Peter Holcz, Mr Ian Hey, Ms Kathy Melsom, Ms Sharyn O'Neill, Mr Terry Werner, Ms Rosa Lincoln, Mrs Norma Jeffery, Miss Narelle Green and Ms Linley Hine, and I offer my thanks for their contributions. They have delivered a comprehensive and significant report, and in just 12 weeks they have considered more than 300 submissions and reports, visited numerous schools and interviewed a wide range of people.

The Government had a vision for education which we put to the people in February, and we now have a strategic blueprint with which we can move forward.

[See paper No 445.]

PEEL THUNDER, RETENTION IN THE WEST AUSTRALIAN FOOTBALL LEAGUE COMPETITION

Grievance

MR MARSHALL (Dawesville) [9.11 am]: My grievance is to the Minister for Sport and Recreation, who I hope will be in a position to keep Peel Thunder in the West Australian Football League competition. The West Australian Football Commission gave Peel Thunder its licence in 1996; so this is the fifth year the club has been in the competition. However, the community has a strong feeling that Peel Thunder will not have its licence renewed in 2002. At the beginning, in 1994 and 1995, the East Fremantle, South Fremantle and Claremont Football Clubs were a little aggro that Peel Thunder was to be given a licence; but, so be it, the Football Commission, in its wisdom, gave that club its licence. However, unfortunately the Football Commission no longer controls the destiny of the WAFL, because a loophole has been found in the constitution that will allow the eight presidents to control the destiny of the WAFL.

The SPEAKER: Order! If members want to have a private conversation, they should please do so outside the Chamber. The Minister for Sport and Recreation is having difficulty hearing the grievance from the member for Dawesville.

Mr MARSHALL: The members for Peel and Rockingham are vitally involved in this talk, so I would expect them to listen with open ears.

It appears that the eight presidents are about to vote en bloc to keep Peel Thunder out of the competition. If this were to happen, it would be one of the greatest injustices that I have ever seen occur in the sporting arena. I was

heartened by the minister's comments in an article in *The West Australian* of 28 July 2001 headed "Minister fights to save Peel." The first paragraph of that article states -

> Peel's battle to continue in the WAFL has won crucial government support.

I thank the minister for coming into the public arena and making the comments that are reported in that article. However, I am anxious to find out if, how and when the minister can help.

It appears that the whole community, with the exception of those eight presidents, wants Peel Thunder to stay in the competition. The Football Commission believes that the Mandurah-based club is vital to the future of Western Australian football. Past champions, such as Barry Cable and Haydn Bunton, and another Sandover medallist, John Todd, are adamant that the club should stay in the competition. The football media is behind the club too, particularly all those expert football commentators on Channel Seven's *Basil's Footy Show*, who have a vision for football and want Peel Thunder to stay. That program conducted a telephone poll one night, and the decision was almost unanimous: 85 per cent of the callers said that they wanted Peel Thunder to stay in the competition.

Many of the football journalists have the same view. Mark Duffield, one of the leading football journalists, wrote in *The West Australian* of 21 July 2001 -

> One of the few places you will find any dignity in WA football these days is at Peel. Faced with extinction and stripped of key forward Dean Buszan on the eve of the season, Shane Cable and his Peel Thunder players have performed credibly and competitively. Hopefully they will continue to do so.
>
> The rest of the football industry here could learn a bit from that.

Well spoken, Mark Duffield! He has summed it up.

In 1994-95, I chaired a steering committee in Mandurah that commissioned a feasibility study to determine whether the Peel region could produce players with the calibre necessary for the WAFL competition. The submission showed that it could produce those players. It showed also that the Peel club could be financially viable and had a huge growth area in junior development, and it said that that would take around four years to stabilise. All that has occurred. However, for some reason, the WAFL presidents do not want Peel Thunder to stay in the competition because of the bye. I ask the presidents to look at what the South Australians are doing. South Australia's second tier of football outside of the Australian Football League has nine teams. The clubs want that; the coaches want that so that their injured players can have a week or two to rejuvenate; and the social committees want that so that they can put the club ball, the club auction and other social functions on the agenda so that players can attend. It is highly successful. Members may laugh and say what the hell does South Australia know about football. However, I can tell members that South Australia has produced more footballers for what was the Victorian Football League and is now the AFL than has Western Australia. I know that because I lost a bet on it! South Australia has produced 70 per cent of footballers; Western Australia has produced 30 per cent. South Australia is a better football State than Western Australia.

Mr Carpenter: It is now.

Mr MARSHALL: And it was before. We should take notice of what it is doing. Some WAFL presidents believe that the last clubs to enter the competition should be the first ones to go out. How short-sighted and localised is that? That is the kind of thought that we are up against. Peel Thunder has come of age. In the playing arena, it is fourth or fifth in the competition. Last week it was fourth; it defeated East Fremantle. I am a little emotionally involved, because I am a life member of East Fremantle Football Club, and the No 1 badge holder for Peel Thunder. The next day, South Fremantle - No 2 in the premiership - lost to Subiaco, which was No 5 on the ladder; so Subiaco went into fourth place, such is the closeness of the competition. That closeness is healthy. Peel Thunder should not be taken out of the competition, because it is right up there with the best. It has defeated the premiers, East Perth, and the runners-up, East Fremantle. It has defeated all the other lowly sides, such as Swan Districts and Perth.

Mr D'Orazio: It did not defeat Subiaco.

Mr MARSHALL: It has defeated Subiaco.

Financially, Peel Thunder is secure. It has 1 700 members, second only to East Fremantle in the league. It has reasonable facilities. However, the facilities used by the eight 100-year-old metropolitan clubs are outdated. They were built to cater for only 8 000 spectators and are too much of a financial burden for those clubs. Those clubs should get rid of them and relocate.

Peel Thunder has a huge junior football membership. It won the under-15s interclub competition, and three of its players are in the state schoolboys side. A recent petition containing 7 000 signatures supports the view that Peel Thunder should stay in the competition.

My grievance is also that I believe a lobby group of supposed power mongers in the metropolitan area wants to shut out a country side for its own selfish gain. However, the reality is that if Australian football is to succeed and continue to flourish, it must go to the outer, vibrant areas where the new schools are being built. I am pleased that the Minister for Sport and Recreation has declared his position on this matter in the Press, and so too are the people in my electorate. I hope that was not a stunt and that the minister is in a position not to disappoint them. I am unsure whether the Government can help me with this grievance, but I hope it can. I ask the minister to advise me whether he can help; and, if he can help, I will embrace him, shake his hand and be the first to crack open a bottle of champagne with him. This is one of the first challenges that I have presented to the Government since I have been in opposition, so I ask it to please try to do something.

The SPEAKER: Order! Before I give the minister the call, I would like to give the member for Dawesville the opportunity to withdraw his statement that South Australia is a better football State than Western Australia!

MR CARPENTER (Willagee - Minister for Sport and Recreation) [9.18 am]: I thank the member for Dawesville for his grievance. I remind the House, because we are all so fond of the member for Dawesville, that between now and next week, he will celebrate a birthday.

Mr Marshall: You never forget!

Mr CARPENTER: I never forget a thing, brother! I pass on my congratulations; and we will keep the age a secret from now on! I also congratulate the member for Dawesville on his passion for his local football side.

This issue has been raised with me by not only the member for Dawesville but also several members on this side of the House. The member for Mandurah has raised this issue both with me and in the public arena, and he has lobbied very strongly. The members for Peel and Rockingham have also lobbied me about this issue.

Mr Marshall: And so they should.

Mr CARPENTER: Yes. The Premier of Western Australia has also lobbied me; and even the current leader of the federal Labor Party, Kim Beazley, who I believe will be the next Prime Minister of Australia, has spoken out publicly about this issue. This is an important issue for football I am very disappointed with the state of Western Australian football at the moment, as I believe are most football supporters. It is a travesty; and if we were to have a royal commission on anything, we should have one on the parlous state of Western Australian football. However, these things happen, and we need to address the issues that have arisen.

Two weeks ago when I was in South Australia, I took the opportunity to visit Leigh Whicker, the Executive Commissioner of the South Australian National Football League, to raise this issue and look at what the South Australians are doing. Subsequent to that visit, I wrote a letter to all West Australian Football League presidents. This issue goes beyond the WAFL clubs. It actually goes to the structure of football in Western Australia, because if we could get the structure of football in Western Australia right, the WAFL presidents would not be pushing to have Peel Thunder expelled from the competition. The West Australian Football League is under so much pressure that it is battling to survive, and it believes survival is best achieved by getting rid of the Peel Thunder Football Club. I, and many others, do not agree with that. However, I understand the league's position and why it feels that way. I wrote to the club presidents, and one of them took the opportunity to pass that letter to *The Western Australian* newspaper, which published it. I quote from that letter -

> The future of the Peel Football Club is soon to be decided by the . . . (WAFL) presidents.
>
> On behalf of the State Government, I feel it is necessary to let you know we would be extremely disappointed if any decision was taken to drop Peel from the WAFL.
>
> I fully understand the WAFL club president's anguish about the current state of football in Western Australia in general. I also understand some of the particular difficulties associated with a nine-team competition but firmly believe axing Peel would be counterproductive.
>
> The club's on-field and off-field performance has been improving and Peel is situated in a rapid population growth area in which the interests of football need to be nurtured and encouraged.
>
> This is not the time for the WAFL clubs to appear regressive. There is an opportunity before us to make very positive changes to improve the overall structure of football in Western Australia - an opportunity that might be jeopardised by unnecessary division.

What I mean by "opportunity" is that the West Australian Football Commission has commissioned David Crawford to review its constitution. That will have a significant impact on the West Australian Football League. The WAFL clubs, including Peel, feel that they are marginalised from the running of the game in Western Australia and that their second-tier competition has been degraded as a result. A completely different scenario operates in South Australia, where, as the member quite rightly pointed out, the nine clubs control football. Those clubs own the Adelaide Crows. They also own 50 per cent of Port Power. They control the game. They make important decisions about the future of the game in their State and they have the ability to incorporate the football community into the decision-making processes. They decide how the game should be structured and so

on. In Western Australia, the WAFL clubs are effectively shut out of important decisions on the running of the game. That has an impact throughout the community: the clubs feel they are not valued and traditional long-term members and volunteers drop off. Part of the solution to ensuring that the WAFL club presidents want to keep Peel in the competition is to bring all the clubs into the decision-making process; that is, to involve them in the game in Western Australia. They must be part of the game. They are the people who make the game in Western Australia. They are the people who hold up the structures of the game and who provide all the infrastructure in Western Australia. We have neglected the clubs, including the West Perth Football Club, East Perth Football Club, Subiaco Football Club and so on.

Subsequent to writing that letter, I was contacted by a couple of WAFL presidents. On Tuesday, I spoke to Jim Watterston, who is the president of the Swan Districts Football Club, and yesterday the president of the West Perth Football Club, Phil Hanna, came to see me about matters associated with West Perth. We had a full and frank discussion about this issue. I have asked those men to convene a meeting of WAFL presidents at which I will speak to them directly so that we can thrash out this issue. That is being organised.

The member asked what direct influence we can have. The fact is that the Western Australian Government does not run football. That is the beginning and end of it. The Western Australian Government established the West Australian Football Commission during a time of crisis to provide financial support to some of the clubs. That is how the WA Football Commission was born. However, it is neither controlled by nor beholden to the State Government.

Mr Marshall: It is not beholden to anyone, which is the problem.

Mr CARPENTER: That is an issue.

We provide the Football Commission with approximately $300 000 a year to disperse to the clubs. I am reluctant to withhold that funding because it would be a critical blow to some of the clubs that are not travelling all that well financially. I think the power of persuasion and argument from the football community, the Minister for Sport and Recreation, local members of Parliament and the wider community must be brought to bear on the WAFL clubs. However, they need a carrot. They need to be assured that they will be incorporated in the running of the game in this State so that the clubs once again attain a position in which they are vital ingredients of Western Australian football and not simply sporting organisations on the periphery. It is a matter of our convincing the WAFL presidents that we can do something to help them and that, to survive, they do not need to kick out Peel. However, the game needs to be restructured to bring them into the fold so that they are organically connected to the running of football in this State.

That is the line I am pushing with the Football Commission, the Australian Football League clubs, the WAFL clubs and the AFL itself, which the Premier and I have spoken to directly.

SOUTHERN RAIL LINK, RAIL LINK TO ROCKINGHAM

Grievance

MR McGOWAN (Rockingham - Parliamentary Secretary) [9.25 am]: My grievance is to the Minister for Planning and Infrastructure. This is quite unusual in that today I am grieving to the Minister for Planning and Infrastructure, and I am taking a grievance from the member for Innaloo. I am giving it and taking it during this debate.

Several members interjected.

Mr McGOWAN: I do not know whether it is the right day to be saying that. It may be somewhat inopportune to be saying that, considering the report that will be handed down later.

My grievance is to the Minister for Planning and Infrastructure. It is not really a grievance but more of an opportunity for me to put on the record my views on the rail link to Rockingham, including a few things I would like to see happen. I would like to hear from the minister the Government's views on these things. I have said it before in this place that the announcement of the rail link was absolutely fantastic. I am very proud of it. It is one of the great transport initiatives in the history of Western Australia and it will be very well received down my way. I am willing to support it, as is appropriate - my job is on the line over this particular issue. I am sure the members for Peel, Mandurah, Cockburn and Dawesville are also very pleased with the Government's decision, as is the member for Murdoch, who has been absent this week. I am sure he is absolutely thrilled by the plan.

The announcement was the culmination of a long campaign by the member for Peel and me to ensure the deletion of the Kenwick link. There were some difficulties with the so-called Rockingham loop in that the local football club would have been devastated by the rail tunnel coming up in the middle of its pitch. Members have spoken about the Peel Thunder Football Club; the Rockingham Rams Football Club would have suffered under

the Court Government plan. The railway would have run down suburban streets and a tunnel portal would have been situated outside our autumn centre. Massive work would have been required outside that senior citizens centre, making it uninhabitable. The Labor Government's option, which is a station at the intersection of Ennis and Ray Roads, is a good one. That location is as central as the one in the previous plan. It has often been forgotten in this debate that, in a city 20 kilometres long and 10 kilometres wide, very few people would walk to the station. No matter where the station is located, people will have to catch public transport to get to it. The member for Peel and I are both very pleased with the location of the station. It is on the border of our electorates. We will share a railway station.

I would like to see good public transport links connecting all the diverse areas of the city of Rockingham with the station so that people in those areas have access to an innovative public transport system. I know the member for Peel has been working on this issue. He tells me that the plan is now informally known as the "Marlborough plan". That might have been going around the member for Peel's head for a while, although I am not sure how widely known that plan is. I do not think it is up there with the Marshall Plan or the Colombo Plan, but the Marlborough plan has a certain ring about it. I want there to be transport links that connect the station with the outlying areas of Rockingham, such as the beachfront. The beachfront is a great tourism asset and it is the only protected beach in Perth. It is protected from the elements by Garden Island. I want the Rockingham city centre, the council chambers and the like to be connected with the station. I want some of the main residential routes around Rockingham, such as Safety Bay Road, Read Street and Warnbro Sound Avenue, to be connected to the station by fast, integrated public transport links. That has happened in the northern suburbs, which have integrated transport services connecting with the railway system. If those sorts of transport links could be put in place, it would be a way of making this railway line perfect. I would be willing to transfer the name from the Marlborough plan to the MacTiernan plan, if we could achieve those sorts of linkages, whether it be through modern transport links - the minister has spoken about new forms of buses that are available - or through a tram link that integrates the different areas of Rockingham. The tourism areas, the university and the beachfront should be linked by transport routes to the station. I would like to see linkages similar to those in Perth. Perth has easy and accessible public transport that, in order to attract patronage, is free. It would be a great innovation for a strategic regional centre to have that sort of service in place to connect the station with the community.

This is a long-term plan and the railway will not be in place for at least five years. Provided that the linkages around Rockingham are in place, I think the people of Rockingham will be ecstatic. They are already ecstatic with the chosen route; they think it is the best thing since sliced bread.

Mrs Hodson-Thomas interjected.

Mr McGOWAN: I hear the Opposition's transport spokesperson interject. Does she still support the Kenwick link?

Mrs Hodson-Thomas: I do.

Mr McGOWAN: The Opposition supports the Kenwick link. I am pleased that is on the record.

I want to see the transport linkages around Rockingham put in place, and I am sure the Minister for Planning and Infrastructure has some great things to say.

MS MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [9.32 am]: I thank the member for his grievance. I am pleased to see the members for Rockingham and Peel working with solidarity to advance the interests of their shared city. It is wonderful to see.

There are a number of important points to make on this issue. It is essential for this project that the Government get the fundamentals right. The backbone of the rail system to be put in place must be correctly aligned. As has been said in the House on several occasions, it is an absolute nonsense to take the train line 11 kilometres out of the way and add in excess of 12 minutes to the rail journey to Rockingham. It represents a 33 per cent increase on the length of the travel time. It is clear to the Government that the interests of the people of Rockingham are better served by getting the fundamentals right. The previous Government proposed a dual alignment whereby every second train would bypass the strategic centre of Rockingham. Under this Government's plan, the rail line will be taken into the residential heart of Rockingham. It will be far more accessible for the people of Rockingham. We have always envisaged the rail line being augmented by a rapid transit system. The cabinet decision expressly recognised the need to add a rapid transit system that would operate out of the Rockingham train station. That decision was made because the Government recognises that Rockingham is an extremely important strategic regional centre. It is estimated to have a population of 140 000 in 20 years. We need to ensure that the strategic centres identified in the metropolitan plan have the capacity to operate as such. The best way to achieve that is to put in place a rapid transit system that will link all the important civic facilities, including the shopping centre, the civic centre and the Rockingham campus of Murdoch University, which is expected to grow to 10 000 students over the next 20 years.

The plan offers the opportunity for links to Rockingham's premier asset, its magnificent seafront. By taking the route into the central business district, having a Park 'n' Ride station that will service the people of Rockingham, and having every train and not every second train going into the strategic regional centre, we can add a rapid transit system that will link the station, the city centre and the Murdoch campus with the ocean front. That will enhance the development along the ocean front. Rockingham will refocus on its beachfront asset, in the same way that the development of a rail station at The Esplanade will finally achieve for the city of Perth what it has been attempting to do for the past two decades; that is, to refocus the city on its river. Rockingham will be opened up by the development of a rapid transit system that incorporates the shopping centre, the campus and the foreshore. It will develop the seaside aspects of the city. Those aspects distinguish it from many other rival city centres.

I am pleased that the members for Rockingham and Peel, who have long been advocates of the development of the Rockingham seafront, have agreed to chair the committee with the City of Rockingham. The committee will determine the precise route that the rapid transit system will follow and the technology that will be used. I am interested in looking at the Civitas-guided busway system that is being developed in France. It uses very advanced technology and offers all the benefits of light rail at a considerably lower cost and with considerably greater flexibility. As a result of the development that the Government has announced, Rockingham will be greatly enhanced as a strategic regional centre. I am pleased to say that the Government's meetings with the City of Rockingham have been very productive and the city is 100 per cent behind us in the development of the rapid transit system.

SOUTH PERTH FERRY COMMUTER SERVICE

Grievance

MRS HODSON-THOMAS (Carine) [9.39 am]: My grievance is directed to the Minister Assisting the Minister for Planning and Infrastructure and relates to the tender process for the South Perth ferry commuter service that was recently awarded to Vyscot Pty Ltd, trading as Captain Cook Cruises, for a further 10 years. In no way am I being critical of Captain Cook Cruises. However, I will outline a number of issues that I hope the minister will address in her response to my grievance today.

Was the minister aware that the alternative tenderer, Oceanic Cruises (Australia) Pty Ltd, was able to demonstrate value for money and was able to detail savings of up to $2 million over the period of the contract? Was the minister also aware that this alternative tenderer has undertaken similar work of a similar size, value, staff commitment and flexibility in the ferry commuting business? I understand that Oceanic Cruises has been advised that it was unsuccessful because it was unable to show passenger commuter ferry experience. I find that indictment extraordinary given that Oceanic Cruises, a Western Australian-owned and operated company, operates daily cruises and ferry services between Perth, Fremantle and Rottnest Island 365 days a year. In addition to those services, it provides ferry services to Carnac Island and sailing cruises around Broome. It operates five ferry services in the Perth waters, and a new ferry was launched recently.

I read Oceanic Cruises' conforming proposal and was impressed that its mission is to be the best provider of ferry services in Perth. Its aim is to build on the Department of Transport's success in the provision of a cost-effective, innovative and customer-responsive ferry transport system on our waterways. I have always believed that the Swan River is the jewel in the crown of this city. If a proponent can demonstrate and provide an innovative and customer-friendly transport system on our wonderful waterways, it should be given due and fair consideration. The conforming proposal of Oceanic Cruises demonstrated that it was cost effective, innovative, customer responsive and value for money. As I have said, $2 million would have been saved over the term of the contract. It has the experience, expertise and ability to deliver a flexible and expanded service that would have benefited the commuters along the river's foreshore.

Having examined and considered Oceanic Cruises' conforming proposal, I am certain that due consideration was not given to its application. Oceanic Cruises has a related business called West Boat Builders Pty Ltd that has operated in excess of 10 years. That business specialises in the construction of all-aluminium passenger ferries, pilot boats and sea rescue vessels and it has a very impressive business record. Its client base extends to the Governments of Singapore, the Philippines and Malaysia. Its related business would have complemented and supported its application given its experience with issues including maintenance.

I have given a brief overview, and I believe that the tender process neglected to consider the real savings Oceanic Cruises was able to demonstrate over the term of the contract. It demonstrated that it could save over $2 million and that it could expand the ferry service. This tender process did not provide applicants with a fair and level playing field, especially if those applicants are rejected on the basis of commuter ferry experience. The current provider, Captain Cook Cruises, is the only company in the State that can claim commuter ferry experience. It has a clear advantage and a monopoly over all other proponents.

Over the past few days, members may have noted that I have focused on issues relating to public transport and the south west rail. If the Government is serious about getting people out of private vehicles and into efficient public transport, we must give serious consideration to the big picture that examines all aspects of the public transport network whether it be buses, trains or commuter ferry services.

Why would the Government blatantly ignore the obvious choice in this tender process? I hope that the minister will give the matter due consideration and hold an open and accountable independent review in relation to the awarding of this contract to determine why Oceanic Cruises was overlooked in this case. I hope that the minister will consider seriously the issues I have raised. An independent review should examine the tender process. The very least the minister should do is give an undertaking that the next time tenders are advertised, issues such as commuter ferry experience provisions are given some level of credence. However, in cases in which proponents clearly demonstrate savings and innovation, there must be a fairer and better mechanism that provides a level playing field for each and every proponent upon which to be measured.

MRS ROBERTS (Midland - Minister Assisting the Minister for Planning and Infrastructure) [9.46 am]: As members are aware, the Department of Transport operates commuter ferry services on the Swan River between the city and South Perth via a contract arrangement. These ferry services form part of the Transperth public service system. The services are provided by a commercial operator under contract to the Department of Transport; however, ownership of the ferry vessels and infrastructure remains with Government. The contract for the provision of these services was re-tendered for earlier this year because the contract period was about to expire. The tendering processes occurred and the new contract commenced on 1 July 2001.

Tenders were called for the ferry service on 3 March 2001 and tenders closed on 3 April 2001. Four valid tenders were received by the closing date. A tender evaluation panel that consisted of transport staff and included an independent observer from Transport's contracts and purchasing section evaluated the tenders. The evaluation panel referred its evaluation to the transport tenders committee for endorsement. The contract was awarded to Vyscot Pty Ltd trading as Captain Cook Cruises for an amount of $503 808 per year, inclusive of the goods and services tax, because it was evaluated as the highest on all selection criteria.

The issue that has been raised in this grievance resulted in the alleged unfair selection process. As a result of that process, Anthony and Sons Pty Ltd, trading as Oceanic Cruises, was not awarded the contract. The bid by Oceanic Cruises was for $371 292 a year, inclusive of GST. The reason Oceanic Cruises was not awarded the contract has previously been raised with both Transport and the State Supply Commission. The management of Oceanic Cruises has been provided with extensive information regarding its unsuccessful tender, including a debriefing session that lasted in excess of one hour.

It was explained to the management that the tender failed mainly because it did not adequately address the evaluation criteria relating to qualifications, skills and experience of nominated key personnel. The information required to address those criteria were detailed in clause 2.3.2 of the tender document and, in summary, requested details of all key personnel as follows: qualifications, skills, experience and a minimum of two referees to verify claims of relevant skills and experience. Although the tender document indicated that the company would transfer the existing staff from the Transperth ferry service, it neither identified those staff members nor addressed the qualifications, skills, experience and referees of those individuals.

The tender failed to provide sufficient information concerning skills and referees for all nominated key personnel. That was required to demonstrate the tenderers' ability to carry out the requirements of the tender. This information was a mandatory requirement to determine the suitability of the personnel that were proposed to drive the ferries.

The Ocean Cruises (Australia) Pty Ltd tender also scored poorly in the criteria concerning the detailed transition plan, which outlined the implementation of the project. The evaluation panel was concerned that a majority of tasks would be performed only during the final week of operation of the existing contractor. The company's claims of unfair treatment are difficult to substantiate. A full assessment against all the evaluation criteria of the tender was conveyed to the company's management during the debriefing session. Prior to this debriefing session, Department of Transport staff also offered to go through the evaluation criteria in a telephone interview, but the company declined this offer and insisted that it be discussed at the debriefing session. The assessment of all offers received was based on each tenderer's response to the evaluation criteria. The evaluation score for Oceanic Cruises against the criteria was approximately 46 per cent lower than that of the successful tenderer. This low score indicated a significant risk in the provision of the services; a risk that the Department of Transport was not prepared to accept, even on the basis of the cost difference. It should also be noted that the price difference was $132 516 per annum and not up to $200 000 per annum, as the company's management has suggested. Transport is more than satisfied that the proper processes were followed in the evaluation of offers received. In addition, the State Supply Commission has advised that it was satisfied that due process was followed and that due consideration was given to the tender from Oceanic Cruises.

CIRCUSES, PERFORMING WILD ANIMALS

Grievance

MR QUIGLEY (Innaloo) [9.51 am]: I raise a grievance concerning the continuing practice that allows circuses to tour Western Australia with performing wild animals. I had the pleasure this morning of presenting to the Chamber a petition on behalf of 13 500 citizens of Western Australia, who were petitioning against the continuation of this practice and were urging this Parliament to adopt the recommendations of the committee that looked into animal welfare in Western Australia. That committee recommended the cessation of this practice. I am proud to be part of the backbench of the Gallop Labor Government which has brought the Animal Welfare Bill 2001 on as a matter of priority. The legislation was originally drawn up during the tenure of the previous Government, but had not been given such priority as to introduce the legislation into Parliament. It has now been introduced and the second reading speech has been delivered. However, the Bill does not specifically ban circuses. I will perhaps address this issue during debate on the Bill. The Bill prescribes a penalty under clause 19(2)(a) based on the fact that it is an offence if a person -

> . . . tortures, mutilates, maliciously beats or wounds, abuses, torments, or otherwise ill-treats, the animal;

A defence provided under clause 23 of the Bill is conduct that is carried out during training of the animal. This would leave magistrates in an invidious situation. It could be argued that the inclusion at the end of a big cat performance of a section in which the cats go up on their haunches and roar and grizzle is not a result of training, but of torment by an animal trainer who uses a whip to encourage the animals to perform. That could constitute an offence. I will perhaps deal with that during the debate on the Bill. The purpose of this grievance is to raise the concern of many Western Australians at this practice. I note that the Royal Society for the Prevention of Cruelty to Animals has listed its policy on the use of animals in circuses on its web site. It notes that -

> In the UK more than 200 local authorities have already placed a ban on performances of circuses using wild animals, including London. This is almost half the total number of Councils in the UK. This number will grow, as research indicates that the majority of people in the UK are opposed to circuses with wild animals.

I think we have moved on from this point, but it goes on to say -

> In Australia during 1994, Reark Research conducted a national survey for the RSPCA to determine peoples' attitudes to wild animals in circuses. More than 1,000 people across the 5 capital cities were interviewed.
>
> The survey was conducted to specifically identify the following:
>
> - Agreement with the use of wild animals (such as lions, tigers, bears, monkeys, elephants etc) in circuses.
>
> - Acceptability of caging wild animals.
>
> - Indications of future attendance to circuses without wild animals.

The key findings of the survey were that -

> - 61% of people disagreed with caging wild animals
>
> - 56% of people disagreed with using wild animals in circuses
>
> - Over half the sample interviewed (58%) indicated they might or would attend a circus without wild animals.

I suggest that society has moved on somewhat from that and that more weight has been given to the last finding. A number of spectacular circuses have performed in Perth that have not included wild animals. They drew the largest circus crowds that this city has seen. I refer in particular to Cirque du Soleil and its show Saltimbanco, and the great and internationally renowned Circus Oz. None of those circuses uses wild animals, but all feature spectacular performances of acrobats, gymnasts and the like. Those circuses are the growth industry in that field.

One concern about the use of wild animals in circuses involves the nature of circuses, which is to travel. Those animals are confined in what could only amount to inhumane conditions - small cages. They are transported over vast distances, in extreme heat, across the Nullarbor Plain to Western Australia. The development of the zoological gardens in Perth has included the wonderful savanna plains, great apes and great cats exhibits. There has been a movement away from caging animals in inhumane conditions. Those animals are available for research and international breeding programs. Perth Zoo must be congratulated for its great apes breeding program. As far as possible, animals are being contained in roomy enclosures that replicate the conditions within which those animals are found in the wild.

There is another important matter. No-one in this Chamber would go to a circus just to watch a wild animal exhibition. Those performances are principally designed for children under the age of seven. I note from the example of my own children that they have moved beyond that once they have passed the age of seven. They go to school and can understand the abhorrence of those performances, which are only designed for very young children. It is said that children are taught standards for life when they are young. We are appalled when people grow up and use animals for entertainment, like dog fights with pit bull terriers and the like. Those offences are abhorrent and big penalties are sought for people involved.

Mr Johnson: And quokkas.

Mr QUIGLEY: And quokkas and the like. People who commit those acts were shown the wrong standards in their formative years - between the ages of two and seven. There is a compelling argument in the twenty-first century to further the Animal Welfare Bill that is before this Parliament to include a prohibition on the use of wild animals in circus performances.

MR McGOWAN (Rockingham - Parliamentary Secretary) [9.58 am]: I am responding to the member for Innaloo on behalf of the Minister for Local Government, who has carriage of this issue. He is in the upper House and so is unable to respond personally to the member for Innaloo's concerns. He has asked me to present the Government's position on this matter. I congratulate the member for Innaloo for presenting the 13 500-signature petition. I also congratulate all the citizens who collected the signatures for that petition, because I know a little about collecting signatures for petitions on animal welfare. It is a long process, but I know that there is enormous public sympathy and support for this issue in the wider community, whether that be the metropolitan area or rural and regional areas of Western Australia. People care about the issue of animal welfare.

That is why I was very pleased yesterday to introduce on behalf of the Government the Animal Welfare Bill 2001, which will do more for animal welfare in Western Australia than any other action of any Government since 1920, when the last laws relating to animals were passed. This Bill, when it becomes law - and the Government is hopeful this will happen very quickly - will substantially strengthen the laws on the treatment of animals. The new animal welfare laws will apply to more animals than did the Prevention of Cruelty to Animals Act 1920. The new legislation will apply to all animals, with the exception of fish and some invertebrates, both domestic and wild. The kinds of animals referred to by the member for Innaloo - lions and tigers in zoos - are in fact wild animals, and were not covered by the previous legislation. More than that, the new Animal Welfare Bill will protect animals by prohibiting cruel, inhumane and improper treatment; regulate the use of animals for scientific purposes; promote and protect the welfare, safety and health of animals; ensure proper and humane care and management of animals in accordance with generally accepted standards; and reflect the community's expectations that people who are in charge of animals will ensure that they are properly treated and cared for.

The new legislation will reflect widespread change in community attitudes and expectations relating to the care of animals. This Government has made a number of improvements to the Bill that has been kicking around for a number of years, but was not passed by the last Parliament. Penalties for people who commit offences of cruelty to animals have been increased; a wider range of offences has been defined; provisions have been introduced for the issue of infringement notices for simple offences to simplify dealing with these offences; and inspectors have been given wider powers to detect and prosecute offences. The RSPCA, the world's foremost organisation for the protection and care of other living things, has been integrated into this approach, and will receive all the support it needs. That organisation is very supportive of the Government's legislation, and is pleased that action is being taken at last. New regulations have been introduced for the licensing of scientific establishments and animal ethic committees, and the regulation of businesses that supply animals for scientific purposes. The legislation has been totally rewritten, and will deal with some of the issues raised by the member for Innaloo.

The member for Innaloo has made some good points on the specific issues of circus animals. I personally have a great deal of difficulty with the use of animals in circuses, and I do not attend circuses because of that. I find it cruel, and not at all entertaining, to see what sometimes goes on in circuses. To see the small cages in which these magnificent animals are held and transported reminds me a little of those horrific advertisements in the newspapers about the bears in China, which are kept in small enclosures and used for human entertainment.

The minister has given me an undertaking, in the light of the petition presented by the member for Innaloo, and the activities of the people who organised it, to personally examine this issue and look towards bringing a recommendation to Cabinet. Under the cruelty provisions of the new Animal Welfare Bill, section 19 makes provision for dealing with people who confine or restrain animals in this manner. Under this legislation the minister can refer such matters to Cabinet, and make sure that the Government responds to concerns in the community. In the light of the experience in other States, the minister might consider fostering a national approach. I can assure the member for Innaloo that this Government treats animal welfare seriously. It has the runs on the board in strengthening the legislation and dealing with it quickly in Parliament, and has made sure that provisions are contained in this Bill for dealing with the issues raised by the member for Innaloo. The general public can be very happy that the Government has been able to do that.

The SPEAKER: Grievances noted.

PUBLIC ACCOUNTS COMMITTEE

Report of Activities, March 1999 - January 2001 - Report No 50

MR D'ORAZIO (Ballajura) [10.06 am]: I present for tabling the 50th report of the Public Accounts Committee entitled "Report of Activities, March 1999 - January 2001". This is my first report as Chairman of the Public Accounts Committee, but it is a summary of the work of the previous Public Accounts Committee, carried out under the direction of the former chairman, Mr Max Trenorden, in the final two years of the 35th Parliament. I commend the previous committee members, chairman Max Trenorden, deputy chairman Larry Graham, Mr Chris Baker, Mrs Monica Holmes, Ms Alannah MacTiernan and Mr Ian Osborne, for their hard work in this reporting period, which resulted in the tabling of nine reports, 63 report findings and 62 recommendations. The committee held 35 deliberative meetings and five subcommittee meetings. Formal evidence was taken on 13 occasions and a total of 51 witnesses appeared before the committee, including the Auditor General on three occasions.

The reports tabled by the previous committee during the reporting period covered a range of issues, including the role of the Government in an on-line environment, issues of public administration, the state budget estimates process, community service obligations in the Western Australian public sector and accountability in not-for-profit organisations.

I would like to take this opportunity to commend the previous chairman, Max Trenorden, for his close to 12 years of faithful and diligent service to the Public Accounts Committee. Max was known for his enthusiasm, commitment and passionate pursuit of all matters that came before the committee. Over the years Max developed an expertise on issues relating to accountability and transparency, and that expertise will be sorely missed. Apart from that, it was his birthday yesterday, and I extend my congratulations to him. It is clear that the previous committee as a whole took its responsibilities very seriously and worked diligently to demand and ensure public sector accountability.

On behalf of the former chairman, I would like to place on record his thanks to the committee staff, whose professionalism and dedication contributed greatly to the work of the committee. In conclusion, I can assure the House that the newly formed Public Accounts Committee is equally committed to working effectively over the next four years, on behalf of the people of this State, to attain the goals of efficient, effective and accountable government in Western Australia.

[See paper No 446.]

JOHN TODD, CONTRIBUTION TO AUSTRALIAN RULES FOOTBALL

Standing Orders Suspension

DR GALLOP (Victoria Park - Premier) [10.09 am]: I move, without notice -

> That so much of the standing orders be suspended as would enable consideration forthwith of a motion to congratulate John Todd for his contribution to football.

I trust that all sides of the House will agree with the suspension of standing orders. This matter could have been dealt with in a number of ways, but given the interest of many members of this House in the great Australian game, and their knowledge of the game and the contribution of John Todd, I felt that it would be appropriate to give all members an opportunity to contribute to this discussion. It is not often that this House moves to suspend standing orders in this way. However, it is an appropriate mechanism on this occasion to allow proper debate on this issue. The House rarely suspends standing orders and it is important that the issue be significant when it does. I am sure that on this occasion it is a significant matter.

MR BARNETT (Cottesloe - Leader of the Opposition) [10.10 am]: The Opposition will support the motion. It does so out of respect for John Todd and for the support that football has in this State. However, I want to make some comments about this matter.

The Premier is correct that this Parliament suspends standing orders on rare occasions. You might reflect, Mr Acting Speaker (Mr Andrews), on those occasions. Often they are when someone dies - that is important - as a mark of respect of this Parliament to that person. Fortunately, John Todd is in good health.

Members opposite snigger, but this is a Parliament. This Parliament also suspends standing orders when there is a crisis in the community and the Parliament may have to express its support or sympathy. Standing orders are suspended also when there is an issue of great importance to the operation of the Parliament itself, such as a matter concerning legislation or a contentious issue in the community.

I have the greatest of respect for John Todd. I do not know the man. I heard him on the radio the other day. I remember as a young boy seeing him play football against Subiaco. That may well have been, if not his last

game, close to his last game. I, like other people, was dazzled with his skills and his ability to kick on either foot. He was a poised, most wonderful footballer. I admire his contribution to the game, his long history of coaching and the success he has achieved. He is a wonderful ornament to football and a wonderful Western Australian. However, the question is whether we suspend standing orders because he happens to be coaching his seven hundredth game this weekend. That is terrific but how does it compare with many other achievements? We must be very careful about suspending standing orders.

The Opposition will agree to suspend standing orders. I am sure our spokesperson on sport, the member for Dawesville, will have something to say, and possibly the member for Warren-Blackwood. We all know that John Todd grew up in Deanmill, came from a fairly humble background and became the great footballer he was and the great coach he is. If it is the Government's priority to discuss football this morning, we will discuss football. Mr Acting Speaker, why does the Government not do it properly? Why not get rid of the mace? Let us bring in an esky with a few VB beers, drop a screen, show some highlights, have some streamers and wear some footy caps? Are we going to do it or not? What is this about? Let us have a party and talk about John Todd's footy career for a couple of hours.

Mr Hyde: Talk to the motion to suspend standing orders.

Mr BARNETT: No; go away. I place on record that the Opposition will not oppose the suspension of standing orders.

Mr Hyde: Tedious repetition.

Mr BARNETT: Mr Acting Speaker, you have a job to do in the Chair; do it.

The ACTING SPEAKER (Mr Andrews): I call the member for Perth to order.

Mr BARNETT: As I said, this side of the House will not oppose the suspension of standing orders. We are happy to express our congratulations and good wishes to John Todd for his distinguished playing career and his contribution to young people and his success as a coach, if that is the priority of this Government. How should the matter have been dealt with? If the Government wanted to acknowledge John Todd - that is a good thought - there are a number of ways of doing it. The Government should have simply made a brief ministerial statement this morning to recognise the achievements of John Todd or it could have used question time to do it.

That is what we will talk about for the next few hours - footy. We can talk about the career, the history, the games and we can have the attendants serve a few VBs and put some highlights up on a screen. We will do whatever the Government wants to do and talk footy for a couple of hours. That is fine by me. I love the game. I used to play it a bit, but not all that well. I am happy to talk about football, to recount my memories of John Todd and to pass on my congratulations to him. That is what the priority of the Labor Government is - to talk about John Todd on the occasion of his coaching his seven hundredth game. Will we do the same when Eagles and Dockers players reach their one hundredth or two hundredth game? I do not know. If that is what this Government regards as important debate for the time of this Parliament, so be it; we will talk footy for a couple of hours.

MR KOBELKE (Nollamara - Leader of the House) [10.14 am]: I speak in support of the suspension motion. It is a pity that the Leader of the Opposition has descended to petulance and grumpiness on what was an offer to the Opposition. The Premier, who is a keen follower of Australian Rules football, wished to make a statement. The suggestion was that the suspension of standing orders would give members on both sides - not just the Premier - an opportunity to make a short statement without holding up the business of the House to any great degree.

Standing orders are suspended from time to time. In fact, the last Premier, Premier Court, suspended standing orders to wish the West Coast Eagles luck in a grand final. I do not wish to delay the House. The offer to suspend standing orders to debate the motion of congratulations was made on the basis of giving only a small number of members on both sides of the House an opportunity to make a short contribution to the debate. We could do that with a suspension of standing orders.

Question put and passed with an absolute majority.

Motion

DR GALLOP (Victoria Park - Premier) [10.16 am]: I move -

> That this House congratulates John Todd who this Saturday will have coached 700 games at South Fremantle, East Fremantle, Swan Districts and the West Coast Eagles and further applauds him for the contribution he has made to the game of Australian Rules football.

I congratulate a great Western Australian. Many things in our society interest our community in which it is passionately involved, and the great Australian game is one of those things. We are all part of that community. There are times when we must recognise those who have made a significant contribution to our community.

John Todd is about as Western Australian as one can get and we are all very proud of his achievements. He was an extraordinary footballer who won the coveted Sandover Medal in his first season of football in 1955, aged just 17 years. We all know how he recovered from a shocking injury the next year to go on and play 132 games for South Fremantle and nine games for Western Australia. The courage he showed in coming back from that shocking injury was a mark of the man who still rates his 86-year-old mother Doris as the greatest influence on his life.

I never saw Toddy play before that horrific injury, but I am told by my chief of staff and Western Bulldogs loyalist, Sean Walsh, that he was "just like silk". However, I remember listening to the radio as the Western Australian team won the 1961 national championship. Toddy was in that team and was awarded all-Australian selection as a result. He was appointed coach of South Fremantle at age 20 and served that club for 172 games. He coached East Fremantle for 87 games and the West Coast Eagles for 45 games. He took the West Coast Eagles into their first finals in 1988. After last Saturday's game, he coached Swan Districts for 395 games. This Saturday will be his seven hundredth game. This is a significant achievement. Only three others in Australian Rules football history have achieved that - Jack Oatey, Jock McHale and the great Haydn Bunton junior. It is a significant achievement in a very important part of the Australian way of life - the great Australian game of football.

Under Todd, South Fremantle won a premiership in 1997, East Fremantle in 1974 and Swan Districts in 1982, 1983, 1984 and 1990. Members of this House would know of my passion for Swan Districts Football Club. I missed one of those premiership games but I remember it only too well. I was dutifully attending a seminar at Murdoch University on electoral and parliamentary reform. I remember it well because at the afternoon tea break Hon Hendy Cowan - another passionate Swan Districts supporter - got out a radio and we listened to that game, which saw Swan Districts take a premiership.

When those of us who are passionate about football think about the game, we link it with this great Western Australian who has played such a significant role. Let me put it in these simple terms: it is impossible to think or to talk about Western Australian football without talking about John Todd. He is not only a true football legend but also a man who understands that life can be a battle. Well done Toddy! We applaud your contribution to the great Australian game, and wish you the best of health and happiness for your future.

MR MARSHALL (Dawesville) [10.20 am]: I too congratulate John Todd on his amazing achievement of reaching a 700-game coaching career. I will go back earlier in history than the Premier to 1954 when East Fremantle played in the grand final against South Fremantle. I mention that game also because it was one of the greatest disappointments of my life. It relates to one of the things that Todd carried on with in his career - that is, the hardening up of footballers. The coach at East Fremantle was Charlie Doig. I was coming back from injury, and although I thought that I should not be in the side, Charlie listed me in the newspaper to play. In those days 20 players were listed - 18 players and two reserves. He listed me as No 21, which had never been done before. I went to Charlie and said, "Look, I have not played enough games to be in this grand final." He said, "You could play. You're in this side; bring your togs." I went with the team in the bus. We had our Cully's pie. I was 18 years of age, and all this time I knew I would not be in the side. I ran out on the field with the team, which was a new thing in 1954. There was a crowd of about 25 000 and I was nervous. Everyone was talking about this 16-year-old kid who had just played in the seconds for South Fremantle and kicked seven goals; South Fremantle reserves had won the premiership. That kid was John Todd. The vibes were that if South Fremantle could win the reserves grand final it could win the league premiership. When Charlie announced the side, he said, "I'm sorry Arthur." I had to change and get back into my normal togs and go out and cheer the side on. That hurt. That was one of the most significant moments in my life. It was on that day in 1954 that I heard for the first time the name John Todd. I was devastated, even though I knew that commonsense dictated I would not be in the team. I refer to that, because unbelievably that was the tone of John Todd's coaching in his 700-game career. He has knocked players down; he has tested their resilience. One wonders why he would do such things to players. However, his methods have stood the test of time and have made him one of the most successful coaches in Western Australia.

The test of time determines a good coach. The definition of a good coach is simple: it is a person who, over a long time, can get superlative results, no matter the standard of the players in his team. They say that a coach is only as good as his team. However, a superb coach can rise above that definition, because he can make champions out of players who have limited ability. John Todd can look back over his career of 700 games knowing that he has not only formed champions out of players who did not have what it takes, but also made responsible members of the community out of players who were young and irresponsible. He did not always have this ability. He has learnt as he has gone along.

The first time that the name John Todd hit the press was in 1954 when he was 16 years of age. I did not dwell on my experience in the 1954 grand final. In 1955 and 1956 I played at Wimbledon. In 1957 I returned from the tennis circuit just in time to see East Fremantle win the grand final. After having lost 100 games in my league football career, I asked flippantly what had happened to John Todd. They said, "Don't you know? He's the

youngest player ever to have won a Sandover Medal." In 1955 he played league football for South Fremantle. He was a superstar. Unfortunately, in his second year of football he received a bad knee injury and he played with a big kneepad. That had never happened before. From then on, when I went back to playing football, I used to see Toddy lumbering around. Although he had lost the brilliance that I missed seeing, he was still a great champion.

I am talking about his playing career, because it is important that members know how good a player this man was. We realised that at East Fremantle in 1958. We were back in the finals. Steve Marsh asked Toddy to come out and train with us. He was a South Fremantle player, and people in Fremantle were very territorial. I was fortunate in my football career to lead to two of the best passers in the game. When a player led to Jack Sheedy he had to brace himself. Whether it was a 10 or a 15-yard kick, Sheedy would kick it so hard that if a player did not brace himself and it hit his chest he would finish up in the back line. Players were a bit scared when they led to Jack Sheedy, because he would rake the ball through players. However, when players led to Steve Marsh, he would do dainty and delicate 10 or 15-yard kicks and players could take it in their stride, lair up as they marked the ball and think about where they would pass it as it was coming towards them. Those players never missed their marks. We were training with this kid, John Todd, with his big knee brace. We could lead 50 metres away from Todd, and on either his left or his right foot he could rake a drop kick that would hit players flat out on the run on the chest. I have never seen anyone kick like he did. I mentioned drop-kicks - I hope I am not dating myself.

Mr Barnett: Jimmy Conway was not bad either.

Mr MARSHALL: Jim Conway was terrific. We had to send him to Claremont to teach them how to play football. Jimmy Conway could screw kick; he could do everything. He was a master. They called him the professor and the wizard.

I do not think in those early days that John Todd thought he would be a coach. South Fremantle gave him the opportunity to be a playing coach. That was the beginning of his learning curve. He walked into the job of coach, and he was not that good. One might even say that he was a failure in his first year of coaching. However, as an enthusiast of the game he learnt from his experience in that year, and history shows that his career went from strength to strength.

As a player he was a champion. He played 132 games with South Fremantle, and nine with Western Australia. We tend to forget that he was a state player, an all-Australian player, footballer of the year and fairest and best for South Fremantle. As a coach he has done it all. He was a premiership coach with East Fremantle in 1974 and with Swan Districts - the Premier mentioned those gallant years at Swan Districts when he took them right to the top. He was the state coach from 1975 through the decades to 1998. The only reason he has not kept going with that is that no interstate games are being played at the moment, which is a tragedy for football. He has twice been all-Australian coach. He coached the Australian side that toured Ireland and won. He achieved everything that was possible as a coach. His coaching career followed on from his playing career.

When I was driving home last night I listened to an interview on the radio with one of the Fremantle Dockers. The interviewer referred to the loss of Damian Drum as the Dockers' coach. The player was asked what kind of coach the team was looking for and whether it should get a coach with playing experience. The young Docker said the team would like to have a coach with playing experience. Now, although any team can get a coach who tells players to do as they say and not as they do, it is the coaches who tell the players to do as they say because they have all the experience and have done it all before who rise to the top.

Although it is an honour for John Todd to be coaching his seven-hundredth game, he has been honoured throughout his career. He has been given life memberships of South Fremantle and Swan Districts Football Clubs, he is in the Western Australia Institute of Sport Hall of Fame and the Fremantle Docker's Hall of Champions, he is on the Fremantle Wall of Fame, and he has received the Advance Australia Award and also the Order of Australia in the Queen's honours list. Not many athletes and sports people in Western Australia can -

Mr Barnett: I am sure he will value the suspension of standing orders to go with all of those great honours.

Mr MARSHALL: Well, that is another honour. He has done it all. In my latter years I called football for Channel 7. I had about eight years teamed with Bob Miller. We always tried to get into the football change rooms before the games to familiarise ourselves with the players. One year, when Western Australia played Victoria, the players came out on the Friday night in their motley guernseys and we looked at them and said, 'No 12 is not a rover' because he was about six feet two inches tall. The clubs were trying to muck the commentators and the scouts about so they did not know who the players were. I asked Don Scott, who was a tennis player and Victorian captain at one stage, what was going on? He told us that the management would explain who the players were and then we were told that we could go into the rooms before the match the next day. David Parkin was the coach. The difference was notable between the players who trained the night before and players who were out to really play. The Victorians we had seen the night before with their jumpers hanging out were

transformed into tanks in their shorts and tailor-made guernseys with the big-V on the front. They were he-men and professional footballers. We would look quickly to see which wrist was bandaged so that we could identify them during the call. We always tried to go into the change rooms, but not every coach would let us in. However, John Todd, who was a promoter of football, would always let us into the rooms provided we were out before the pep talk, otherwise we were locked in. Naturally, as commentators, we had to give the 15-minute preamble before the game. However, on one occasion when we went into the change room, we were a little overawed by Ron Boucher. Someone was holding a punching bag and Boucher was hitting the bag and knocking the bloke over and Toddy came over and said that Boucher was not hitting the bag hard enough! I forget who the player was now but imagine it was Geoff Gallop or someone like that whom Ron was getting into! This bloke Boucher was like a he-man or a robot knocking down the bloke who was holding the punching bag. We got so involved in talking to the players that the doors were locked and we had to listen to John Todd's pep talk. It is not often that one is privileged to listen to pre-match talks. We had heard pep talks at East Fremantle over the years, but John Todd's was special. He began in a quiet manner. He must have been in Parliament at one stage because it was a bit like Parliament. Members rant and rave sometimes and get overemotional or carried away, and then there is quiet, responsible discussion. He began his pep talk in a quiet, responsible way and then picked on one of the young players and cut him down a size. I thought, as a former coach, he should have been encouraging the young player to give him confidence and get him going. He then picked on someone else and ranted and raved, and then he told Boucher that he had to take the whole side out and they ran onto the field. He then finished with his tactical talk. The speech went on for 32 minutes - we timed it. He then quietened down and when every player went through the door, he spoke to him. Of course, the Swan Districts in those days were a unit and they went on to win that match.

Since then I have seen John Todd mellow. He is not as explosive as he used to be and he has learnt things along the way and kept up with all the other influences on the sport; for example, sports psychology, sports science, biomechanics, tactics and the effect of different grounds on the match. He has kept pace with modern sport, which a lot of older coaches have forgotten, and they then lose it.

In honouring John Todd today, I believe we honour a man who has done it all. I have told members about his playing record and his coaching record, and how he has been more honoured, probably, than any other sports person in WA. However, he has also survived the test of the time and he is still promoting football, the love of his life, and doing it just as well today, if not better, then when he started. That is a testimony to a person who knows what he believes in and is doing great things for this State and for the game of football. Therefore, I congratulate John Todd for his seven-hundredth game on Saturday.

MR BROWN (Bassendean - Minister for State Development) [10.36 am]: I support the remarks of the Premier in paying tribute to a great player, a great coach and a great person and thank him personally for his contribution to the Swan Districts Football Club, which is in my electorate.

MR HOUSE (Stirling) [10.37 am]: On behalf of the National Party, I join the Government and the Opposition in congratulating John Todd on his career and achievements and for what has been a wonderful contribution to a game that we all acknowledge and support and take a lot of pleasure in.

Unlike the Opposition spokesman on sport and recreation, I have not had the privilege of playing the great Australian game at the level that he has but I understand from what I have been able to see and read that there are differences in people's achievements at different sporting levels. John Todd has certainly made a huge contribution to not only sport, but also the development of young people and it is on that subject that I want to spend a couple minutes today.

Speaking as someone who represents a rural electorate, as many of us do in this Parliament, sport is the lifeblood of many rural communities. It is the gel that brings us together and the glue that binds us when times are tough. It is the footy clubs, the hockey clubs, and the basketball clubs in all the little country towns, and their supporters, coaches and administrators, and the ladies who make the sandwiches and tea and who put on the barbecue at night as well as the social events, which bind many communities together. That sportsmanship, comradeship and working together has been the making of many of the characters of rural Western Australia. It has allowed many country communities to progress and it has developed community leaders. Many people who have achieved on the sporting field have gone on to become leaders of their communities and other areas. While many of us did not excel in the sports that were played in rural Western Australia, we were taught a lot about character, leadership and understanding by playing those sports. The coaches of those sports who came to the country from the city taught us a heck of a lot and they themselves were taught by people like John Todd. Although I acknowledge and celebrate John Todd's achievements, I also acknowledge and pay tribute to all the young people who have benefited from playing in sporting teams around rural Western Australia, and to the coaches and the people who have guided them to future and greater achievements in other walks of life. Their understanding of and involvement in sport have made an outstanding contribution to the development of our society in a way that would probably not have happened in any other circumstance. On behalf of all the people

who have benefited from the experience of being involved in sport and who have enjoyed watching and understanding it, and whose characters and communities were developed by their involvement in sport, I congratulate those people today.

MR HYDE (Perth) [10.40 am]: Anyone who has coached sport would be in awe of somebody who can achieve the tremendous milestone of 700 games at the highest level. John Todd personifies why the Western Australian Football League is so important to the culture of Western Australia. A number of members - the member for Pilbara, the member for Stirling, the member for Warren-Blackwood, the member for Armadale, the member for Midland and me - are very ardent, strong Royals supporters and so, for us, Toddy is the opposition. I acknowledge that the Premier and the member for Merredin mistakenly follow the Swan Districts Football Club. However, although we might be members of the opposition when it comes to WAFL, we all acknowledge Toddy's tremendous work and what he has brought to the game in this State. My dad was captain-coach of Claremont Football Club in the 1950s and played against Toddy. He tells some awesome stories of the talent of Toddy. The Geelong Football Club quickly received word that Todd was somebody the Victorian Football League should very quickly recruit. Tomorrow will be a tremendous achievement for him. We at East Perth Football Club are very glad that it did not occur last week, when we played the Swans, because it might have got them over the line. Toddy was not able to get a victory in his six-hundred-and-ninety-ninth game, but we hope that in his seven-hundredth, Swan Districts supporters and, indeed, all Western Australians can join in helping him get over the line and celebrate in true Western Australian style.

MR OMODEI (Warren-Blackwood) [10.41 am]: I join members of the House in congratulating John Todd on his seven-hundredth game. John Todd grew up at Dean Mill in its early days, which, as members know, is one of the major mills in the south west of the State, and probably one of the most modern mills in the Southern Hemisphere. The other famous person to come out of Dean Mill - he was not born there but was a teacher at the school - is Sir Ross Hutchinson, who was a Speaker of the Legislative Assembly in Western Australia and who played football for Jardee, rather than Dean Mill. Jardee later amalgamated with Fire Brigades in Palgarrup, which is just north of Manjimup, to create the Tigers Football and Sporting Club. Other notable people who came from that area in the early days are Dobby Graham, a champion East Perth footballer; Charlie "Jarrrah" Walker, who played centre half-back for the State; Tom Everett; Ray Giblett; Doug Bamess, who played for East Fremantle; Paul Peos, a West Coast Eagles and Teal Cup star; and the Kelly brothers, who were born in Pemberton and played in Busselton before coming to Perth. We also had local champions in John Turner and Harvey Giblett, who coached Dean Mill and Southerners, which is, of course, my home team. I am currently the President of the Southerners Football Club, although I am not sure how I got conned into that.

The rivalry in that area was immense. Having grown up around Dean Mill, I understand how John Todd became a champion footballer. Often at this time of the year, water runs down either side of the road on the way to the Dean Mill ground. When I played in the late 1960s, 1970s and early 1980s, the ground usually contained at least six inches of mud. If a young kid was running the boundary, a reserve would often have to come on as the young kid would run out of puff on the boggy ground. I understand how John Todd was able to develop the skills with his left and right feet and become a famous Australian, let alone Western Australian, football player and coach.

John Todd and Mick Cooper, from Swan Districts Football Club, went to Manjimup two weeks ago to talk to the kids in the schools. They later went to the Dean Mill workers club, and one can imagine the stories that went back and forth in that bar. There would have been no holds barred. I mention the great rivalry that exists in the lower south west football league, which usually plays in the B section of the Wesfarmers carnival. In 1970, the combined team from lower south west defeated the team from the South West Football League in the A section of the Wesfarmers carnival. Many famous players have come out of the area. The fact that John Todd went back to the area a couple of weeks ago is an indication of the type of person he is. He had the respect to go back to his roots to teach the young kids and to impart to them some of his knowledge. Members can imagine their awe of this person, who has had such a famous career. The rivalry between the mill towns in the lower south west football league has no peer. During the days I played, if one walked down the streets of Manjimup and saw an opposition player, one turned one's head the other way. The old Dean Mill clubrooms were fantastic. Nowadays clubrooms are characterised by stainless steel equipment. In the old days, we hung our gear on four-inch nails, and on a wet day, the oval was covered in large patches of water. It was pretty rugged.

The mill town derby has been developed in recent times. The Southerners Football Club draws from the towns of Pemberton, Northcliffe and Quinninup. Over the years a number of players have come to the area through either the education system or the Department of Conservation and Land Management. We have always had very good players. The rivalry between Dean Mill and Pemberton has resulted from the influence of those early players like John Todd. Since 1959, Southerners has won 13 grand finals and Dean Mill 12. This year, Dean Mill is on the top of the ladder. Heath East has just come back from East Perth Football Club and the club has recruited Craig Giacomel. The team is well and truly clear on the ladder. Of course, we at Southerners will do

everything in our power to make sure Dean Mill does not win. Last Sunday we beat it by five goals at Dean Mill oval. Come finals time in the lower south west football league, it will be on for young and old. The mill town derbies are a focal point. The game is played on Saturday instead of Sunday, and starts very early in the morning. There is usually a luncheon, with a guest speaker such as a former famous player or local identity, for life members and supporters of the two clubs. A very good time is had by all. There is sponsorship of $500 for the day and the game is played in good spirit. I am proud to say that the Southerners Football Club has won four of the last five derbies. I have a horrible feeling that Dean Mill does not like that very much, and is on the way up. It won the derby this year in great style.

Football is a great game for young people. It teaches comradeship, loyalty and a sense of depending on one's team-mate. It is a good training ground. I was certainly not a star footballer, but I played for about 20 years and coached juniors and seniors. In those days, farmers worked in the summertime. We did not get to play cricket, tennis or any other game played in summer, but we played football in the winter. Dad would not let us train until two weeks before the season. However, all the people we played against have become great friends and allies, even in my political career. It was tremendous to see John Todd come back a couple of weeks ago. Mick Cooper played for Swans and is now president of that club. He was born in Pemberton. Members can imagine the stories that were told when they came back. I congratulate John Todd. He has been a great sportsman and icon in Western Australia, and it gives me a great deal of pleasure to claim some ownership of him in that he grew up and started his career in the bush at Dean Mill. I wish him all the best for the future.

MR MARLBOROUGH (Peel - Parliamentary Secretary) [10.50 am]: I arrived in Australia as a 17-year-old in 1963 from the United Kingdom. I arrived with my parents and I was the eldest of six children. Having a United Kingdom background, the sports I grew up with were soccer, rugby league, rugby union and cricket. My soccer team of birth, having come from the north east of England, is Sunderland Football Club. My father was in the British Army and the family travelled overseas a lot. Whenever the family was in England it was based in Yorkshire. In those days Yorkshire had only two teams in the first division on a regular basis, one being Leeds United and the other being a Sheffield team. Rugby league was the main sport and it was a game that I loved and played. I played in the position of hooker at Joseph Rowntree High School, just outside York. I joined the British Army as a 15-year-old and was stationed in Carlisle in the Lake District, just eight miles from Gretna Green over the Scottish border. In the British services, rugby league was not allowed to be played. Rugby union is seen as the elite rugby game, and none of the three services allowed rugby league. All those who had any ability at rugby league quickly became good rugby union players. We were able to sidestep and the union players were not used to that. It was with that background that I arrived in Australia with a great appreciation of all sports.

After arriving in 1963, I quickly became involved with the Britannia soccer club. The member for Dawesville will recall that the club used to share a ground with the East Fremantle Tricolore soccer club in Preston Point Road. The tennis courts were adjacent to the ground. As a 17-year-old, I played one or two first division seasons for the Britannia club. I remember playing at Azzurri's ground and getting my name in the paper. Soccer was my great love. Halfway through my second season I got injured. I ended up watching my first Australian rules game. I was doing my apprenticeship at Chamberlain's and all my workmates were Australians. My workmates were teasing me for 12 months as to why I was playing a game where people kicked the ball with their head and why I was not playing Australian rules football. Chamberlain's had a team in the Sunday competition. I saw my first game of Australian rules football at East Fremantle Oval in 1964; it was a derby between East Fremantle and South Fremantle. I knew little about the game, but as far as team sports are concerned, and regardless of the rules, one can always pick players of outstanding quality and skill. It comes naturally to the eye to see a player who is ahead of the field. John Todd was not playing in that game but it did include two things that became prominent in my life in Australia. One was South Fremantle with its red and white colours, which reminded me of the colours of Sunderland, my home team. South Fremantle became my team. There was no doubt. On that day, there were two outstanding players. One was Gary Scott, who played on the ball, and was an outstanding footballer. From the first game I saw I realised that it was a great game and that it was a spectator sport second to none. I quickly became a member of the South Fremantle Football Club and I am still a member. Since that first game I have followed the game avidly and watched South Fremantle play every Saturday.

John Todd was injured as a 16-year-old. It was early in his career. He first started playing for South Fremantle and eventually won the Sandover Medal. I think he came from the Hilton football club along with John Gerovich. John Todd was coaching South Fremantle by the time he was 20 years old. He stopped playing very early in his career. I recall John being based on Rottnest Island as a butcher, which is his profession. He is still remembered by many people in Fremantle, not only for his football skills but also for his role as the local butcher. People loved going to John's butcher shop. People in Fremantle knew him as a great sportsman and a great family man. He loved his parents and was very close to the rest of his family. I have got to know his brother Bill very well over the years. He is now a police inspector.

When John came back from Rottnest Island in 1965, I had the opportunity to see what I regard as poetry in motion. I think of John Todd as the finest footballer I have seen, albeit that he had a very short career. I mentioned my background in the United Kingdom because as soon as I saw him play, I thought of his counterparts in soccer. As a 10-year-old, I used to stand on the terraces at Sunderland Football Club with my uncle Norman and watch great soccer players. I remember Brian Clough when he was centre forward for Sunderland; Charlie Hurley when he was the best centre half back in the world and captain of Eire; and Len Shackleton, the crown prince of soccer, who was not capped enough for England and who went on to become a great scribe in the local papers on soccer for many years. They were all Sunderland players.

I saw great soccer players from other teams. In the 1950s, I remember seeing the greatest soccer player of all time, Sir Stanley Matthews. In respect of his skills and abilities, I regard John Todd as the Sir Stanley Matthews of Australian rules football. I have often compared John Todd with Barry Cable. Barry Cable was a great footballer and someone who trained very hard, trained long and played to his strengths. He maximised his abilities. John Todd did all that and had natural ability. Todd was the Nureyev of football; he was the Pavarotti of football; he was the Sir Stanley Matthews of football; he could do anything. In addition to his skills, he had amazing heart and courage. I remember one game at South Fremantle when they were playing East Perth and Mal Atwell decided that the best way to deal with Todd on the field was to do him maximum damage and get out of the game as quickly as possible. They could not match his skills. Atwell was determined to do that. I remember Colin Beard kicking the ball from full back. Todd ran toward the ball while Atwell and three other players were ready to nail him. Todd ran toward the ball and controlled the pace of the opposition players by his speed. He slowed down and the ball came toward him. He could have marked the ball but he allowed it to hit the ground and as it bounced up he flicked it over the heads of the three opposition players who were behind him. He went around the players and gathered and kicked the ball, and it hit John Gerovich on the chest from 70 metres. It was magnificent. He always had those skills.

Mr Marshall: It was not 70 metres.

Mr MARLBOROUGH: It absolutely was 70 metres, and I am six foot two! The kick was 70 metres and was marked straight on the chest. Like all players with exquisite skills, if he had a weakness - as a coach Toddy had a slight weakness - it was that he believed everybody should be able to play like he did, but, of course, they could not.

I remember going to a pre-season game in 1965 or 1966 between two teams of South Fremantle players at Bruce Lee Oval. Graham Reilly was a young full back who went on to play state football. Unfortunately, in his late 20s or early 30s he died from a brain tumour. Todd coached one of the teams that played in that game and I can remember how competitive he was. During that pre-season game he went onto the field and had a punch up with Graham Reilly - his own player! I squeezed into the Bruce Lee rooms at half time and heard Todd make it clear to Graham that, even though it was only a practice game, if he wanted to continue to play for South Fremantle, he needed to lift his standards. His love of football and Western Australians is a credit to the man.

Mr Barnett: When did you come to Australia?

Mr MARLBOROUGH: I came to Australia in 1963. The Leader of the Opposition does not think that I saw Todd play football.

Mr Barnett: I am curious about when you watched him play.

Mr MARLBOROUGH: He came back from Rottnest in either 1964 or 1965.

Mr Barnett: His curriculum vitae says that he retired as a player in 1962.

Mr MARLBOROUGH: That is not right. The CV says that he retired from football well before I arrived in Australia from England. The Leader of the Opposition must have been here at the time. Does he not remember? That is the problem with people who played for Claremont - they do not have good memories. They have nothing much to remember.

Mr Barnett: I am trying to get the dates right because I saw him play too, and I saw his comebacks. Was it in 1964? When do you think he played his last game?

Mr MARLBOROUGH: The Leader of the Opposition is a bit younger than I; he would have been playing marbles and had other things on his mind. Todd came back from Rottnest in about 1965. The Leader of the Opposition is now trying to tell me that I never saw him play at all and that I have made all of this up!

Mr Barnett: It was a fair question.

Mr MARLBOROUGH: It is a fair question. I can inform the Leader of the Opposition that the CV is inaccurate. Todd came back and played for South Fremantle. He lived on Rottnest Island and worked as a butcher.

Mr Barnett interjected.

Mr MARLBOROUGH: That is right, but it did not say that in 1962. The Leader of the Opposition cannot read right. The CV does not show that he retired as a footballer in 1962.

Mr Barnett: It says he retired after 162 games.

Mr MARLBOROUGH: That is right. The member should read some history books. I am clear in my mind about the time I saw Toddy play for South Fremantle, and the interjections from the Leader of the Opposition do not detract from the fact that Todd was a great player. It is a credit to him that, because of his love of football, he has coached almost 700 games and I hope that he coaches another 700 games. He has been a credit to this State, his family and the South Fremantle Football Club. Over the many years of involvement in Western Australian football, John Todd has given us all a great deal of enjoyment. I hope that he continues to be involved in coaching for many years to come.

MR BARNETT (Cottesloe - Leader of the Opposition) [11.15 am]: I also wish John Todd well and congratulate him on this achievement and acknowledge his outstanding, albeit short, career as a footballer, and his long and successful career as a football coach. I have a distant memory that, as a young boy, my father took me to Subiaco Oval to watch John Todd play. I will check some of the facts because I do not know whether that game at Subiaco Oval was his last game, but it was close to one of the last games he played. At that time, John Todd had a legendary status. He was the prince of footballers in every sense. I had always wanted to see that great player in action. Dad took me to Subiaco Oval and there was great excitement because this was one of the many comebacks that the legendary John Todd had made. I recall that he wore a heavy knee brace that must have been difficult to run with, let alone to play football. I admire the ability of footballers to kick the football because I was not the most poised kick then or later when I continued to play. As the member for Dawesville said, Todd had extraordinary skills. He had an almost majestic and poetic ability to kick with either his left or right foot. At that game at Subiaco Oval, John Todd would take a mark and do a beautiful right foot drop kick - I doubt that the football went 75 metres, but it was probably 55 or 60 metres - and he could also kick an equally beautiful left foot drop kick. I was in absolute awe of such skills. During that game, as often happened in his career, he was cleaned up. It could well have been by Dennis Barron - I do not know whether I should ascribe that to Dennis - who had a habit of cleaning up footballers. If remember rightly, in that game John Todd either broke down or was injured again, which frequently happened, and was carried off the ground. If it was not his last game of football, it was close to it.

He was an outstanding player and character. He committed himself to provide excellence and encouragement to young people. Like most coaches in sporting arenas, he not only provided players with the process of competing and winning games, but also adopted a strong leadership role of the young men during those periods of development. I congratulate John Todd and wish him well. He has been a great credit to the game of football in Western Australian; indeed, he is a great Western Australian.

Question put and passed.

ROAD TRAFFIC AMENDMENT BILL 2001

Third Reading

Bill read a third time, on motion by Mr Kobelke (Leader of the House), and transmitted to the Council.

REGIONAL DEVELOPMENT COMMISSIONS AMENDMENT BILL 2001

Second Reading

Resumed from 1 August.

MR BARNETT (Cottesloe - Leader of the Opposition) [11.09 am]: I said yesterday that regional development commissions have had somewhat of a chequered history. Performances have varied between commissions, according to the personnel in charge of them. The original concept was that development commissions would encourage development. Their primary responsibility must be in the area of economic development. I do not, in any sense, give less attention to social, education or health issues and the like, but the role of development commissions is to consider economic development. Their charter must be to attract business, investment and jobs to regions, and to act as a coordinating vehicle between local authorities to provide a sense of regional development. They should also coordinate activities at a state and federal level with relevant departments and with significant institutions in the region.

Western Australia has more than 100 local government authorities. The boundaries are not always particularly logical. Many issues are regional in nature, and it is sensible that there be at least one group of people that has the ability to look at a region with a broader perspective. That group should play an advisory role and should make sure that things happen in a coordinated sense. I do not have any difficulty with that concept. However, there have been problems. There has been confusion about the role of regional development commissions. Over the years, there has been a love-hate relationship between regional development commissions and local government authorities. In some areas, regional development authorities were seen to take away the proper

function of local government. Indeed, in many regional areas of the State, the standing of local government has fallen. That is not entirely unassociated with the emergence of regional development commissions. People often look to the development commission rather than their local authority to provide leadership, direction and representation. That has been an issue.

From time to time, development commissions have become politicised. Again, they are government entities. Their role, in the political sense, has never been properly defined.

Mr Graham: Oh yes it has.

Mr BARNETT: It has in the legislation.

Mr Graham: The Regional Development Commissions Act 1993 made their job crystal clear, which was to press matters of regional interest. It listed six aims and objectives and made it quite clear that they were answerable to their regions and the people in them, and not to the minister.

Mr BARNETT: I accept that point.

Mr Graham: The minister reported, but the development commissions were not under the control of a minister. However, they are now. I will speak on that in a minute.

Mr BARNETT: Fair comment. No doubt the member for Pilbara will make that point again.

Development commissions were being used in a political sense. They promoted the Government or the minister of the day. That was not necessarily in the best interest of the development commissions. I did not have a great deal to do with development commissions when I was a minister, yet in my regional role as a resources development and energy minister, I spent most of my time dealing with issues in regional areas. Those large projects had significant regional implications. From time to time, I was dismayed that development commissions actively lobbied against things that I was doing. That was not appropriate. They lobbied against matters that I was responsible for as a minister and which had cabinet backing. Yet development commissions were publicly disagreeing with the agenda of the Government on development projects. I do not think that was -

Ms MacTiernan: You can't have it both ways.

Mr BARNETT: No, I did not think that it was appropriate.

Ms MacTiernan: On the one hand you are saying that they should not be political, but on the other hand you are saying that they should be doing what the Government of the day tells them to do.

Mr BARNETT: No, I am not saying that. The people employed by these entities are public servants. I do not mind criticism. I have never steered away from debate. However, it is not the role of development commissions to lobby against a government program in a regional area. I do not mind local government, individuals, business or members of Parliament doing that, but it is not an appropriate role for regional development authorities.

Ms MacTiernan: That may be true, but you can't then say that they have to act in a non-political way -

Mr BARNETT: No, they should not be political entities. They are entities for the development of regional coordination. They may well be concerned about the political implication of an issue, which they should bring to the attention of the minister responsible or to another minister. I faced situations when I was a minister in which development commissions mounted political campaigns against projects. I am sure that the Minister for Planning and Infrastructure will not appreciate that if it happens to her. That was not the role that the commissions should have played. They were entitled to draw issues to the attention of the Government and the minister, but they were not entitled to lobby. It was the role of the local government authority to lobby for regional interests. I never had any particular problem with the points of view of the development commissions, because they were fairly inept in putting them forward. Nevertheless, they did lobby and it did not reflect well upon them.

Development commissions are generally fairly small organisations, but they have grown over time. However, some purported to be able to deliver things to regions when they simply did not have that responsibility or power. That again created all sorts of misunderstandings and confusion, and unreasonably raised expectations. There are examples of regional development commissions trying to promote themselves to international companies and putting forward what they would do about a major project. It was a source of embarrassment to the State when proponents of major projects finally discovered that these little regional development commissions had no authority and no jurisdiction, and did not even have access to the responsible minister. The previous Government had to sort out a few of those issues, which was embarrassing for everyone concerned. That was not what the commissions should have been about. They should have been working on regional business and playing a coordinating role with government departments and local government. However, they wanted to be seen as the big promoters and developers of the region. That created all sorts of conflicts.

From time to time, regional development commissions have also espoused their views on education policy. Why? What were they doing? There were examples of them promoting playground equipment in schools.

Playground equipment in schools is a great idea, but should that have been a matter for a regional development commission? The tendency to move into social areas and to purport that they had a role beyond their true role, and the tendency to engage in local politics and political lobbying, distracted and detracted from the proper role of development commissions. I support the vehicle and role of development commissions, so long as they are about economic development - maintaining and attracting investment, businesses and jobs to a region and providing a coordinating voice on regional issues of an economic nature, whether they be road or development projects, pipelines or whatever else. A development commission can express its view about a region but it should not pretend to be an authority in transport, pipeline, electricity, health, education or local government issues. They are none of those things and they do themselves a disservice by pretending that they are. They do not help the regions by promoting themselves in that way. If regional development commissions are given a clear direction, keep to the task that is intended, and have a little bit knocked off the ego of some of the people involved, they can perform a useful task for this State.

MR GRAHAM (Pilbara) [11.17 am]: Firstly, I apologise for not being here for the second reading part of this debate, which is something -

Mr Barnett: This is it, you are here.

Mr GRAHAM: Is it the second or the third reading?

The ACTING SPEAKER (Mr Edwards): This is the second reading.

Mr GRAHAM: Oh, beauty. I do not apologise then. I have been out in the region, where a regional member of Parliament should be. I opened a facility for Apache Energy Ltd in the gas fields of the north west. I was happy to be there and to see that company making a long-term commitment to a region.

Nothing depresses me more than listening to speeches in this place about regional development. I listened with interest to the speech made by the Leader of the Opposition. I interjected on his speech and I disagree with nearly every point he raised. If members go back through history, they will see how development commissions came to pass. Not being one to blow my own trumpet, I am proud of the role that I played in that. Historically, development advisory committees were established in each region of the State by successive Governments. The committees involved interested citizens who put their names forward to the Government of the day to work on a committee to advise the Government. They had no standing or authority and no ability to promote anything, other than to provide advice to a minister, which the minister could reject at will. Those committees were prohibited from making public the effects of their deliberations.

That changed in the early 1980s, with the advent of development authorities, the first of which was put in place to implement the Bunbury 2000 plan. It was the first development authority of its type, and its parent body was called the WA Development Corporation, which almost exactly fitted the picture promoted by the Leader of the Opposition for the regions - its function was solely the economic development of Western Australia. Underneath the WADC sat the South West Development Authority, which I will return to later.

Those of us living in regions without a development authority were stuck with the advisory committees, and felt that we were disadvantaged. Instead of having an autonomous authority with a budget and the power to act in the interests of the region, we had a secretive little group of political appointees who, even with all the goodwill in the world, could only provide advice to the minister of the day. They were prohibited from making that advice public. When I came into this place I put forward a proposal to the Dowding Government for a regional study in the Pilbara. It is now history that that was agreed to, but unfortunately after Peter Dowding decided to resign as Premier of Western Australia. He was replaced by Carmen Lawrence, and Ian Taylor was the minister who endorsed it.

Mr Omodei: Did Dowding decide to resign?

Mr GRAHAM: Ultimately, after some full and frank discussions he decided he could continue no longer.

Mr Omodei: That is what is called today a push in the back.

Mr GRAHAM: It was not a push, it was a very hefty kick, to be fair, delivered with a big boot. Anyway, enough of that.

A regional study was conducted, called the Pilbara 21 study, and out of that a series of recommendations was made, one of which was that the Pilbara Development Commission be established to implement the planning study of the Pilbara region. I note with particular interest that the Pilbara 21 study was criticised at the outset by the then Liberal Opposition as being a political vehicle, but at the end of the process it received the unanimous support of this House, because it was a good study, albeit conducted by a politician in an apolitical manner. It was not introduced in a political way. I remember Barry MacKinnon, in the by-election, trying to explain that it was a stunt. We severely embarrassed him by showing him all the working documents that he had been sent over the year, with all the preset dates of the study.

Mr Omodei: The member for Pilbara did not do it all - he was just the chairman.

Mr GRAHAM: Yes, I was the chairman. While it had a politician in the chair, the study was conducted in an apolitical manner and the report was adopted by all political parties in both Houses of Parliament. It was also unusual that I handled the first development commission Bill through this Parliament as a backbencher. Members opposite will recall the unusual arrangements in which I had to sit in someone else's chair, and get the leave of the House to have an adviser with me. When the Bill was passed through both Houses, with the unanimous support of members, it contained some quite significant powers. It established the Pilbara Development Commission, the first of its kind in Western Australia, and gave that commission exactly the sorts of powers that the present Leader of the Opposition is saying a development commission should not have. Within a region that development commission had the power to coordinate effectively any operation of government that required more than one government agency to be involved, which is pretty much anything. The Act gave the development commission huge powers to "interfere" in the operations of government departments and it was designed to do exactly that, and to maximise the Pilbara's input into our system of government. Even before the Labor Party lost government in 1993 it had proven successful in doing that. I will not talk about the achievements of the Pilbara Development Commission in particular, but my political colleagues noticed that something was happening in the Pilbara that was working. They knew what was happening because I was, very unusually, invited to fully brief Cabinet on what the commission was doing and recommending. The bureaucrats said that the legislation the commission wanted to present would not work, so I drafted it with my executive officer and walked it into Cabinet personally, got Cabinet to approve it, and then told the bureaucrats what had been done. It was a significant change in the way things worked, but my political colleagues, noticing the concept was working in the Pilbara, decided on other such bodies for the mid west, the Gascoyne and the Kimberley.

In the last three months of the Labor Government more development commissions appeared than at any other time bar one. That time was immediately after the 1993 election, when the Leader of the National Party brought in what is now called the Regional Development Commissions Act, which dismantled the Pilbara Development Commission, as it was, took away its extraordinarily strong powers to "interfere" in the operations of government and in social issues, and made it into a promotional organisation. The Regional Development Commissions Act also established a development commission in every region of the State, answerable to the Minister for Regional Development, who did an outstanding job in that capacity. I was the shadow Minister for Regional Development in the Labor Opposition. Never once was I stopped from meeting with development commission staff anywhere in Western Australia. Never once was a door closed to me, or a development commission required to seek advice before briefing me. Never once was a development commission anything but fully forthcoming to me. In fact, in visiting the development commissions, I found that most of them were appreciative of the fact that someone had got out of the city and travelled to the regions of the State to meet with them and listen to their concerns.

This Bill kills stone dead that concept of regional development in Western Australia. It is an act of treachery on regional Western Australia, and it nearly completes the transformation of the Australian Labor Party from a political party established in the bush by working people, into an urban party controlled by small groups. I do not get on my soapbox about it, but I am angry about this piece of legislation. It is political doublespeak in its presentation and promotion in the regions, and a step back to the early 1980s, rather than a forward and progressive regional development move. I will demonstrate clearly why regional development in this State is now totally dysfunctional in its operation, and why it cannot and will not operate.

Having dealt with the Australian Labor Party, and I will continue to do that, I will turn to my colleagues on the other side of the House. As I said at the outset, I disagree with nearly every point put forward by the Leader of the Opposition. I can disagree with them either in detail or generally. The Leader of the Opposition was also a minister who would get out and about in the regions. The job of the development commissions is to raise with the minister the operations of government departments within the region. I know the Leader of the Opposition is always prepared to debate and to take on issues, but the fact that a development commission which at that time was an independent statutory authority took a view different from that of the Government should be not a point of concern for the Government but rather a point of pride, because that is what happens in democracies. People and organisations with dissenting views have every right to put them. The fact that a minister may not agree with those views matters not a tinker's cuss. It may come as a horrible shock to members in this place, but sometimes ministers get it wrong.

Mr Omodei: What you are saying is that local government is wrong.

Mr GRAHAM: The member for Warren-Blackwood and I had this debate when the Regional Development Commissions Act 1993 was passed and he sought the involvement of local governments. I disagreed with that and I continue to disagree with it. I believe the mechanism put in place by that Act has diminished the standing of development commissions for the reason supported by the member for Warren-Blackwood: that local

government should have a seat on the board by right. There is now a local government representative on every regional development commission in this State. I argued - and won because obviously I had the numbers at the time - that local government should not be involved by right and neither should anyone else. People should be promoted solely on merit to the boards of development commissions to act in the interests of the region. The fact that someone is a long-term server on a local government authority does not mean that that person has an automatic right to membership of a board of a development commission. I will not mention names in this place because it will embarrass people; however, I will be happy to talk to the member for Warren-Blackwood afterwards.

Mr Omodei: You appear to be biased because of your involvement with people in the Pilbara Development Commission. You see it purely from a local government perspective.

Mr GRAHAM: No.

Mr Omodei: Local government plays a very important part.

Mr GRAHAM: Absolutely. I seek to exclude only local government from having the fundamental right to nominate people to positions on the board. I will not name names because it will embarrass people and there is no need for that. However, I know of a gentleman who sought, as of right, his appointment through local government to a board of a development commission in a region - not the Pilbara - and got the numbers through local government for that appointment. The result of that person joining the board of that development commission was the exodus of everyone else with talent because they did not want to work with him. When putting together a board one is cognisant of those things. However, the amendments moved by the member for Warren-Blackwood's side of politics gave only one organisation - local government - the right to nominate a person to a board; that is wrong.

Mr Bradshaw: You cannot use that argument as a reason for not putting someone from local government on a board. The Government could appoint someone who would put everyone off side.

Mr GRAHAM: Yes, it could, and that is exactly the point I make. I am not debating the semantics of the issue. I am saying that there is no reason that local government should have a seat on a development commission as of right. Members opposite would not accept it if I said, for example, that my old friends in the trade union movement should as of right have a seat on the board of the Pilbara Development Commission. They would say they are not representative - blah, blah - and should not be there. I say that nobody should have a seat as of right - end of story, full stop. Appointments to act on regional matters, not local government, should be made based only on merit.

Mr Omodei: Regional matters are local government matters.

Mr GRAHAM: They may be, they may not be. One of the requirements of the Act is that development commissions report as far as practicable to their minister on the comparison between the delivery of services to their regions and the city. I know that not one of those commissions has done that. However, it may well be that a development commission embarks on a three-year course to assess education in the region, which has absolutely nothing to do with local government. It is clearly a state matter and clearly the responsibility of the State Government. However, a development commission may decide to do that to fulfil the objects of the Act, but the only person sitting on the board of that commission with a right to be appointed to it is the local government member who is the only person not involved in the issue.

Why would not the Department of Health or the Department of Education as of right get a seat on a board of a development commission?

Mr Omodei: They are departments in their own right.

Mr GRAHAM: They may be. However, development commissions were established to develop the regions, not to develop local government.

Mr Omodei: And not to usurp the role of local government.

Mr GRAHAM: I shall move on because the member for Warren-Blackwood and I had that debate nearly 10 years ago.

Mr Omodei: You have a good memory.

Mr GRAHAM: Yes. I won that debate and he won the subsequent debate when he had the numbers. I will not win this one. This Bill clearly transfers powers from the regions to the minister.

Mr Omodei: To the Labor Party.

Mr McRae: To the Government.

Mr GRAHAM: No, not to the Government but to the minister. I can tell the member for Riverton that when I conducted the Pilbara 21 study I paid a consultant to study the existing development authorities. The report indicated - I have looked for it but cannot find it - that the South West Development Commission was $16 million in debt, had a $35 million budget and was effectively handing out Lotteries Commission cheques on behalf of ALP candidates in the south west. I was determined that we would never get into that situation again. However, this Bill does exactly that.

The Premier's press release of 28 June, when this legislation was announced, removes from any thinking person the ability to argue otherwise that this legislation will politicise regional development. The first paragraph of the press release reads -

> The State's regions will be better represented under legislation introduced into State Parliament this week.

Members would be forgiven if they thought that was about regions being represented. The second paragraph reads -

> . . . the . . . Bill . . . would improve and strengthen the relationship between regional ministers and their corresponding regional development commissions.

The press release stated that the Bill would give regional ministers full responsibility for their development commissions. It further reads -

> Dr Gallop, who chairs the Cabinet Standing Committee on Regional Policy, said the Government was committed to improving the representation of regional Western Australia.

No-one with half a brain would think that the Bill would do anything other than improve the standing of regional development. It continues -

> "However, the current legislative set-up does not give people and organisations in regional areas enough opportunity to be properly consulted and represented in Government decision-making.

There is another paragraph that refers to the Public Sector Management Act. It continues -

> "Similarly, regional development commissions will become answerable and accountable to their regional minister.

In my case the Pilbara Development Commission is no longer answerable to its board and the people in the Pilbara; it is now directly answerable to its minister. The press release continues -

> "Through such an arrangement, people in regional Western Australia will have access to a minister with a specific interest in the issues that concern them.

If I get time I will return to that point. The press release continues -

> "They will also have access to a development commission that is accountable to the Minister to assist in resolving those issues, in partnership with industry, the community and local government."

Development commissions, by statute, were independent, autonomous, regional authorities with a board that was required to fulfil its obligations under the Act. That is no longer the case. Notwithstanding the semantics of the Act, those development commissions are now totally answerable to their ministers. It is absurd that nine regional development commissions, all with boards, have five ministers, including the Premier.

The Minister for State Development in this State is not a minister for regional development. That sounds like tautology, but it is a statement of fact. The Minister for State Development, who was previously the senior person in regional development in this State, is now subservient to a cabinet subcommittee that has five people on it - three from the city and two from country Western Australia. The cabinet subcommittee that overrides the policy decisions of the Minister for State Development is dominated by city members of Parliament who have regional responsibilities, which is absurd in itself. The Premier chairs that cabinet subcommittee. What hope does the Minister for State Development have of influencing the outcome of government on such a committee? The minister who is responsible for regional development in my electorate is Hon Tom Stephens. He is the Minister for the Kimberley, Pilbara and Gascoyne and also the Minister for Local Government and Regional Development. Before anything gets to this cabinet subcommittee Hon Tom Stephens must rule out two of his three regional portfolios; he must rule out the Murchison and the Gascoyne areas. I would have no problems with that normally. However, he must go into a cabinet subcommittee that is dominated by city members of Parliament and argue his case.

Mr Omodei: On top of that the Regional Development Council reports to him.

Mr GRAHAM: That is dead; the member for Warren-Blackwood can forget about that. That was one thing in Hendy Cowan's Bill that fell into the category of, "I wish I had thought of that; what a great initiative!"

Mr Omodei: Who do these ministers report to - the Minister for Local Government and Regional Development or the others?

Mr GRAHAM: If the member for Warren-Blackwood would listen he might understand my point, which is exactly the point he is trying to make. Regional development is now dysfunctional. The minister sits on a cabinet subcommittee that is dominated by city members of Parliament and has to argue his case. Nothing is wrong with having to argue a case, but the single most important person that regional development wants access to is not on that cabinet subcommittee. The damn Treasurer of Western Australia is not on the regional development cabinet subcommittee. The Government might have been able to convince me that a cabinet subcommittee on regional development that is dominated by city members of Parliament was something worthwhile if the Premier was the Treasurer of Western Australia and could sign off on expenditure. However, the Premier cannot. If members consider the picture I have painted, which is not a partisan picture but factual, they will see that nine development commissions are answerable to five ministers. No-one is sure to whom or what the Regional Development Council answers. It may be that members of that Regional Development Council are answerable to another minister. They might be required to provide advice to the Minister for Local Government and Regional Development. At the same time they may be required to provide advice to the Minister for the South West - who is not the Minister for Local Government and Regional Development; he is the member for Fremantle. What does he do when he has to argue a case for the south west versus his electorate?

Mr Dean: He does it very well.

Mr GRAHAM: How much free public transport is in the electorate of the member for Bunbury?

Mr Dean: Quite a bit.

Mr GRAHAM: Is the member saying that Bunbury has free public transport? That is fantastic. However, nobody else in regional Western Australia has free public transport. No town in my electorate has public transport, but city people think it is their right to have free public transport. Who takes up the case for country towns? Who takes up the case of public transport for country Western Australia with the Government of the day? Why should Bunbury have it and not Geraldton? Why should Bunbury or Geraldton have it and not Albany? Why should Bunbury, Geraldton and Albany have it and not Port Hedland? Why should Bunbury have it and not Karratha? Who would take up that case on behalf of remote and rural Western Australia? Would the Minister for the South West, who is the member for Fremantle, take up that case? I do not think so. Would it be the Minister for Planning and Infrastructure? I do not think so. Her job is not to develop the regions; that is the job of the Minister for Local Government and Regional Development - who is not a minister for regional development! Who should take up these very worthy and needy cases on behalf of regional Western Australia? The answer used to be the Regional Development Council. That body is in disarray; it serves no useful purpose. I do not mean to be offensive to the people on the council, but it serves no useful purpose in our system of government. If the Government had taken a brave policy initiative - instead of playing politics by setting up a cabinet subcommittee dominated by city members - and, for example, made the Minister for Local Government and Regional Development the chair of the Regional Development Council, which provided the Government with its policy on regional development, it would have been a great initiative. However, this is not about having great initiatives; it is about playing politics with government and regional government in Western Australia. I am sad about that. I get absolutely no joy out of making these speeches. They make me sad.

Regional development in Western Australia had a structure and an organisation that was the envy of the rest of Australia. I do not say that sort of thing often. However, I can say that with some authority, because I went to the regional Australia summit - ironically as the Labor Party shadow Minister for Regional Development and representing the leader of the Labor Party. I sat on what was obnoxiously called the high table, which was a group of shadow ministers and business and social heads meeting to work out the regional development policy for Australia. I listened with great interest to my colleagues from other States recommending to the Prime Minister John Howard that the way to go forward in regional development was to adopt the Western Australian model of independent development commissions that were able to act independently of government. I lent my considerable support to that argument. Prior to that, those of us inside the Labor Party when it was last in government federally had convinced Simon Crean of that. Out of that came the Australian consultative committees that were acted on by the Howard Liberal Government. It is unfortunate that the Government has taken this course. It is equally unfortunate that the Opposition has chosen to support the Bill. I would love the Opposition to oppose it.

MR DEAN (Bunbury) [11.48 am]: I want to clarify one point for the member for Pilbara. Bunbury does not have free transport, but it is subsidised.

Mr Graham: Why should city people get free public transport?

Mr DEAN: I cannot answer that.

The concept of regional development outlined in this Bill and in other areas begs a few questions. The amount of wisdom in this Chamber and the number of people who know what is good for Western Australia astonishes me. They all have their variations on regional development. I do not have a hard and fast concept on regional development as one model will not fit all local areas.

I am aware that the member for Warren-Blackwood has asked questions constantly about the function of local government in regional development commissions. I believe the function of local government in regional development commissions should be enormous. However, in my six or seven years on the Bunbury City Council, I found that when we tried to get our views noted or made a statement about the South West Development Commission, we were often ignored. It was very hard for the Bunbury City Council to get its local government point of view across to that regional development commission.

I have a great deal of sympathy for the point made by the member for Cottesloe about the politicising of boards and about how development commissions often work against the wishes of the Government of the time. I am well aware that development commissions should not be politicised. However, they should carry out the Government's functions. My experience with the South West Development Commission - the Leader of the Opposition is probably familiar with this - is that in the lead-up to the last election, it carried out a very political act when it enforced a decision that was to a certain extent against the wishes of the people of Bunbury. I am talking here about the Bunbury Back Beach fiasco. I am sure the politicising of that decision sat very uncomfortably with the chief executive officer of the South West Development Commission.

Mr Barnett: I do not think the development commissions should be involved in such decisions.

Mr DEAN: I agree.

Mr Barnett: I do not think that is their role. It is the role of local government, which may need state government assistance.

Mr DEAN: The ultimate politicising of the SWDC, through the previous Deputy Premier's intervention and so forth, obviously came before the election. The culmination of that politicising appeared on the front page of the *South Western Times* a week or two ago, when it was revealed that up to $2 million of the $7.5 million that had been allocated to the Bunbury Back Beach project had been pilfered. For example, $400 000 of that amount went to the Busselton Jetty project. The Busselton Jetty deserves all the money that it can get, because it is an icon in regional Western Australia. However, that money was pilfered from the people of Bunbury, who had been promised $7.5 million for their Back Beach upgrade. Several hundred thousand dollars also went to Collie, Manjimup and other areas around the south west. I am sure the member for Warren-Blackwood was a beneficiary of some of the money that was originally intended for the Bunbury Back Beach.

Mr Omodei: I was not a beneficiary, but the dairy farmers of Northam were.

Mr DEAN: The politicising of these commissions has been a very real issue over the past few years.

Mr Omodei: The people of Bunbury did not want that money.

Mr DEAN: The people of Bunbury did want it, and they still want it.

I turn now to the Bunbury 2020 document. That document is an ideal vision for regional development. Most people have a vision for regional development, and the Labor Party in Bunbury also has a vision. However, that vision needs to be based on empirical evidence. To that end, through the Bunbury 2020 document, we will set up a professorial chair in regional development that will be fully funded by the State Government for five years, after which time it will become self-sufficient. Edith Cowan University in Bunbury has established the Centre for Regional Development and Research. That centre is directed by Dr Ken Robinson, and it is providing a fantastic service in its embryonic stage. That centre is working closely with the Regional Chambers of Commerce (WA). Several weeks ago, Dr Ken Robinson had a meeting at Parliament House with members of the Regional Chambers of Commerce. That meeting was also attended by the Leader of the Opposition and several other members of the Labor Party. Even though the Centre for Regional Development and Research is in an embryonic stage, it will grow with the appointment of a post-doctorate research fellow for a period of three years, and it will grow further with the establishment of that professorial chair in regional development. The Labor Party is fully aware that the need for regional development should be based on empirical evidence.

Yesterday, the member for Mitchell talked about the role of the Bunbury Chamber of Commerce and Industries and its interaction with the regional commissions. He talked in particular about a newsletter that had been produced by the Bunbury Chamber of Commerce and Industries. I have a copy of that newsletter, because I am one of the 650 members of that chamber. I am not sure whether the member for Mitchell is a member, but I am. The Bunbury Chamber of Commerce and Industries is vitally interested in regional development, and it has meetings with the ministers when they visit that area. I know that the current Minister for Peel and the South

West is on a first-name basis with the executive of that chamber, simply because that executive has a great interaction with us.

The member for Mitchell referred to a survey that had been conducted by the Bunbury Chamber of Commerce and Industries, and he compared the December and June results and talked about the responses and so forth. Two hundred of the 650 members of the Bunbury Chamber of Commerce and Industries responded to that survey. The member for Mitchell was a little ingenuous in leaving out some of the comments in the figures, as he is wont to do. I have known the member for Mitchell for the past seven years, and that is the way he operates. One of the things the member left out is that in December, 34 per cent of the respondents to the BCCI survey said that the economy would get better, or definitely stronger. However, after five months of Labor Government, that survey result had gone up to 45 per cent. That is an increase of 11 per cent; or, in relative terms, it is an increase of nearly 33 per cent in the confidence of the industry in Bunbury. The member for Mitchell said also that 35 per cent of respondents were not satisfied with the State Government. However, what the member for Mitchell failed to mention is that if we take 35 per cent from 100 per cent, we have 65 per cent of respondents who are satisfied with the State Government. The member for Mitchell's debating technique is to always leave out the positives.

In the BCCI survey on forest policy, 68 per cent of respondents said that it was positive. The member for Mitchell failed to mention that in his speech yesterday; he mentioned only the 32 per cent who thought it was negative. In the BCCI survey on fuel prices, 76 per cent of respondents said that fuel prices had had a negative impact. However, I point out to members that that would probably have been the result regardless of fuel prices. Fuel prices in Bunbury have come down from $1.05 per litre pre-election to 92c per litre. One thing the member for Mitchell did admit - this is one of the sins of admission - is that the BCCI survey showed that in December, 49 per cent of respondents said the goods and services tax had had a negative impact on business confidence in Bunbury. However, in the June result, even with the changes to business activity statements, that figure had increased to 55 per cent; that is, 55 per cent of respondents now have a negative view of the GST.

Therefore, business in Bunbury is confident. That confidence is based on a city council that is very pro-active. That city council is so pro-active that several years ago, the negative vibes that it was getting from the South West Development Commission led it to develop, in conjunction with the other shires in the area, the Bunbury-Wellington Economic Alliance, because it felt that certain obligations of the SWDC were not being fulfilled. To a certain extent, that alliance duplicated what the SWDC should have been doing.

Business in Bunbury is confident. The confidence of the people of Bunbury in the Government has improved, and, with the Minister for Peel and the South West having frequent and extensive consultations with the people and businesses of Bunbury, that confidence will continue to improve. I have outlined a few of the things that the Labor Party, in partnership with Edith Cowan University, will do for Bunbury. I believe the adjustments to the development commissions are long overdue, and members on both sides of the House should endorse this Bill.

MR BROWN (Bassendean - Minister for State Development) [12 noon]: I thank members for their comments, some of which the Government agrees with and some of which it does not. I do not intend to go through every comment, but rather I will group the comments and pick out some of the themes. One of the themes that emerged is the political role that regional development commissions may play. It is important to acknowledge the very dedicated staff and people who have served on the regional development commissions and the important work that has been done by commissions over many years. It is also important to acknowledge that the staff and people who serve on the commissions have a strong belief in the growth of their areas. As such, from time to time, there may be a sense of exasperation when staff and members of the commission believe the Government should do one thing and the Government has a policy position or intention to do another. That obviously causes some degree of conflict and discomfort for whoever may be in government at the time. There is no perfect solution for that. If the regional development commissions were absolutely straitjacketed by government policy and told they must seek instructions from the responsible minister on every conceivable thing, people would very quickly ask themselves why they should bother to serve on a commission. Equally, the commissions are not a funded lobby group to take over the role of local authorities or elected members of Parliament. Commissions are primarily concerned with the economic development of a region, and that must always be at the forefront of their objectives. People have complained - and both sides of the House have had time for complaint - about the role commissions or commission staff have played in the so-called politicisation of particular issues. However, commissions often hold a strong belief about the direction in which the economic development of an area should be heading. Frustration sometimes results when that belief is not listened to in a manner a commission considers suitable and, hence, public controversy arises. However, it is appropriate for the regional development commissions to work to implement government policy on economic development.

I was visiting the Pilbara recently when the question arose about whether a task force should be established to investigate accommodation pressures in Karratha as a result of Woodside Petroleum Ltd's construction of a fourth liquefied natural gas train. That call was made by the local authority and significant members of the

community. It is something to which the Government was happy to respond. I suggested to my colleague in the other place, Hon Tom Stephens, the Minister for the Kimberley, Pilbara and Gascoyne, that it would be wise for the Pilbara Development Commission to chair those arrangements. I took that up with my officers in the then Department of Resources Development, who expressed some interest at this renewed level of cooperation between the department and the development commission, which had seemingly not existed for considerable time. I do not know why that might have been; however, it indicates that whenever we deal with large resource projects, there is a role for government agencies at a central level and for regional development commissions at a local level. It is important that those roles are in harmony and that various groups work together.

The Leader of the Opposition said that the regional development commissions do not have a role in social matters. In a broad sense, that may be true, but in some instances, such as the one to which I am referring, development commissions play a critical role in issues of social settings. As train 4 is developed, it will become increasingly necessary to provide accommodation in Karratha, particularly for lower-paid employees.

Mr Barnett: That is your role under the resource development portfolio. The state agreement is part of your role as minister. That is exactly what I did in Port Hedland. It is your responsibility.

Mr BROWN: I thank the Leader of the Opposition for his advice, but there is certainly a role for ensuring that those people in industries other than the resources industry who have lived in rental accommodation in the town for a long time are accommodated in a way that does not upset the town in the medium term, but instead facilitates that development. It is just one case of a call made by a local authority in which a development commission has an important role. It is not a role for a central office in Perth, but an important social role for a development commission which is designed to ensure the best way of maximising economic development in an area.

I touch on the issue of local government. There is no question that development commissions and local governments must work together. It must be a partnership arrangement. Local governments have many things other than economic development on their agenda. It is an important issue, but it is not the only issue. Local governments must deal with a variety of issues. It is important for the regional development commissions to focus on the economic development of their regions and to work with local authorities. There are occasions when local authorities and development commissions disagree. That occurs because development commissions are concerned with the interests of the wider region, whereas local authorities are more concerned with the interests of people within a smaller regional boundary. That conflict has existed in the past and it will continue in the future. The State as a whole must have both cognisance for the views and aspirations of people in a local area, expressed through their local government, and a wider view of the State's interests. It is important that local governments and regional development commissions work together to try to resolve those matters.

The final matter I touch on is that there has been some criticism of the fact that four ministers will have responsibility for regional development. Some of those ministers are country based and others are city based. However, a minister in this House, whether he or she is country or city based, represents one electorate. That is all he or she represents. It will always be possible to argue that a minister represents the interests of his or her electorate ahead of other electorates, even if that minister is regionally based. That charge could be made whether a person is the member for Perth, representing the central business district, the member for Kimberley, or whoever. A charge could always be made in that area. It is simply a cheap shot, because people must represent the interests of the region for which they are nominated.

I am sure that despite a member's interest for his or her own electorate, the regional ministers will have a concerted interest for the regions they represent. Before the implementation of the Hicks report I had responsibility for a region and I participated in the regional cabinet subcommittee. Each minister brought to the cabinet subcommittee the concerns and views of the people in the regions. The ministers were able to spend time in the regions. I have great regard for the work carried out by the former Minister for Regional Development, but he is not a superman and he could not be in all the regions all the time. If members look at the number of regional visits made by regional ministers collectively over the past six months, it would outstrip the number of visits made in any six-month period by Hon Hendy Cowan.

Mr Barnett: Will you allow regional development commissions to express a view on one vote, one value?

Mr BROWN: The Government will allow regional development commissions to carry out their job, which is to ensure economic development occurs in the regions.

I remind the Leader of the Opposition about the openness and accountability of the previous Government. When I was the opposition spokesman on community development, the former member for Mandurah was the Minister for Family and Children's Services. I wrote to him and asked whether he would mind if I called into the various regional offices. I was happy to give advance notice. He said he did not mind provided I told him when I was going, who I was going to speak to and what I was going to speak to them about. The Opposition prattles on about openness and accountability but it never practised it and it cannot cop the criticism. The Opposition has

no credibility on this. The Opposition had its shot in government and it did not do it. The Opposition can whinge all it likes.

Several members interjected.

Mr BROWN: The House will have a long debate about this one day and I am ready for it. I have got it all: all the nasty little deals, all the double dealing and all the secrets, but it will wait for another day. When I have an hour of the time of the House I will lay it out and the Opposition will crawl out the door. It is an argument for another day and we will see on that day whether the Leader of the Opposition has any substance because in this area he has none. That is why this Bill is such a great Bill and should be endorsed by the House.

Question put and passed.

Bill read a second time.

[Continued on page 2001.]

MINISTERIAL COMMITTEE ON GAY AND LESBIAN LAW REFORM

Statement by Attorney General

MR McGINTY (Fremantle - Attorney General) [12.13 pm]: In March 2001 I established a ministerial committee on gay and lesbian law reform to assist me to develop amendments to end the discrimination experienced by gay men and lesbians in a wide range of areas. The ministerial committee consisted mainly of gays and lesbians because I believe that people who have experienced discrimination are best placed to identify where our laws are deficient.

The ministerial committee presented its report to me in late June this year. I would like to thank the members of the committee - many of whom are here today - who worked diligently to consider the complex issues of discrimination against gay men and lesbians. I am releasing the report of the ministerial committee on lesbian and gay law reform today. I found the report to be an interesting and compelling read. I table the report.

[See paper No 447.]

Mr McGINTY: The report contains 47 recommendations relating to legislative reform and public policy initiatives. The Government has carefully considered the report and has decided to broadly support 30 of the recommendations and to consider in greater detail a further 16. There is only one recommendation in the report - recommendation No 45 - that the Government has decided not to support.

In summary, the response of the Government to each of the recommendations is as follows. The Equal Opportunity Act 1984 is covered by ministerial committee recommendation Nos 1 to 16. The Equal Opportunity Act 1984 does not currently include sexual orientation as a ground of unlawful discrimination. In all other States of Australia, anti-discrimination laws provide that discrimination on the basis of sexual orientation is unlawful. Recommendation Nos 1 to 13 propose that the Equal Opportunity Act 1984 be amended to provide that discrimination on the ground of sexual orientation be unlawful. The Government supports recommendation Nos 1 to 13 of the report. When it implements these changes, Western Australia will be the last State in Australia to amend its anti-discrimination laws to offer a means of redress to gay men and lesbians. Recommendation No 14 is that the definition of "services" in the Equal Opportunity Act 1984 be expanded to include all services provided by government and government entities. Unlike other recommendations, it is not limited to discrimination against lesbians and gay men. Implementation of recommendation No 14 would broaden the scope of anti-discrimination laws for all of the other grounds of unlawful discrimination. The Government is seeking advice from the Crown Solicitor's Office on this proposal. Recommendation Nos 15 and 16 are policy initiatives and they will be subject to further consideration by Government because of their budgetary impact.

Homosexual vilification is covered by ministerial committee recommendation Nos 17 to 21. Gay men and lesbians are vilified because of their sexual orientation and recommendation Nos 17 and 18 are that the Equal Opportunity Act 1984 be amended to provide that vilification of gay men and lesbians be unlawful. These recommendations will be referred to the Commissioner for Equal Opportunity to consider and report to the Government as to whether the Equal Opportunity Act 1984 should be amended to prohibit homosexual vilification. Recommendation Nos 19, 20 and 21 are public policy initiatives that the Government will defer until the Commissioner for Equal Opportunity provides her report on homosexual vilification.

The Industrial Relations Act 1979 and Equal Opportunity Act 1984 are covered by ministerial committee recommendation Nos 22 to 24. The Western Australian Industrial Relations Act 1979 contains no reference to the Equal Opportunity Act 1984. Recommendation Nos 22 to 24 propose that the Western Australian Industrial Relations Act 1979 be amended to require the Industrial Relations Commission to take account of the Equal Opportunity Act 1984 when determining industrial matters. These recommendations are being further considered by the Government.

Property rights, liabilities and access to benefits are covered by ministerial committee recommendation Nos 25 to 30. Western Australian laws do not recognise the rights, entitlements and liabilities of same sex couples.

Cabinet has approved the drafting of de facto legislation. This legislation will provide same-sex and opposite-sex de facto couples with a mechanism for resolving property disputes in the event of a relationship breakdown. In addition to these rights, in a number of situations heterosexual de facto couples are given rights, benefits or liabilities under Western Australian statutes. These statutes do not provide these same rights, benefits or liabilities to same-sex de facto couples.

Recommendation Nos 25, 26, 27 and 30 are that Western Australian statutes be amended to provide same-sex couples with the same entitlements as those of heterosexual de facto couples. Recommendation No 28 is that the Minister for State Development considers state agreements with a view to removing discrimination against same-sex couples in future. Recommendation No 29 is that the Minister for Health review the Artificial Conception Act to remove discrimination against same-sex couples. The Government supports recommendation Nos 25 to 30.

The Human Reproductive Technology Act is covered by the ministerial committee recommendation Nos 31 to 35. The report states that currently only heterosexual couples can access in-vitro fertilisation and artificial insemination under the Human Reproductive Technology Act. Lesbian couples, in which one or both partners in a relationship are medically infertile, cannot access IVF.

Recommendation Nos 31 to 34 are that the Human Reproductive Technology Act be amended to remove discrimination against lesbians. Lesbian couples in other Australian States, including South Australia and New South Wales, are currently able to access reproductive technologies. By supporting recommendation Nos 31 to 34, the Government will bring Western Australian laws into line with other States in Australia.

Recommendation No 35 is that the Law Reform Commission should review these issues as they relate to single women to ensure consistency with the Equal Opportunity Act. The issues in recommendation No 35 are to be considered by the Minister for Health during his review of the Artificial Conception Act.

The issue of parenting and children are covered by the ministerial committee recommendation Nos 36 to 38. Currently under the Adoption Act partners in same-sex relationships cannot adopt children. This is unjust for members of gay and lesbian relationships because they cannot adopt the offspring of their partner whose children were conceived through AI or by a friend with little or no interest in the child; nor can they adopt their partner's children from previous heterosexual relationships. Therefore, although both partners in same-sex relationships care for the children, the non-biological parent has no legal rights to those children. This causes many problems, for example, in medical emergencies and, after the death of the biological parent, the non-biological parent has no legal rights to care for the children.

Recommendation Nos 36 and 37 recommend that the Adoption Act be amended to provide that same-sex couples be allowed to adopt children and that those amendments provide that there should be no discrimination on the basis of their sexual orientation. The Government supports removing the blanket prohibition on gay and lesbian people adopting children. The criterion for adoption should be the interests of the child, not the sexual orientation of the adopting parents. However, it is the Government's view that decisions of the adoption agency in any particular case should not be subject to challenge on the basis of discrimination on the grounds of sexual orientation of the adopting parents.

Recommendation No 38 is that the policies and procedures concerning adoptions be revised to ensure no discrimination on the basis of sexual orientation. The Minister for Community Development, Women's Interests, Seniors and Youth will further consider this recommendation.

Human dignity and medical treatment is covered by ministerial committee recommendation No 39. Many legal issues arise when a same-sex partner dies, or is medically incapable of making a decision. Western Australian laws do not recognise the rights of the same-sex partners of the deceased or terminally ill to make decisions about organ donation, post-mortem examinations or requests for coroners' inquests. Recommendation No 39 is that a number of Western Australian statutes and regulations be amended to recognise the rights of same-sex partners in relation to medical treatment, inheritance and death, and the Government supports that recommendation.

The Criminal Code is covered by the ministerial committee recommendation Nos 40, 42 and 44. Currently, the age of consent for consensual sexual activity is 16 for heterosexuals and 21 for gay men. Further, a number of other provisions in the Criminal Code and the Law Reform (Decriminalization of Sodomy) Act are inappropriate and discriminatory. Recommendation Nos 40 to 43 are that these provisions be repealed or amended to remove this discrimination. The effect will be to equalise the age of consent for homosexual and heterosexual sexual activity. The real issue at stake in the age of consent debate is not at what age young people should have sex, but at what age we criminalise that behaviour and jail people for five years for doing it. The Government supports recommendation Nos 40 to 43.

An argument that is commonly raised in opposition to the equalising of the age of consent is that it exposes young boys, under the age of 16 years, to paedophilic behaviour from older men. This argument relies upon the fact that currently, it is a defence to criminal prosecutions of certain sexual offences committed against a child under 16 years of age, that the accused person believed on reasonable grounds that the child was of or over the age of 16 years. In order to protect minors from the risk of paedophilia, the situations in which this defence applies should be limited.

Recommendation No 44 proposes to remove the current defence and to insert a new defence based upon the provision in the Victorian Crimes Act. The real purpose underlying the Victorian provision is to protect minors from older persons. That can be achieved by precluding the operation of the defence of reasonable belief in situations in which the accused is more than five years older than the child who is under the age of 16 years. This limitation would apply to both homosexual and heterosexual activity with children under the age of 16 years.

The Government will adopt the main objective of recommendation No 44 by allowing the accused to rely on the defence of reasonable belief that the victim was of or over 16 years of age only when the accused was no more than five years older than the victim. This change should allay some concerns about equalising the age of consent and extend greater protection to young girls at the same time.

The term "homosexual advance defence" refers to situations in which the accused alleges that he or she acted either in self-defence or under provocation in response to a non-violent homosexual advance made by the victim. The negative stigma associated with homosexuality will be diminished by implementation of these recommendations including the repeal of the Law Reform (Decriminalization of Sodomy) Act, equalising the ages of consent for homosexual and heterosexual sexual activity and including sexual orientation as a ground of unlawful discrimination under the Equal Opportunity Act

The Government does not support recommendation No 45 as this is a matter appropriately developed by the courts in their directions to juries. As Attorney General, I will give recommendation No 46 further consideration and determine whether a reference should be given to the Western Australian Law Reform Commission. Recommendation No 47 relates to judicial education about issues relating to gay men, lesbians and bisexuals. The Government supports recommendation No 47.

The proposed reforms to Western Australian law are about equality of all citizens before and under the law. Gay and lesbian law reform is based on a simple principle: that all individuals and sections of the community should enjoy equal rights under the law, regardless of their sexuality. The Labor Party stands for the simple proposition of equality and it will not tolerate discrimination.

I will read an excerpt from one of the submissions that was received by the ministerial committee that explains why I believe these reforms are necessary It reads -

> Though I was never a victim of incest, rape, child abuse or was never in a war, my childhood and teenage years were sad. I would never repeat them or wish them on anyone else . . . Growing up is frightening at the best of time. The boundaries around you are visible on all sides . . . Children and teenagers lack the ability to let intolerance and bigotry slide off their backs - it sinks in and stays for a very long time.
>
> My suicide attempt in 1999 shocked my family and frightened all those around me. . . . I wanted to die because I could see no way of allowing a human being close to me, after a decade of suppressing my desire for intimacy and love. People I never met hated me. I was not equal in laws or in the eyes of churches or societies . . .
>
> My story is not unique, nor is it particularly brutal compared to friends I know who can't live at home anymore or who have been bashed or actually resorted to drugs as an escape from society rejection.
>
> Young people are not protected from suicide by maintaining an uneven, unrealistic age of consent . . . de-valuing same sex love -
>
> Young people will not listen to cruel, conservative individuals telling them they have made a disgusting "choice" when there has been no choice at all . . . some will suffer in silence and take many years to get over it but many will remain depressed and find ways of ending the pain.

The Government's position in relation to gay and lesbian law reform is not radical. It reflects the position of many other Australian States. For example, it is unlawful in every other Australian State, and has been for a considerable period, to discriminate against people on the basis of their sexual orientation or sexuality. Indeed, in New South Wales, it is specifically unlawful to vilify people on the basis of their sexual orientation or homosexuality. Similarly, the rights and obligations of partners in same-sex relationships have been affirmed by statute in Victoria, New South Wales and the Australian Capital Territory. These States and Territories have

also amended a number of other Acts to confer the same rights concerning inheritance and property matters that have been provided for heterosexual couples to gay and lesbian couples. All women, including single women and lesbian couples in Queensland, New South Wales, Tasmania and the Territories, have been able to obtain assisted reproductive technologies for many years, since there is no legislative restriction to prevent them. New South Wales, Queensland and the Commonwealth explicitly recognise that discrimination occurs in the workplace and in employment relationships and this connection has been affirmed in their industrial laws that specifically refer to anti-discrimination in each of those jurisdictions. The age of consent for consensual heterosexual and homosexual sexual activity is equal in many States in Australia and in many overseas jurisdictions. In no Australian jurisdiction is the disparity for consensual sexual activity as great as it is in Western Australia.

The plight of gay men and lesbians - their experiences of discrimination and exclusion and invisibility in legislation - has to date been the subject of many reports and inquiries. The Government and I believe that it is now time to change the law in Western Australia to recognise lesbians and gay men as human beings who are a part of Western Australian society. Matters of law reform that relate to deeply held personal beliefs and convictions inevitably generate considerable public discussion and debate. I welcome such debate as an essential feature of any democracy.

There is no place or justification for discriminatory laws in Western Australia in the twenty-first century. This report goes a long way in recommending changes that will enable gay and lesbian members of our community to get on with their lives, free from the shackles of discriminatory laws.

MR BARNETT (Cottesloe - Leader of the Opposition) [12.32 pm]: The Gallop Labor Government clearly has a social agenda. I recognise that agenda is coming from the philosophy of the Labor Party. I do not discount any issues raised under that social agenda, but it is an emphasis that will not be shared by this side of the House. A drug summit will soon be held. The policy position of the Labor Party is one of increasing the availability and access to elicit drugs in the community. That will be the net effect of the direction taken by the Labor Party. This House is presumably about to consider legislation that will essentially lead to the licensing of prostitution. A report on lesbian and gay law reform has just been tabled.

Ms MacTiernan: So, you have employed Chris Baker as a speech writer, have you?

Mr BARNETT: I listened in absolute silence to a well-prepared presentation by the Attorney General. I intend to give a response in the time available to me. Drugs, prostitution and gay and lesbian reform are high on the Government's agenda. That is a reality. No-one seated opposite would deny that. Government members should not feel sheepish about it if it is their policy agenda. All I am doing is noting the agenda of the Government. I do not discount any individual issue, but the Government's priority will not be shared by this side of the House. The Liberal Party starts from a different perspective, but its members are prepared to deal intelligently and compassionately with any issue brought before this House.

There has been a lot of discussion about those issues and particularly that of the age of consent for homosexual males. From the research findings that I have been able to access, it has been estimated that approximately seven to 13 per cent of the population is gay or lesbian. That figure seems to have been broadly agreed upon. It seems that the ratio is eight to 10 gay men to every lesbian. I do not know whether members agree with that figure, but it seems to be an indication. It is generally recognised in the literature that most homosexual people, whether gay or lesbian, are aware of their sexuality by puberty. There has been some debate in the literature about whether homosexuality is influenced by genetic or environmental factors. In other words, is a person born gay or lesbian, or does he or she acquire gay and lesbian views and attitudes as he or she develops? There has been academic debate on that issue. On the balance of the evidence that has been presented to me, I am persuaded that homosexuality probably has a genetic basis. I imagine that most people who are gay or lesbian are probably born that way and that perhaps they become fully conscious of their sexuality during puberty. Most heterosexual people are conscious of their sexuality at that stage. I am willing to accept all that. I know that some may have different views and that there may be an academic debate about that. That is my understanding of the issue.

I am also conscious that prejudice, discrimination, insult and vilification occurs against gay and lesbian people. I recognise that and I do not condone or excuse that behaviour - I never have and I never will. I also recognise that the pressures of coping with sexuality, intimidation, and friends and family have contributed to depression and suicide in the homosexual community. Depression and suicide is more prevalent in the gay and lesbian community than in the heterosexual community. The suicide rate for gay men is estimated at 28.6 people in every 100 000, which is greater than the rate for females. It is generally recognised that 25 to 40 per cent of gay and lesbian people may attempt suicide at some stage during their lives and that as many as 65 to 85 per cent of gay and lesbian people feel suicidal from time to time. I recognise and acknowledge those facts.

I have skimmed briefly through the "Lesbian and Gay Law Reform" report and will read it more carefully as time allows. The first thing that people must recognise is that it is a wide-ranging report. Much of the public

discussion has been about the issue of the age of consent for homosexual males. That has been the focus of the media and most talk has centred on that issue. Yet, it is made clear in the terms of reference that this report focuses on changes to the Criminal Code, Equal Opportunity Act 1984, property rights for de facto couples, superannuation issues, the availability of in-vitro fertilisation and adoption of children for same-sex couples, and a number of other issues. There is no doubt that the terms of reference are wide.

My second point is that this report is not an independent report in the sense perceived by most people. I do not believe that the Attorney General is trying to pretend that it is. However, the Attorney General made the point in his speech that most of the committee members were gay or lesbian people. It is not an independent report. This report was written from the perspective of the gay and lesbian community. It is broadly accepted that the gay and lesbian community represents about 10 per cent of the population. The other 90 per cent of Western Australians also have a view and are entitled to have a say. While this report is significant, it has come from the 10 per cent of the population that is directly affected by the issues it covers. One of the responsibilities of this side of the House, and indeed of this Parliament, is to take into account the views, values, beliefs and attitudes of the other 90 per cent of the population. This is not an issue solely for the gay and lesbian community.

Other interests and views are at stake. The issues are very complex. The report was made from the perspective of the gay and lesbian community, essentially prepared by a committee of gay and lesbian people. The committee took public submissions, although only 10 submissions are referred to in the report's 128 pages. The wider community - perhaps even the wider gay and lesbian community - would have to question how much consultation has taken place. A significant institution in our community is the church. Religious and moral views are important in this debate, in a range of areas, not just the age of consent, yet the views of the churches are mentioned on only one page in a 128-page report.

There is no balance in this report; it does not purport to be balanced and it should never be seen as such. It does not look at the pros and cons of changing legislation - for example, the merit of changing the law on discrimination. The report takes that as a given - it is about how the change is to be implemented. By its terms of reference, this is not an independent report; it has been prepared by people not representative of the whole community. It is relatively narrowly focused on the gay and lesbian community. The debate about change has not yet taken place in the wider community.

While people might think the report is about the age of consent, it also talks about parenting. The Labor Party talks about same sex couples having the right to adopt children, and the Attorney General has said that the Government supports this. I have not considered a position on this matter. I have my own view, but I will not share it with the House. This is an issue of profound importance to the whole community, but it is not yet even on the public agenda for most people in Western Australia. This report and the Labor Government's advocating rights of adoption for same-sex couples represents an enormous shift in community values. This is not a change that should be rushed in any way or progressed without widespread consultation and discussion in the community.

The report also talks about in vitro fertilisation and artificial reproduction techniques. It talks about women having access to those technologies regardless of marital status or sexual orientation. Again, there are issues about whether public health care funding should be available when women are physically capable of bearing children and are fertile. The report talks about terms such as being "socially infertile". I do not draw any conclusions or express any opinion on that issue, but this leads to another host of issues. The debate about in vitro fertilisation continues in this country. Now the implication will be that the public health system can be used in this way.

Many people in the community, predominantly heterosexual couples with a physical impairment to pregnancy and childbirth, will feel aggrieved about that. They will have a view about whether in vitro fertilisation technology and all the subsidies that go with it should be available to women who are physically healthy and capable of bearing children. I am not expressing my view, I am simply saying major issues of health ethics are involved in that. This is not an issue that can be resolved by a committee made up of the gay and lesbian community. It is an issue for the medical community and the churches, among other groups, involving morals, values and medical ethics.

Other issues concern legal status. The Opposition grappled with some of those issues when in government, such as the rights of de facto couples, whether they be heterosexual or homosexual. They are complex issues. Espousing the principle of removing discrimination is one thing, but, as the member for Kingsley can confirm, when the detail of the law is considered it is very complicated. There is a long way to go on issues such as that one. The focus has been on the age of consent, and the law in Western Australia establishes it at 21 for homosexual males, which is different from other States. In other States the age of consent is not uniformly equal. In some States it is 16 for girls and 18 for boys. There is quite a lot of variation internationally as well. Twenty-one may be perceived as too high, but there is no uniformity within Australia or internationally.

The whole tenor of this report, and of the approach of the Labor Government, is to promote equality as such. I support equality as a principle but it is not the only principle. The issue about what is right or wrong must first be addressed. The Opposition will be looking at what is right or wrong in terms of the age of consent or access to in vitro fertilisation technologies. The equality issue does come into it, but it is the issue of right or wrong that comes first. I have talked to gay and lesbian groups, and I have visited the Freedom Centre, and I will continue to discuss the issues. In the Liberal Party there will be a conscience vote on the age of consent. This will be one of the distinguishing features between the Liberal Party and the Labor Party. Members on this side will be able to look at the issue from the point of view of their constituency, their own personal beliefs, morals, or religious values and make their own decision. I accept and endorse the age of consent being 18. I would like it to be 18 for both heterosexual and homosexual sex. If equality is important, I am happy to change the age to 18 for both, but for me it is about the moral position, and what is right, not equality for its own sake. The merits of the issues should be considered. I have talked to many older gay people, who tend to be fairly comfortable with that position.

The Government will have to make some choices in the way it progresses this legislation. It is very complex and far-ranging, and it will bring out the best and the worst in people both in the Parliament and outside. This Parliament has dealt with sensitive issues during my time. Most members will recall the adoption legislation, which was extremely heart-rending. A couple of years ago we dealt with the abortion legislation - again, a very emotionally charged issue. People showed great courage in this Parliament to vote according to their conscience on those issues. Some people voted according to what they believed best represented their constituents, even if it was against their personal views, and vice-versa. On this side of the House, our members will be allowed the dignity of a conscience vote. I do not know whether that will happen on the other side, but I suspect it will not. That will limit the debate. The Premier scoffs, but these are matters of principle and value. We will treat this issue very seriously, intelligently and constructively, but we will not look simply at condoning everything on the basis of equality - we will look at the merits and the ethics of the case.

I understand the commitment of the Attorney General to progressing these issues, but I call on him to proceed in a piecemeal way, one issue, or group of issues, at a time. This is far too large and complex an area for this Parliament, let alone the community, to absorb in one hit. I also call on the Attorney General to proceed by way of a Green Bill. Bring in draft legislation and let all groups in the community study it carefully for its implications. I do not criticise this report. It is a valuable contribution, but it is a report from 10 per cent of the population - the gay and lesbian community - not about the merits of the case, but how their objectives are to be met. The Opposition is willing to debate that issue, but the other 90 per cent of mainstream Western Australians also care, about not only just the age of consent, but also many of the very complex technical, social, moral and ethical issues covered in this report.

HILLARYS YOUTH PROJECT ENQUIRIES

Statement by Member for Joondalup

MR O'GORMAN (Joondalup) [12.50 pm]: I rise today to speak about the HYPE program that has been operating in the City of Joondalup in the past three years. My colleague the member for Wanneroo spoke previously about this project and its introduction to the northern suburbs' newest shopping centre.

I shall inform the House of the background that led to the introduction of this successful program. The name HYPE is an acronym for Hillarys Youth Project Enquiries. The project was designed to deal with a considerable amount of anti-social behaviour that occurred in the summer of 1998 at Hillarys Marina. The initial response of management and security was to confront young people and move them on, a tactic that soon proved to antagonise youth. Matters got progressively worse and the local police, in consultation with a community development coordinator from the Department of Community Development, quickly realised that a new and innovative method of dealing with youths was needed.

Marenee Provost developed what is now known as the HYPE program. The program involves youth workers, supported by police and retrained security officers, interacting with youth and identifying "at risk youth". These young people are then put in contact with various services that can assist them to deal with their problems. This early intervention has proved successful and the reduction in anti-social behaviour has all but disappeared from the Hillarys Marina area.

TOURISM IN WAGIN

Statement by Member for Wagin

MR WALDRON (Wagin) [12.52 pm]: I bring to the House's attention the excellent work being done in my electorate of Wagin on tourism and I recognise the great efforts and cooperation of the shires, tourist committees, interest groups and many individuals involved. In a harsh seasonal and economic atmosphere, many great new tourism projects are being undertaken and driven locally. Such projects include the Dryandra forest group incorporating seven shires working together and employing a development officer to open up exciting new

tourist opportunities. In addition to other tourist services, construction of the Kodja Place in Kojonup, a state of the art tourism facility strategically located on the busy Albany Highway, will depict the cultural and overall history of the local Aboriginal people and the town via video and static and live displays. This modern facility now under construction will prove to be a huge boost to Kojonup and the region. Other initiatives include the historic building restoration and associated events in Williams, the new heritage trails planned for Katanning and Broomehill together with established tourist attractions including the Albert Facey home and precinct at Wickepin, the giant ram, the woolarama at Wagin and many others.

The key developments are local recognition of tourism's great future in the region, local commitment and a strong move to link in with other shires and tourism bodies across the regions to capitalise on each other's attractions. The proposed leisure rail project will greatly enhance and complement these local initiatives. I urge members to give as much support as possible to the project.

SOUTHERN RAIL LINK

Statement by Member for Mandurah

MR TEMPLEMAN (Mandurah) [12.53 pm]: I wish to make a statement on the Government's decision on the Perth to Mandurah rail. A media release of the Mandurah Peel Region Chamber of Commerce reads -

> The Mandurah Peel Region Chamber of Commerce congratulates the Gallop Government for showing good fiscal management but at the same time achieving the goal of supplying the fast growing areas of Mandurah and Rockingham with access to a modern rail system.

The release continues -

> The Gallop Government has fulfilled one of its first election promises which was to make the tough decisions on behalf of all Western Australians.

The City of Mandurah council applauded the State Government's decision to re-route the south west rail along the Kwinana Freeway and into Perth city, and its media release states -

> "When the rail link was first proposed by the previous government it was emphasised that the rail must provide a viable alternative to car travel."
>
> . . . the new direct route along the Freeway will reduce the travelling time by 12 minutes.

It has been widely welcomed by all the Mandurah residents to whom I have spoken. It will create more access to job opportunities for Mandurah's unemployed. It will create opportunities through access to education and training facilities not only in the city but also in Mandurah. Tourism in the southern corridor and the Peel region will benefit. People in Mandurah who need to access specialist health services will be able to do so.

This is a great decision for the people of Mandurah. They have applauded this Government's decision. They are very happy that they will get a rail line delivered by a Labor Government. Labor Governments have a proud record with rail. We will get that rail line down to Mandurah, and it will be well received by the people there.

COURT, MR TERRY AND EVANS, MR JOHN, RETIREMENT

Statement by Member for Warren-Blackwood

MR OMODEI (Warren-Blackwood) [12.55 pm]: I recognise two outstanding public servants who have just retired from the Department of Conservation and Land Management and the Forest Products Commission. Terry Court and John Evans live in Pemberton. They served the old forest department, the Department of Conservation and Land Management and the Forest Products Commission at various times over the past 40 years. They had a send-off a couple of weeks ago. Terry Court joined the forest department in 1960 at the age of 16 as a billy boy and progressed from there. He started at Shannon River as a forest guard in 1963. He went to Walpole as a forest guard in 1965 and then to Pemberton as a forest ranger. He was officer-in-charge at Quinninup, a forester at Walpole, and district forester in Pemberton in 1977. He became a senior forester at Pemberton in July 1988 and has played a very important role in forest management and fire control.

John Evans started in 1961 in Kalgoorlie and went to Collie, Nannup, Kirup and Pemberton. He finished up as the regional fire and karri regeneration officer at the Manjimup regional office. John has been an outstanding citizen over a number of years. John was responsible for regional prescribed burning, including preparation and readiness of areas for fire control. He has played a very important role in CALM and the local community over a number of years. I congratulate them both, and call on the Government to do the same.

WATER CONSERVATION

Statement by Member for Alfred Cove

DR WOOLLARD (Alfred Cove) [12.57 pm]: With the emphasis at the present time on the need to conserve our most precious resource - water - Western Australians need to change the way they use and even think about

water. Yesterday I met with members of the national land and water resource audit team, which is part of the National Heritage Trust. Their audit of dry land salinity has revealed that Western Australia has the largest area at risk of dry land salinity in Australia; in particular, our south west region has a high potential for developing salinity from shallow watertables. With these findings, one wonders why the Government still allows companies such as Wesfarmers Ltd and Sotico Pty Ltd to clear-fell our unique native forests as this clear-felling will, among many other environmental problems, increase salinity in our south-west forest region.

A step towards conserving water is to educate our young people to understand and appreciate the issues involved and to spread the message about water conservation. I was very pleased to learn that last month the Melville Primary School became the fifty-first school to be recognised as a Waterwise school. Currently 118 schools in Western Australia are either recognised or working towards being recognised as Waterwise schools. I support the Waterwise schools program to help children learn behavioural patterns necessary for the future with key messages such as Waterwise gardening principles and the economics of water efficiency. I urge members to encourage schools in their electorates to participate in this worthy program. I congratulate the staff and students of Melville Primary School on achieving this goal.

GORING, MR PERCY

Statement by Member for Bunbury

MR DEAN (Bunbury) [12.58 pm]: Today I honour an icon of Bunbury - Percy Goring. Percy was born in East London in 1894. He emigrated to Australia in 1948 and lived at Darkan before moving to Bunbury to live in Elanora Villas Lodge.

Percy was not an Anzac, but he fought in Anzac Cove with the Anzacs. Percy was a member of the British Imperial Forces. He was an engineer. Percy was injured at Anzac Cove and was evacuated with the Australians to Egypt. For that he was eternally grateful, because the rest of his division went onto France and were decimated. I have met Percy, although I did not know him on a personal level. I can still remember his Anzac Day appearances over the past 11 years as he was getting older. I remember an Anzac Day march two years ago when at the age of 104 he nearly cleaned up half the establishment driving his Gopher scooter down the main street of Bunbury.

Percy was an icon. Percy is gone. He was a man who lived in three centuries. We should be grateful that we have had the chance to know him.

> Age will not weary them, nor the years condemn.
> At the going down of the sun and in the morning
> We will remember them.
> Lest we forget.

Sitting suspended from 1.00 to 2.00 pm

QUESTIONS WITHOUT NOTICE

VOTING AGE, LOWERING TO 16 YEARS

1. Mr BARNETT to the Premier:

I refer to the Government's proposed inquiry into lowering the voting age to 16 years. Is it now the Labor Party that is in favour of bringing party politics into Western Australian classrooms and schools?

Dr GALLOP replied:

One of the parties represented in this Parliament, the Greens (WA), has suggested that we consider allowing 16-year-olds to vote. This side of the House is not committed to that proposition. Indeed, to use the words the Prime Minister used with me on Saturday when I asked about the submarine refitting contract, I remain to be convinced on that matter. However, we have no difficulty with inquiring into the issue.

Mr Barnett: Why?

Dr GALLOP: Five members of the Western Australian Parliament requested that the matter be looked into. I remind those opposite that those members were elected to this Parliament. They have requested that we look into the issue, and we are happy to do that. This side of the House remains to be convinced that it will be a good move. We have a national standard in Australia which provides for voting at the age of 18. However, it can be investigated through a proper inquiry. I am sure it will produce some interesting findings.

Mr Barnett: Don't you have a view?

Dr GALLOP: We are against it.

Mr Barnett: So am I. Why are you having the inquiry?

Dr GALLOP: It does not do any harm to look at a matter every so often. Life goes on, the world goes on and history moves on.

Mr Barnett: There are some important issues that you should be addressing.

Dr GALLOP: We must address some very important issues. However, the Western Australian people and the Western Australian Parliament have the capacity to deal with more than one issue at any one time. I cannot say the same thing about the Opposition in this Parliament.

ELECTORAL REFORM

2. Mr TEMPLEMAN to the Premier:

I refer to the Leader of the Opposition's claims that the electoral reform legislation introduced yesterday by the Minister for Electoral Affairs will deny country people an effective voice in Parliament by shifting eight seats from the regions to the metropolitan area. How many country seats would be abolished under the Leader of the Opposition's electoral reform policy?

Dr GALLOP replied:

We all saw the Leader of the Opposition's performance and feigned anger in the Parliament and in the media yesterday about the consequences of establishing principle at the heart and soul of Western Australia's electoral system - the Legislative Assembly. We saw that feigned anger. We saw the Leader of the Opposition cry crocodile tears over the impact of those policies on the electoral system in Western Australia. We know that this Leader of the Opposition does not care about rural and regional Western Australia. He has got form: he was the Minister for Energy who compromised the uniform electricity tariff and he was the minister who pushed the gold tax in this Parliament. He has so much form that his colleague the member for Ningaloo said on 27 February, after he had failed by just three votes to become the Leader of the Opposition, that "Mr Barnett was not seen to be sympathetic to country people". They know what he thinks of the interests of country people, because they saw him in action as a minister. Further, the Western Australian people know what he stands for. I quote from an article in *The Australian* newspaper entitled "Premier-hopeful to dump upper House" -

> Deputy Liberal leader Colin Barnett wants to abolish the West Australian upper house if he succeeds Richard Court as premier after next year's State election.

That is the view of the Leader of the Opposition. Seventeen members of the Legislative Council hold regional seats. Under the plan supported by this Leader of the Opposition, 17 rural and regional representatives will be lost from our Parliament. What is more, under that plan, the House of Review, which plays a crucial role of checks and balances in our system of government, would be lost.

The Labor Party supports a Legislative Council based upon proportional representation. The Labor Party also supports the right of all people, wherever they live, to equal opportunity in our State.

We have seen the Leader of the Opposition's sell-out on the One Nation issue. He will have to learn the important distinction between the art of compromise in politics and the temptation of treachery. The Leader of the Opposition has fallen for the latter.

ELECTORAL REFORM, ELECTORAL ACCOUNTABILITY

3. Mr BARRON-SULLIVAN to the Premier:

Does the Premier stand by the universally accepted principle of electoral accountability, as spelt out by the Commission on Government, that each member of Parliament should act in accordance with the wishes of his or her electorate? If so, will the Premier allow his party a free vote on his electoral legislation, or will country Labor members be forced to toe the Australian Labor Party line?

Dr GALLOP replied:

Here we go again. Whenever the Liberal Party is in opposition, it gives us the story that it is the party of conscience and that its members can speak freely. Perhaps the member for South Perth will give the Parliament a talk or two on the reality of speaking freely within the ranks of the Liberal Party. Where were the conscience votes when it was in government? Where were they? I looked under the table and in the corner, but I could not see any conscience votes on the Liberal side of the Parliament.

The Labor Party in Parliament works according to certain rules. On important questions of life and death, such as abortion on the one side and euthanasia on the other, the Labor Party allows a conscience vote because, on those issues, we do not think it appropriate to straitjacket the consciences of people. However, on other issues, the Labor Party quite openly says that its members stand united in this Parliament. We have our debates in the party room and at the Labor Party conference, but we come into this Parliament and stand united. Everybody

knows that. It has been part of the Labor Party platform since the end of the nineteenth century and the beginning of the twentieth century.

The Liberal Party wants to be united but, under its current complexion, its leader is incapable of providing that leadership.

ELECTORAL REFORM, EQUAL VOTING RIGHTS

4. Mr BARRON-SULLIVAN to the Premier:

Does the Premier admit that his pre-election promise and guarantee to country people was sneaky, devious and utterly worthless?

Dr GALLOP replied:

There he goes again, the great stuntsman from Mitchell. It did not surprise me to see that the Leader of the Opposition did not participate in the stunt. What does that tell us? Does it tell us that the communication between the Deputy Leader and the Leader of the Opposition is not working too well? It would not surprise me. The Labor Party's policy on the State's electoral system has been as clear as the skies of Western Australia since the Labor Party was formed at the beginning of the last century. The principle is this: no matter who people are, where they live, what their backgrounds are, what their religions are or which part of the country they were brought up in, they will have equal voting rights for the Parliament of Western Australia.

BANKRUPTCIES, IMPACT OF GOODS AND SERVICES TAX

5. Mr ANDREWS to the Minister for Tourism:

Is the minister aware of an article that appeared in *The Australian* dealing with business bankruptcies and, if so, can the minister offer any explanation for the increase since the introduction of the goods and services tax?

Mr BROWN replied:

I thank the member for his question and his interest in business matters, particularly in the concerns that have arisen in the business community since the introduction of the goods and services tax. An article appeared in *The Australian* on 5 June entitled "Surge in bankruptcies refuels GST row". It compared the number of business bankruptcies before and after the introduction of the GST. I quote from the article -

> While bankruptcies for the whole financial year are up only slightly on the previous one, business failures have jumped in the past three months from 1089 to 1517 - a rise of almost 40 per cent.
>
> The surge is unusual for this time of year and means bankruptcies are 78 per cent higher than in the same period in 2000. Individual bankruptcies have increased by 30 per cent in the past six months, according to figures released yesterday by the Insolvency and Trustee Service of Australia.

This is a very serious matter because, when in opposition, Labor said in this House that the goods and services tax would not be good for business. Time and time again, Labor raised concerns about the goods and services tax. Some of the concerns of the business community are now being picked up by the Prime Minister and, despite the fact that he has said that he does not agree with Kim Beazley's rollback, he is rolling back the tax. I love the Prime Minister's hypocrisy. He says on one hand that the goods and services tax is absolute, it cannot be changed and there cannot be a rollback, yet, on the other hand, every week that he goes out and gets a whipping from the business community he comes out with another announcement about rolling it back. When he is asked if he is rolling back the GST he says he is not and that he is only finetuning the tax. The Prime Minister is very interested in the term "finetuning". The article in *The Australian* reinforces the survey carried out by the Small Business Development Corporation earlier this year conducted by Patterson Market Research. It showed that, since the introduction of the goods and services tax, the profit margin for more than 58 small business respondents has been negatively affected. It showed that the workload for record-keeping has increased for 82 per cent of respondents, and, for a further 81 per cent of respondents, additional costs were incurred.

The federal coalition Government came to office on the mandate that it would reduce red tape, but it has increased the size of the tax Act unbelievably. If previously the tax Act was not big enough to be a doorstop, it is now big enough to stop a bank's door. It is so large and complex that most small businesses turn to accountants to work through the mess that has been created. Despite small business people raising their concerns, what have members on the other side done? Members opposite are meant to be the champions of the small business sector, but they have said nothing. They go out every week and tell small businesses that the tax is good for them. They know small business people are spending more time at home doing administrative functions instead of working in their businesses. They know small business people are spending more on accountants to complete the tax returns that are required, but they tell them it is good for them. If I were a small business, conservative voter I would give up and look somewhere else.

EPIC ENERGY, REGULATOR'S DECISION

6. Mr BARNETT to the Minister for State Development:

I refer the minister to the announcement that Epic Energy is taking legal action against the Office of Gas Access Regulation over the regulatory decision on the Dampier to Bunbury natural gas pipeline.

(1) Does the minister agree with Epic Energy's concern that the regulator's decision, if implemented, will have far-reaching implications for development in the State?

(2) Will new resource projects be required to pay a substantially higher tariff for gas from the pipeline than existing customers?

Mr BROWN replied:

I thank the member for some notice of this question.

(1)-(2) This is a very important matter for Western Australia. It turns on a number of important issues. As the Leader of the Opposition and other members will be aware, an independent regulator is in place. The independent regulator has brought down a draft decision that will be subject to further consideration by the regulator. Epic Energy has indicated that it intends to make further representations. I have taken a particular interest in this issue and I have met with Epic Energy over this matter. As there is an independent regulator, it is essential we observe the process. I am concerned about what is being said in a number of quarters, particularly in relation to the purchase arrangements and the undertakings allegedly made at the time. All of those things are subject to review. This issue is of great concern to the Government and me. However, it is a matter that is before the independent regulator and it is appropriate that the independent regulator continue to examine the matter.

EPIC ENERGY, REGULATOR'S DECISION

7. Mr BARNETT to the Minister for State Development:

Does the minister share the view that I and many people in the industry have that the regulatory draft decision is too low to be sustainable and will result in discriminatory tariffs for large energy consumers?

Mr BROWN replied:

The decision has a number of implications, and different people have different points of view about those decisions.

Mr Barnett: The minister must have a view on state development.

Mr BROWN: Has the Leader of the Opposition quite finished? I am serious about these responsibilities and about giving them proper consideration. If the Leader of the Opposition thinks that he will stampede me into making statements today before all of these issues are finally thought through and given the level of consideration they deserve, he is wrong. I will give these issues serious consideration. When I have worked through those issues, I will tell the Leader of the Opposition what they are, as I will tell the rest of the world.

I will not deceive people in the way in which the people in the electorates occupied by the member for Pilbara and the Speaker were deceived. Every three weeks the people were told that another project was on the agenda, but they never eventuated. I will not lead people on week after week and tell them that the boom is just over the hill. I will tell them how it is. The Leader of the Opposition did not do that because he never had the courage. He played politics with the resources of the State. He never had the guts to do it. Unlike the Leader of the Opposition - if he can be quiet for a minute - I will give this matter serious consideration. When I consider all the implications and hear all the advice, I will make a decision.

Mr Barnett: It is not good enough.

Mr BROWN: Of course it is not. Talk about decisive! When the Leader of the Opposition was a minister, he disagreed with the Premier all the time but said he never did anything.

Mr Barnett: You have yet to get a run on the board in the resources sector.

Mr BROWN: I have been a minister for only six months. Stick around for the four years. The only problem for the Leader of the Opposition is that I will look for him somewhere over in the back bench in four years time.

REID HIGHWAY EXTENSION, CITIZENS JURY

8. Mr D'ORAZIO to the Minister for Planning and Infrastructure:

Last weekend the minister convened a citizens jury to resolve the intense community conflict over the proposed treatment of the road surrounding the extension of the Reid Highway. Will the minister advise whether the process was successful and what was the outcome?

Mrs Hodson-Thomas: The minister would not have had to do it if she had listened to me.

Ms MacTIERNAN replied:

That is the Opposition's extraordinary commitment to democracy. Certainly the member for Carine quite rightly has a concern in this area because since she has been in Parliament there has been an ongoing bunfight in her electorate about this issue. I am not saying that the problem is hers; the genesis of the problem goes back many years. The community has been divided between those who wanted the Reid Highway extended and those who did not. To some extent, that was displaced, once the decision was made to extend Reid Highway, into how the surrounding roads would be treated.

This conflict continued to rage as a result of the way in which it was handled by the previous Government. We understood that something had to be done to bring this divisiveness to an end, therefore, we convened a citizens jury. We advertised in the local paper for submissions about how the roads should be treated. Through the Electoral Commission we wrote to 250 randomly selected residents from that area asking them whether they would like to participate in that forum. Forty people applied and 12 were chosen according to the geography to ensure that each key area was represented.

It was an excellent process and I am glad that the member for Carine was prepared to be involved in it, and I compliment her for that. The outcome of the process was positive. People on that jury said that although they had previously taken a particular view, after considering all of the evidence and listening to the submissions, they came to the opposite conclusion.

What impressed us most was the way in which people took their responsibilities seriously. They had been given the opportunity and had been taken into the confidence of the Government. They were informed of and critically examined all of the issues before they made a decision. People are capable of rising to that challenge, and of moving beyond their own sectional interests and making decisions that are in the interests of the broader community. We hope to continue with many more forums of that nature.

ELECTORAL LAWS, CONSULTATION WITH COUNTRY COMMUNITIES

9. Mr TRENORDEN to the Premier:

Yesterday, the Premier defended this House as being the appropriate place to decide changes on electoral laws rather than allowing Western Australians to hold a referendum. Because the next state election is not for three years, will he allow time for the vast country communities to be consulted by delaying this Bill until the new year?

Dr GALLOP replied:

I find this extraordinary. We have come into Parliament after eight years of the coalition Government and all of a sudden they have new concepts, including a referendum. I cannot remember the concept of a referendum being put before the industrial relations reform Bill. The Leader of the Opposition wants a green paper about the rights of gay and lesbian people in this State and we now have a new concept from the Leader of the National Party to delay the issue for a year.

I remind members of this House that the debate over Western Australia's electoral system is over 100 years old.

Mr McNee: In your mind.

Dr GALLOP: Not in my mind, but in history. First, the arguments that we heard yesterday were exactly the same arguments as were used in this place in 1913 when the Scaddan Government introduced its legislation. All of the arguments are the same.

Secondly, Western Australia is blessed with two Houses of Parliament; that is, a lower and an upper House. The upper House is elected by proportional representation. The current Government does not have the numbers in the upper House and it will have to negotiate all of its legislation through both Houses of Parliament. In effect, we have had two elections. We had one for the lower House and one for the upper House. That provides the necessary checks and balances.

Thirdly, we are doing something that is important for accountability. Our legislation on electoral reform will introduce into the Parliament what the joint party room agreed to in November 1995 and promised to do after the 1996 election. A media statement from the joint party room of the coalition of which the Leader of the National Party and the Leader of the Opposition were members states -

> . . . the Coalition parties have publicly acknowledged that a readjustment of the current level of weighting between the metropolitan and non-metropolitan areas in the Legislative Assembly will occur as our electoral system evolves.
>
> In principle, agreement has been reached on a system which would divide the State's electoral enrolment by 57 and allow for a variation of plus or minus 20 per cent.

That is a very good policy. It also states -

> . . . there is a lack of consensus in the community over the need for change to the Legislative Council . . .
>
> . . . the coalition supports the current regional system.

Of course, that is what the Attorney General has done. I tell the Leader of the National Party that what we are doing on accountability is what the coalition promised to do at the 1996 election but did not do. This proposal contains some good accountability, and we will take it through the Parliament.

ELECTORAL LAWS, CONSULTATION WITH COUNTRY COMMUNITIES

10. Mr TRENORDEN to the Premier:

I ask a supplementary question. As the Government is so hot on accountability, will it at least delay the debate until after the budget and the estimates, which is an important process?

Dr GALLOP replied:

The matter will be debated in the normal course of events. I am confident that when members of Parliament on that side of House have a good dose of self-interest in a debate, we can be guaranteed that it will be a good debate. A lot of self-interest in this issue is floating around on that side of House. The member for Wagin is looking at the member for Avon and is wondering who will have that seat, and the member for Stirling is looking at his neighbour and is wondering who will have that seat. That side of the House has so much self-interest and party interest in this debate that I am sure the people of Western Australia will get a good debate in the Parliament. The normal circumstance is that members will vote on the issue. It will then go to the upper House, which will give it a good debate and determine the outcome. That is our parliamentary system. We support it. Unlike the Leader of the Opposition, we support the House of Review.

ONSLOW SEAWALL

11. Mr SWEETMAN to the Premier:

I refer the Premier to his media statement dated 8 September 2000, in which he states -

> Labor will not turn its back on the residents of Onslow who, without a sea wall, are a community at risk . . .

The Premier states also -

> We will rebuild the sea wall and we will do it immediately.

Given that the next cyclone season is only three months away and there is still no seawall, when will it be rebuilt?

Dr GALLOP replied:

That matter came before the new Government when it came to power. The money has been allocated for that project, and it will be carried out.

Mr Sweetman: But you are going to set up a task force.

Dr GALLOP: Does the member know what the important issue in government is?

Mr Sweetman: Is it accountability?

Dr GALLOP: No, it is not.

Several members interjected.

The SPEAKER: Order! The Premier is trying to answer the member for Ningaloo's question, and I am sure the member wants to hear the answer.

Dr GALLOP: The answer is that unlike the previous Government, we have allocated money in this year's budget for that project. We will be on the job and moving ahead with this project on behalf of the people of Onslow, who, I might say, were ignored by the Court Government in the eight years that it was in power.

QANTAS, DIRECT PERTH-TOKYO FLIGHTS

12. Ms GUISE to the Minister for Tourism:

I congratulate the minister and the Premier on their recent victory in persuading Qantas to reverse its damaging decision to re-route its three direct Perth-Tokyo flights. Can the minister tell the House why it was so vital to the State's wellbeing that that decision be reversed?

Mr Barnett interjected.

Mr BROWN replied:

That interjection by the Leader of the Opposition would be of interest to the tourism industry, because that industry was vitally concerned about the Qantas decision to cancel its three direct flights between Perth and Tokyo. The issue is not so much how the member for Wanneroo read out the question but the fact that this decision was made and was of great concern to that industry. Shortly after that decision was made, I had the opportunity to meet with Qantas senior management in Melbourne and with one of its executive managers, Mr John Borghetti. At that meeting I prevailed upon him - and he is a good person - to have a senior management team visit Perth. That senior management team arrived in Western Australia the following week and met with the Premier, the industry and the Western Australian Tourism Commission. To its credit, a week or two after Qantas had made its first decision, it made the difficult decision to reverse that decision and continue with direct flights between Perth and Tokyo.

That was a significant decision for Western Australia, because the number of Japanese tourists to this State has been increasing, and the industry is keen for that to continue. We are aware of the load factors on the flights that are made available, and both the industry in Western Australia and Qantas want to ensure that those load factors increase, which will be of benefit to all parties. We have, therefore, agreed to work with Qantas in Japan in a partnership arrangement in which the State will provide additional resources to increase those load factors. It is a significant issue that on this occasion, industry and government were united around a single focus and there was no disagreement.

Last night, I attended the Australian Tourism Exchange, which is a significant event in the industry, and a number of the operators at that event raised that issue with me and said they were extremely pleased with the outcome. I know this is all very boring for the Opposition. I thought it would have taken a bit more interest in this matter. However, we will convey its disinterest -

Several members interjected.

Dr GALLOP: I am sure the industry will be delighted to know the enthusiasm with which the Opposition treats the industry. Notwithstanding the mean-spirited position of the Opposition, and as much as the Opposition does not like it, the Government will continue its hard work with the industry and will continue to be successful, and the Opposition will hate every minute of it.

SOUTHERN RAIL LINK, ARMADALE LINE UPGRADE

13. Mrs HODSON-THOMAS to the Minister for Planning and Infrastructure:

Given the Government's hasty decision to redirect the southern rail link along the Kwinana Freeway, has it now abandoned the planned upgrade of the Armadale line, including the much needed grade separation of level crossings between Perth and Kenwick?

Ms MacTIERNAN replied:

The decision was not hasty. It was made after five months of careful consideration. It is true that we were not like the previous Government. The previous Government made the decision in July 1995 and waited for two years before it started the master plan in June 1997. We proceeded immediately to the master plan phase. Nevertheless, the decision was well considered and was supported by the overwhelming majority of people in this community. The Opposition is becoming increasingly isolated in its ridiculous attachment to this lemon of a proposal that it drew up when in government. The demand on the Armadale line will be greatly reduced. Instead of attempting to schedule 20 trains each hour on the Armadale line during peak periods, the maximum requirement will now be four trains each hour. That will mean that considerably less work will be required on the Kenwick-Perth portion of the Armadale link. Some grade separations will still go ahead, but not all.

Mr Barnett: Oh, okay.

Ms MacTIERNAN: There is no doubt about that. There is no great secret. The Government put this clearly to the Town of Victoria Park.

I use this time as an opportunity to explain one of the many reasons the Kenwick option was a complete lemon. It required the scheduling of 20 trains each hour between Kenwick and Perth on a single track system. Those trains travel at two speeds - one group at 130 kilometres an hour and the other at 110 kilometres an hour. There were going to be three stopping patterns. With a three-minute headway, it would have been almost impossible to set up a timetable to deliver that. The Government has reduced the pressure on the Armadale line. Consequently, it has been able to reduce the amount of works required on that line. I can tell members that the people of Victoria Park are happy about that. They were not keen about the elevated line. They understood that it was not possible to have a tunnel.

Government members: Hear, hear!

MOUNT HENRY BRIDGE, SUPPLEMENTARY INFORMATION

MS MacTIERNAN (Minister for Planning and Infrastructure): Pursuant to Standing Order No 82, I undertook yesterday to provide to the member for Carine a breakdown of the cost estimates for the direct alignment with which the Government is proceeding. I table that information.

[See paper No 448.]

ELECTORAL AMENDMENT BILL 2001, CORRECTION

Statement by Attorney General

MR McGINTY (Fremantle - Attorney General) [2.42 pm]: My second reading speech on the Electoral Amendment Bill 2001, which was circulated to members yesterday, contained an error. For convenience, I refer to page 9 of the uncorrected proof of *Hansard* of Wednesday, 1 August 2001. Paragraph 2, line 7 on page 9 states that there will be -

> one notional elector for every 50 square kilometres of that district.

The reference to 50 square kilometres should be replaced with 200 square kilometres, which is consistent with both the explanatory memorandum and the Bill. I regret any inconvenience this error has caused to members.

AGRICULTURAL AND VETERINARY CHEMICALS (WESTERN AUSTRALIA) AMENDMENT BILL 2001

Receipt and First Reading

Bill received from the Council; and, on motion by Mr McGinty (Attorney General), read a first time.

Second Reading

MR McGINTY (Fremantle - Attorney General) [2.44 pm]: I move -

> That the Bill be now read a second time.

This Bill will give constitutional certainty to this registration scheme and complement the proposed commonwealth Agricultural and Veterinary Chemicals Legislation Amendment Bill 2001 that will authorise the conferral of state powers on commonwealth authorities and officers. To achieve this, the Agricultural and Veterinary Chemicals (Western Australia) Amendment Bill 2001 has two principal objects. Firstly, the Bill again confers powers on commonwealth authorities and officers to carry out functions under the scheme. That is necessary where the previous conferral by state legislation was not expressly authorised by commonwealth legislation. These provisions will have an effect on the national registration authority, the commonwealth Director of Public Prosecutions and the commonwealth Administrative Appeals Tribunal. Secondly, the Bill also confers powers on and validates previous actions of commonwealth inspectors and analysts where those actions were carried out without the requisite statutory power.

The Bill will be proclaimed to commence after the commencement of the commonwealth Agricultural and Veterinary Chemicals Legislation Amendment Bill 2001. This commonwealth Bill was introduced into the Senate on 3 April this year. The Agricultural and Veterinary Chemicals (Western Australia) Amendment Bill 2001 will continue to give certainty to the effective operation of this national registration scheme.

The Bill will also amend the Agricultural and Veterinary Chemicals (Western Australia) Act 1995 to deal with issues that have arisen as a result of the High Court's decision in the Wakim case. Wakim held that state legislation cannot give the Federal Court jurisdiction to determine matters arising under state law. Part 6 of the Agricultural and Veterinary Chemicals (Western Australia) Act 1995, which was enacted prior to Wakim, confers state jurisdiction on the Federal Court. The Bill proposes to repeal part 6. Similar amendments have already been enacted in other States.

In conclusion, I indicate to members the historic significance of the package of corporations legislation, which includes the Agricultural and Veterinary Chemicals (Western Australia) Amendment Bill 2001. This legislation will give Australians a national Corporations Law. That will benefit all Western Australians. It is important that this Parliament enact this package of Western Australian legislation to facilitate commonwealth legislation that commenced on 15 July 2001. I commend the Bill to the House.

Debate adjourned, on motion by Mr Bradshaw.

RAILWAY (NARNGULU TO GERALDTON) BILL 2001

Second Reading

Resumed from 27 June.

MR SWEETMAN (Ningaloo) [2.47 pm]: The Opposition supports this legislation and would go so far as to congratulate the Government for pushing ahead with this project. It will obviously happen in the foreseeable future. Both the project and the legislation make sense. It makes sense to develop this important transport corridor to put both rail and road together, which will make the port of Geraldton more accessible and take heavy traffic off some of the major arterial roads that run in and out of Geraldton. At the Minister for Planning and Infrastructure's road train summit in Geraldton, I sat at a table with a lady representing a Geraldton P&C association. It was clear that she was at the summit to make a contribution on behalf of parents with school children, whose concern about heavy vehicles on Geraldton roads could almost be classified as paranoia. It is unfortunate that the highway is now where it is. Geraldton has expanded greatly over the past 40 to 50 years and the town has developed either side of the North West Coastal Highway for approximately 12 kilometres. That has created some real difficulties. Although that road will remain and will still carry a significant amount of heavy traffic, some of the burden will be eased by this access road that will run direct from Narngulu to the port.

The approximate cost of this project is $100 million. Some of that money will be used to upgrade facilities, such as the CBH Ltd terminus at the Geraldton port. That is obviously needed at the same time as this project goes ahead. It also allows the removal of a blight on the landscape, which is the railway line in its current location, extending from the port of Geraldton in a northerly direction along the foreshore. It is a pity the member for South Perth is not here to witness this interesting scenario, because at the same time as some sound planning is being done in relation to transport corridors, and removing blights from landscapes in the form of railway lines, there is a proposal to put one on the foreshore of the member for South Perth's electorate, and coming into the city as well. A problem is being removed in one area, but a similar scenario is being created in another area.

Ms MacTiernan: It is not on the foreshore, it is on a freeway.

Mr SWEETMAN: Well, it is close enough, and when it comes across the freeway and past the convention centre, it is as close to the foreshore as possible, and almost as close as the railway line is to the foreshore in Geraldton.

Mr McGowan interjected.

Mr SWEETMAN: Not all of it is along the freeway, and the member for Rockingham knows that. He is trying to gild the lily.

While supporting the Bill, I would like to make mention of its interesting but short history, and some of the contention caused within the coalition Government when this project was proposed, at the time the development at Oakajee had a fair head of steam. It seemed most likely, three to five years ago, that the Kingstream Steel Limited development at Oakajee would go ahead. There were many sound planning reasons for developing the deep water port at Oakajee, making that the focus of industrial development around Geraldton. In that context, the southern corridor did not make as much sense. In a scenario where Oakajee was to be developed within a short period, this proposal for spending some $100 million did not make a lot of sense, and yet there was some contention between the coalition partners. National Party members were very keen to have the southern corridor put in, while the local Liberal members were keen for it not to go ahead, but to wait for Oakajee to proceed and provide the opportunity for some total rationalisation of the transport system into the new port of Oakajee. I say that by way of taking some of the comments by the former members for Geraldton and Greenough, who were both quite passionate and strident in their views three or four years ago. Certainly the former member for Greenough was prevailed upon by his local community to support the southern corridor proposal, and that is certainly the case today. It is now more unlikely than ever that the port of Oakajee will go ahead in the foreseeable future. It makes good sense to put this transport corridor in place now. Apart from all the good planning reasons for this corridor going ahead, it will be a tremendous shot in the arm for the local economy, which has been doing it tough for two or three years. Geraldton was a community geared up, to some extent, in anticipation that the Kingstream development and other developments that would go ahead at the Oakajee site. That has not transpired, regrettably, so this may be a good fillip for the local economy, especially if local contractors get a substantial part of these works. With those few words, the Opposition is keen to support this Bill, and hopes the Government is able to get this project in place in a short period.

MR HILL (Geraldton) [2.54 pm]: I fully support the Bill. Many of the comments made by the member for Ningaloo about the southern transport corridor are true. The construction of the corridor will enable Geraldton to move forward and to look at other projects such as the Geraldton foreshore redevelopment, which is a $6 million project subject to much discussion at the moment, and of which the member for Ningaloo is probably also aware. Along with the foreshore development, the marina complex will begin to take shape, with a hotel and resort development. The port enhancement project is also under consideration, with $100 million required to deepen the Geraldton port. All of this will link up in a positive way for Geraldton.

Mr Barnett: Is the Government going to deepen Geraldton harbour?

Mr HILL: Yes. The sum of $100 million is required to deepen the port.

Mr Barnett: By how much?

Mr HILL: I think it will be about 30 metres.

Mr Barnett: What are the sea floor conditions?

Mr HILL: Some studies have been done overseas, and the port authority is working on it at the moment.

Mr Barnett: Has this project been looked at before?

Mr HILL: Yes it has, a number of years ago. I think three propositions have been put forward over the years for the deepening of the Geraldton port.

Mr Barnett: They have all been rejected, have they not?

Mr HILL: They have in the past, but the project is going through the process now.

Mr Barnett: Does the member for Geraldton know why they have been rejected?

Mr HILL: My understanding is that the vibrations from clearing the rocks in the harbour could cause -

Mr Barnett: The bottom of Geraldton harbour is all granite.

Mr HILL: Yes, that is right.

I support the legislation, which will be a positive for Geraldton, for a change.

MR EDWARDS (Greenough) [2.56 pm]: The southern transport corridor has been, in the main, very well supported by the people of Geraldton and the surrounding region. The benefits of the project are numerous, and it will provide secure, efficient, long-term access to the port of Geraldton. I understand that a study is still being done on whether the port can be deepened satisfactorily and economically. With that in mind, it still leaves the option for the port to be developed within its whole infrastructure. I am sure the southern transport corridor will have some bearing on that infrastructure being put in place, and, therefore, complementing the port. It will also complement the proposed north-south bypass that is being assessed. I am sure the Minister for Planning and Infrastructure is aware of that. There was a lot of hope and support in the Geraldton area, and the region, for the Kingstream project, and certainly it has been around for some time. An extension has been granted until the end of the year to enable financial arrangements to be made. There was an expectation in the Geraldton-Greenough area that a developed industrial site would be established north of the Geraldton town site. The previous Government spent approximately $115 million on initial development of that industrial area.

Mr Barnett: It was $15 million.

Mr EDWARDS: I added $100 million I did not need. The amount was $15 million. That project has not come to fruition, but there is still potential for the development of a deepwater port at a later date. The current lack of an industrial park in the Geraldton-Greenough region has limited Geraldton's capacity to fully develop a major industry. The southern transport corridor will help to bring in the heavier traffic that flows around the area, particularly around the Geraldton town site, and will protect the outer residential suburbs from the impact of heavy traffic. It will help trigger further development through the Geraldton-Greenough region, and with that in mind I fully support the legislation.

MR BARNETT (Cottesloe - Leader of the Opposition) [2.59 pm]: As members on this side have indicated, the Opposition supports the development of this corridor which will give access from the hinterland to the port of Geraldton. The significant advantage for the Geraldton regional centre is the removal of the existing rail line, which acts as a barrier between both the residential and commercial areas of Geraldton, and the ocean foreshore. That has always been a blight on Geraldton, and anyone who knows the city would strongly support that taking place. Constructing a southern access corridor will be expensive, and the original plans contained both road and rail access. I do not remember the total cost, but I believe it was well in excess of $100 million. That issue was vigorously debated with differing views at the time of the previous Government. Subsequently, we decided to proceed with the southern access corridor, which was important for the development of Geraldton, although it was not without opposition in the township. That decision must be seen in its own right. A decision to develop a southern access corridor is one thing; a decision to build it is another and very expensive thing. I hope the Government goes ahead with it because it will remove the eyesore of a rail line along the existing foreshore of Geraldton. However, an alternative route for trade, particularly grain trade, must be provided for access to the port. I do not believe the southern access corridor provides a realistic opportunity for Geraldton to enjoy the benefits of other resource developments occurring in the north-eastern goldfields and the Gascoyne-Murchison area. The reason for that is that mining projects and resource processing require substantial infrastructure not only for rail access but also areas for large stockpiles. For example, a company exporting iron ore from Geraldton would have large iron ore stockpiles. If a company were to process iron ore there, it would essentially have coal stockpiles on Geraldton's doorstep. It is not an area that lends itself to those types of projects. The area would be fine for grain and high-value, small volume commodities, including minerals. There is a real prospect that in the medium to longer term there might well be the processing of nickel in Geraldton, with the

transfer of nickel ore from the north-eastern goldfields to Geraldton to take advantage of the immediate access to shipping and low-cost energy in a good industrial location. I do not believe nickel smelting is appropriate on Point Moore where the port is located.

Geraldton port was essentially designed to service a regional economy based on agriculture. The port is not suitable for large-volume mineral exports or large-scale mineral resource processing projects such as the value added, more intensive manufacturing projects that are progressively developing in this State. That is the reason that the previous Government - led by me - so much favoured the development of the Oakajee industrial estate to the north of Geraldton. I recognise there were differing views about that project. A great deal of discussion and consultation with fishermen, local chambers of commerce and shires took place. Indeed, my colleague the member for Greenough took part in those discussions in his role as a former shire president.

Mr McGowan: If Kingstream doesn't happen, this is the next option, isn't it?

Mr BARNETT: That is the point I am making: it is not the next option. I am bitterly disappointed that the Kingstream project did not come to fruition. Its timetable runs out on 31 December. I must say I do not have much optimism at this time but I still live in hope that it will come to fruition. It may well have taken place had Kingstream formed an alliance at an earlier stage with one of the major international steel-making groups. It is difficult for a small greenfield company to establish a greenfield steel project. That has been Kingstream's history.

Mr McGowan: Are you saying we should not go with Oakajee?

Mr BARNETT: No, I am saying that a project like a steel mill or a large industrial operation of any sort based on the resources industry should be located in a purpose-built, well-designed industrial estate serviced with modern road, rail, and shipping transport and also with very wide buffer zones to separate it from residential and other uses. That is what Oakajee was about. It was a large industrial area designed with a core, a surrounding buffer zone and infrastructure, including a connection between the Geraldton port and Oakajee. For example, small volume, high value products may go out through the port of Geraldton on smaller ships, and components and inputs brought in and cross-transported to Oakajee. The link therefore was logical and the two ports would have operated under one management. However, large-scale industry could not be developed in Geraldton at the existing Point Moore site for a number of reasons. There is no space for the site or for buffer zones to be constructed under good environmental and planning principles to get the required separation. It would be like putting industry in the heart of Geraldton. The environmental constraints would be enormous.

However, the commodity trade in the shipping of mining products is essentially in transport costs. The area is an extremely rich iron ore province, which has little intrinsic value. Iron ore is sold out of the ground for about US$25 a tonne. Most of the cost of getting iron ore from a mine to a steel producer is in transport. The whole economics of the iron ore industry comes down to the low cost and relatively high speed of transporting high volumes. The higher the volume, the lower the cost per unit. Shipping has progressed in the iron ore trade from using panamax-size vessels to capesize vessels. Panamax vessels are about 80 000 tonnes dead weight and capesize vessels are about 140 000 to 146 000 tonnes. That is where the industry has gone. Our competition for iron ore exports is in North East Asia and Europe. To compete with the Brazilians we must use large ships. Most Japanese, Korean and Taiwanese harbours can take them. One constraint has been in China where there is a narrow continental shelf off the Chinese coast and therefore only panamax, rather than capesize, vessels can get in there. The new Chinese port of Nimbo now takes capesize vessels and port developments along the Chinese coast will allow in more and more of the larger capesize vessels. Iron ore trade, therefore, logically is using larger ships, such as the ones we see off the Pilbara coast.

A panamax ship cannot get into Geraldton harbour, let alone a capesize ship. Therefore, smaller iron ore carriers cannot enter Geraldton harbour. Similarly, smaller panamax ships carrying nickel, or any other commodity such as manganese or steel slabs, cannot get in there. For years people have seen the rich hinterland at Geraldton and decided that it would be great to get bigger ships into Geraldton. Getting bigger ships in there would require a deepening of the harbour. Each time major engineering developments arise in the Pilbara with new ports there, such as major dredging projects with heavy dredging machines, invariably the State Government of the day asks the contractors to consider piggy-backing them on Geraldton and deepening the channel and turning circle in Geraldton harbour. When the contractors of internationally scaled dredgers test the bottom of Geraldton harbour, they are hit with the same reality every time: it has a granite base. Technically, Geraldton harbour can be dredged, but it is not economically viable to any significant extent. The bottom of the harbour would have to be blasted, hence the vibration issue. This issue has not lapsed because of the want of trying. Sir Charles Court and other Premiers have considered the issue and it arose again in the early stages of the Oakajee proposal. The previous Government examined whether it could be done in Geraldton harbour and, again, the conclusion was that it could not.

The southern corridor transport link must be seen in the context of the existing and potential future uses of the Geraldton harbour. They do not, on environmental, community and economic grounds, support large-scale iron

ore mineral processing and large-scale manufacturing production. They are not suited to that area for a host of reasons. That is the reason I was keen to see Oakajee developed. Oakajee is a unique potential industrial site. It is perhaps the only site between Fremantle and Karratha where the continental shelf is very narrow. It is one of the few sites to which large-scale shipping can come; in fact it may be the only site, as indicated by a map of the seabed. That is why Oakajee was identified in the 1960s as a potential site for processing the very rich bauxite deposits from the Kimberley. A site was sought to process those deposits and to bring in large shipping. That is the history of how Oakajee started. It is a unique piece of topography that allows it to happen. The former Government therefore saw an opportunity to develop Oakajee, and I believe it exists still. About $15 million was spent on Oakajee, which was a lot of money.

Mr McGowan: Already?

Mr BARNETT: Yes, and I shall tell the member for Rockingham on what it was spent.

Initially, it was spent on studies of port design and drilling the seabed. It was spent on acquiring the land both for the industrial core and the buffer, on some of the corridors for pipeline road access and the compensation attached to that. It was spent on a full environmental study of the Oakajee industrial core and industrial port proposals. It was spent on identifying areas for the blasting of both soft and hard rock for the construction of breakwaters and for armouring. It was spent on endless other studies including those on the rock lobster industry and employment; they went on and on. Although $15 million is a lot of money, it has not in any sense been wasted. Yes, Oakajee needs a client for development to take place. However, it should be preserved. I hope that Kingstream gets there. However, I have no doubt, and it may be in the next 20 years, that it will be developed. Without any doubt it provides the single greatest opportunity for regional development in this State.

It is hard to get large projects like that off the ground. Some members might recall the debates - the member for Rockingham was not here - in which I came under a fair bit of pressure, even from some Labor members of Parliament, to go ahead and build the port and then allow Kingstream to develop it. I also came under pressure from some Labor members to transfer the cost of the port - we were talking about $100 million of government support - across to Kingstream and let it deal with the port. People in industry and on both sides of politics argued strongly that I should do that. I was reasonably wise not to do that. Although I am disappointed that Kingstream is yet to materialise, and I am very disappointed that essentially nothing is on the ground at Oakajee, I feel secure that I have not placed taxpayers' funds at any risk. That is a lesson for new ministers as they start to deal with large amounts of public money. I was conscious of the lessons of 1980s and of other Governments in Australia and elsewhere in the world. Oakajee is important.

I hope the Government is not creating an unrealistic expectation of the port of Geraldton. It would be inappropriate if large amounts of money were spent on this transport corridor on the assumption that heavy industry will be attracted to the port of Geraldton - essentially an inner harbour port. It would be against the best planning principles, environmental standards and the aesthetics and amenity of Geraldton as a community. Oakajee should be preserved. Hopefully a significant industry can be attracted to Oakajee. It could initially be used for transport purposes and small shipping until the port construction is justified. This is a hard project to get off the ground; it involves major issues. Oakajee and the Ord stage 2 are enduring frustrations from my eight years as a minister.

The final issue I would like the minister to address is the southern transport corridor, which was initially developed during the time of the previous Government. I forget the total cost of the corridor - a figure of $80 million comes to mind - but it was partially to be funded by sales of land, including the Leighton peninsular land - the old marshalling yards. I will say candidly that it would have been a stretch to achieve that at any stage. It would not have been possible to fund the development of that southern transport corridor by selling Westrail land. It might have made some small contribution, but it would not have met the full cost.

Ms MacTiernan: This is a good admission.

Mr BARNETT: I have said that publicly a dozen times. I hope that the Government not only proceeds with plans for a corridor but also builds the rail and road southern transport corridor. I will be interested to know the latest estimates of the cost and how this Government intends to finance that.

MS MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [3.13 pm]: I thank members for their contributions. This is a great step forward for Geraldton. The subtext of what a number of members on both sides have said is that the future of Geraldton has been put on hold over the past five or six years, at least, as it waited for the Kingstream project to materialise. A great deal of rivalry existed in the previous Government between those who believed the focus should be on the existing port of Geraldton - sometimes known as the National Party port - and those who supported the emphasis on Oakajee, known as the Liberal Party port. There are problems, and I would not suggest it is a clear-cut decision either way.

The Leader of the Opposition has pointed out the problems endemic in the port of Geraldton. However, I do not believe that those problems are insurmountable. Geraldton's location might mean that it is not capable of taking

a range of resource developments; however, a number of resource exports and imports could successfully utilise an expanded port of Geraldton. An important part of enabling the port of Geraldton to fulfil that role is the development of the southern transport corridor. I know that the member for Geraldton has often stressed to us the need for the transport corridor.

An important point made by member for Ningaloo is that this is not just about economic efficiency - although that is an important part of it; it is about community safety. He has rightly pointed out the concerns of many of the people in Geraldton about the safety of the current road configuration. The member for Geraldton also pointed out the need to allow the city centre of Geraldton to embrace more successfully its beachfront. At the moment a rail link segregates the principal part of the central business district from the ocean front. That is a massive barrier to the successful expansion of the city, more particularly the development of amenity for its local residents and the development of Geraldton as a tourist destination. I point out to the member for Ningaloo that the existing configuration is not in any way analogous to what we have in the city of Perth.

The Leader of the Opposition raised a number of specific issues. He was full in his descriptions of the reasons the coalition Government had not proceeded with the southern transport corridor, preferring the development of the port of Oakajee. The proposed port of Oakajee will not be without its problems in the future. I do not think anyone has totally discounted the prospect that at some time in the future there might be a role for the port of Oakajee. However, it could never be seen that in the next 20 years it would replace the need for the port of Geraldton and therefore the need for the southern transport corridor.

Mr Barnett: There was never any prospect of the port of Geraldton closing. Even if people deny it, inevitably Co-operative Bulk Handling Ltd will progressively take its facilities out of there.

Ms MacTIERNAN: That has been put forward. However, the estimate I have been given is that CBH has in the order of $1 billion worth of private infrastructure investment in the port of Geraldton. The prospect in the next 20 years of CBH's moving that off to Oakajee is slim. That severely calls into question the real prospect of developing the port of Oakajee, which will be an expensive port to develop.

Mr Barnett: It is not particularly expensive at all.

Ms MacTIERNAN: The Leader of the Opposition has been quick off the mark to outline the problems with the port of Geraldton and the deepening of its harbour. Likewise the unprotected nature of Oakajee has concomitant problems.

Nevertheless, it is clear that the port of Geraldton will remain a major grain port for the next 20 years. Geraldton will have a substantial capacity to capture a greater share of the grain market through some - if not full - deepening of the harbour, its capacity to take single-loading ships and the introduction of the southern transport corridor.

The Leader of the Opposition asked about the cost. The current cost estimate of the project - the road and rail components - is around $105 million. We will announce the way in which this will be funded when we conclude our budget deliberations. However, I assure the people of Geraldton that, unlike the undertakings of the previous Government, it will be fully funded. I am glad that the Leader of the Opposition has today acknowledged that the previous Government would not have been able to substantiate what it told the people of Geraldton. I am very pleased that he acknowledged that the rail component was unfunded. His Government made only vague notional allocations for the funding of the rail component. It said it would be funded from land sales. The Leighton marshalling yards site was the prime target. The former Government later said that a series of other land sales could be made, and those funds applied to the port of Geraldton. We have pointed out that the previous Government knew at least a year before the last election that there would not be any such honey pot in the form of the proceeds of the sale of the Leighton marshalling yards. The way in which the Liberal Government so incompetently handled its disposition meant no money was available for any rail works at the port. We also pointed out that all the other land sales that had been identified were already committed by Treasury to a debt-reduction program. I am very pleased that the Leader of the Opposition has confirmed what we realised after examining the documents.

Mr Barnett: Don't be silly.

Ms MacTIERNAN: The promises made about the rail component of the project were totally unfunded.

Mr Barnett: I said only that the Government's view that the balance of the consolidated fund land sale and debt equity would be different was optimistic.

Ms MacTIERNAN: I point out that the Leader of the Opposition had only a passing acquaintance with his Government's budget.

Mr Barnett: You are struggling in your portfolio. You are a disaster for this Government.

Ms MacTIERNAN: The grumpy-chops Leader of the Opposition will not put me off with personal insults.

Mr Barnett: Why are you so erratic? The member for South Perth was right when he described you as erratic. He used the right term. You are quite erratic.

Ms MacTIERNAN: I have no doubt that a raft of pompous conservatives will use every opportunity for personal abuse to try to undermine what we on this side are doing.

Mr Barnett: I never use personal abuse. Give me an example.

Mr Kobelke: Thirty seconds ago.

The ACTING SPEAKER (Mr Dean): Can I please have debate through the Chair.

Ms MacTIERNAN: Today, the Leader of the Opposition has acknowledged that his Government was unable to put aside adequate funding for the rail component of this project and that the land sales it had nominated as the sources of funding were purely speculative. It would have needed to find additional funds. The Leader of the Opposition knows full well that no other provision was made. It is fortunate for the people of Geraldton that we have come to government and that we are now working on a budget proposal that will allow these works to go ahead, hence the need for this legislation.

I thank all speakers for their support for this project, and I am sure that support will be appreciated by the people of Geraldton.

Question put and passed.

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

REGIONAL DEVELOPMENT COMMISSIONS AMENDMENT BILL 2001

Consideration in Detail

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended -

Mr SWEETMAN: I make a short comment regarding my reference during the second reading debate to the potential for the commissions to be politicised. I ask the minister - thereby putting on the record - if, once these commissions come under separate ministers, the Gascoyne Development Commission, for example, might be directed to put a sign outside its offices emblazoned with "Hon Tom Stephens, Minister for the Gascoyne", similar to an electorate or ministerial office, with the words "Gascoyne Development Commission" subservient to that and barely recognisable on the facade? That would abuse the intent of this amendment. We support placing each commission under the authority of a single minister and making each responsible to that minister. However, we want to ensure that authority does not go beyond what is reasonable.

Mr BROWN: The purpose of the change is not to increase the powers of the minister but merely to ensure that the powers that the minister has under the Act can be exercised by a minister other than the Minister for Local Government and Regional Development - a minister nominated to be in charge of a particular area - and that that minister can be directly responsible and accountable for the actions taken by the development commission. There is no attempt by this change to give further powers either to the Minister for Local Government and Regional Development, who is responsible for this Act, or to regional ministers. Nothing in this Bill seeks to extend those powers. It is my strong belief that regional development commissions ought to be responsive to the regional area and they should not be a quasi-electoral office for any person, whether connected to the current Government or a future Government. It is important for the development commissions to work with the minister and for them to work within government policy. The commissions know how to advocate for change and they should do so within the processes of government because there will be people who have an active interest in the area. The commissions are not electoral offices and there is no attempt by the Government to turn them into electoral offices.

Mr SWEETMAN: I appreciate the minister's response. Is it the minister's clear understanding that each minister will not have the right to put up his or her shingle as a member representing a development commission or advertise the fact that he or she may be a minister of the Government? Apart from the Caucus, will there be a minister responsible for all the commissions even though there will be individual ministers responsible for each commission? Can different ministers make their own decision about whether they put up a plaque outside a development commission indicating that they are the responsible minister?

Mr BROWN: The intention of the amendment is to ensure that the Government can appoint more than one regional minister for the purposes of this Act. In the lead-up to the election campaign, the Government stated that it wished to have ministers nominated as regional ministers for various parts of the State. This legislation will enable us to do that. There is no intention to do anything more than what is contained in this legislation. The Government is aware that, in some regional areas, ministers have previously elected to have a ministerial office. In many of those instances, if there are economic issues, people should go to the development commission rather than have a minister's office in the local area riding roughshod over the development

commission. There is no intention to intermingle as occurred previously when, in one instance of which I am aware, a minister's office was located 100 feet from a development commission. The Government expects development commissions to carry out the normal work of a development commission.

I was the minister responsible for this legislation prior to 1 July, and I had very specific cabinet responsibilities for the Goldfields-Esperance Development Commission. I met with people appointed to the commission, staff and business representatives from the area in the commission's offices as it was the appropriate place to do so. I see that as perfectly reasonable. I could have met them at the offices of the Department of Minerals and Petroleum Products or some other government office. There is no ministerial office so it is appropriate to use another government department office rather than hire an office. I see ministers continuing that practice in the interests of efficiency when they travel throughout the region. In many instances, the meetings are at the premises of specific businesses. There are times when ministers meet with groups of people and the group may not have an office or suitable location for a meeting. Most regional development commissions have some form of boardroom or conference room, albeit quite small, and is appropriate for ministers to use them for meetings. There is no intention that there will be banners outside the offices of development commissions promoting them as Labor Party headquarters or the like.

Mr Sweetman: The minister would be aware that commissions often acted as good hosts to opposition members.

Mr BROWN: That is right. A number of opposition members have approached me for briefings and access to departments and agencies. I have endeavoured to be as accommodating as possible, and I am yet to receive a complaint.

Mr OMODEI: No matter where I travelled in the State I was always well received as a minister by development commissions, whether it was the South West Development Commission, the South West Development Commission or the Kimberley Development Commission. This amendment to the Regional Development Commissions Act may cause some confusion in that there will be a number of ministers. Under the legislation, the minister has the ability to ask for documents and information. There will be several ministers for regional development. In addition, the Regional Development Council meets twice a year. Will the development council be answerable to the Minister for Local Government and Regional Development or will the council be answerable to that minister and the other ministers? There seems to be a number of ministers who can call on the council. I presume the Minister for the South West can call for documents only from the South West Development Commission. Has enough thought gone into clearly defining the role of each of the boards in respect of their ministers and the Minister for Local Government and Regional Development?

Mr BROWN: The intention is that a regional development commission will report to the minister nominated for that area. The Regional Development Council will continue to exist and it will report to the Minister for Local Government and Regional Development. It is not reflected in legislation as it does not need to be, but there will be a connection between the Regional Development Council and the cabinet subcommittee on regional development. Officers from different agencies and commissions currently meet informally and in a legislative sense. For example, various business chairpersons meet once a year with the Small Business Development Corporation. They then meet with the managing director or me. Each of the development commissions will continue to beaver away on local economic issues. The issues are many and varied. They will keep beavering away doing what they can. There is sometimes competition between the development commissions, and that can be healthy. There is nothing wrong with that. They will continue to work in an administrative sense as they did before as part of the Regional Development Council. The council has looked at the Government's policies and provided some recommendations. The Regional Development Council will report to the Minister for Local Government and Regional Development. Individual commissions will report to their respective ministers. One can argue about models and whether they will work, but, like all these things, the proof of the pudding is in the eating and we will have to wait and see. From the limited experience we have had already, I have found the model to be good. I went to the goldfields and Esperance every month when I was the responsible minister. A few of the people told me that it was good that I was present. However, I do not know whether they said that about me after I left; the member for Warren-Blackwood would know.

In the time I have been in office I have been to the Pilbara, Exmouth, Albany, Manjimup and Kalgoorlie/Esperance. However, even with the best will in the world, one minister responsible for regional development cannot be everywhere because of all the other pressures placed on him.

I am enthusiastic about the new model. The four ministers will have to compete with each other, but that is a good thing. It is good to have four advocates for regional development at cabinet subcommittee meetings. Instead of one minister trying to work through the issues, there will be a good debate and whoever wins that debate will be subject to the cabinet processes. There is only one bucket of taxpayers' money for which the different interests throughout the State must compete. We would like to meet all of those interests, but no Government can. Therefore, it is good to subject those competing interests to the rigours of debate not only at the administrative level but also in Cabinet.

Mr OMODEI: In one of his responses, the minister mentioned the cabinet subcommittee, which is not discussed in the amendment Bill. Who are the members of the cabinet subcommittee - I presume they are the ministers responsible? Are their officers also on that committee? How does it reach its conclusions? I want it put on the record how the cabinet subcommittee works and who are its members.

Mr BROWN: The cabinet subcommittee comprises the four nominated regional ministers. That is not to say that there will always be four - there could be more.

Mr Omodei: Does that include the Minister for Local Government and Regional Development?

Mr BROWN: Including the Minister for Local Government and Regional Development. That minister has his own region at present. That subcommittee is chaired by the Premier when he is available. Five ministers meet at least on a monthly basis, and sometimes more regularly, to consider regional development issues. If matters must go to Cabinet - that is, if they are not dealt with by an individual minister who can sign off on the agreement - a submission will be made by the responsible minister or ministers. Submissions are often made in the names of two or more ministers. The matter will then be considered by Cabinet. I am enthusiastic about that process. It is a very good process, and it works well.

Obviously, the member will be aware as a longstanding member of the former Cabinet, that Cabinet is an interesting process and it has interesting dynamics, particularly as Governments are in office for longer periods. The process may work terrifically well early in the piece and not so well later in the piece given the history that evolves between its members. So far, the process has been focused and the people involved in it are keen to get on with the job and work together. They are considering solutions that each of the ministers believes will be in the best interests of the State.

Mr OMODEI: I support what the minister is trying to do. Earlier, the member for Pilbara, in expressing his opposition to the legislation, said that one of the fundamental failures of the legislation was that the Treasurer was not on the cabinet subcommittee. I can see the point in that. Could the Treasurer and Treasury resolve the Treasury issues in the subcommittee rather than taking a project or an issue to the Cabinet only for it to be referred through Treasury channels? Is it possible to second Treasury to that committee to get Treasury clearance on, for example, an application for funds for a specific project?

Mr BROWN: From my recollection, that matter has not arisen. The Government made a commitment in the lead-up to the election to establish an Expenditure Review Committee. That committee has been established and is very active. Recurrent and new expenditure does not escape from the purview of that committee. The Treasurer and the Premier are key members of that committee and are very much aware of all the deliberations. As I said, when he is available, the Premier chairs the cabinet subcommittee on regional development. Although the Treasurer is not on the committee, it would be unusual if the committee were to make a decision that was likely to cause the Treasurer some grief.

Clause put and passed.

Clause 5 put and passed.

Title put and passed.

Third Reading

MR BROWN (Bassendean - Minister for State Development) [3.47 pm]: I move -

That the Bill be now read a third time.

MR OMODEI (Warren-Blackwood) [3.48 pm]: I am pleased with the minister's cooperation in explaining some of the thinking behind this legislation. I support this model as a trial. A minister for each of the regions will provide a focal point for those regions, and people will see that they are represented by a minister. As I said during the second reading debate, it is something to which I always aspired, but the collective wisdom of the previous Government was that there should be only one minister. There were probably good reasons for that. The previous Government did not want regional development to become politicised, and we must guard against that.

As a member of the Opposition, and as a shadow spokesman, I hope that I am able to get access to the development commissions. I hope also that I am able to call on the development commissions about my interests in a range of issues, including agriculture, water and local government. If I must give notice to the relevant minister, so be it; certain protocols must be adhered to. The challenge for regional development commissions around Western Australia is exciting. It is important that they maintain close relationships with local governments.

I have been involved in local government and have been an advisory committee member in regional development and I believe that, to some degree, regional development has grown at the expense of local

governments. We must be aware of that and be aware also that local government does a lot of important work at the grassroots level. It must be considered in every decision that is made for regional development. It is important that it is included in any announcements. Government is all about having credibility. Credibility is part of a minister's job, because if ministers do not have credibility, they will not gain the trust of the people whom they represent. It is important to local governments that they have credibility in their district, and the Government can help them to achieve that by giving them open access to information, and assistance and guidance through the regional development commissions. The relationship between Government and local governments should be reciprocal, because that will result in a great deal of productive activity in the regions of Western Australia.

I support this legislation, because, unlike my colleague from the Pilbara, who unfortunately is not here at this stage, I have long thought that there should be individual ministers for the regions. The Parliament and the community will monitor how these regional development commissions work and how the various ministers perform, and I am sure that, if their performance is not up to scratch, they will be brought to account.

MR BROWN (Bassendean - Minister for State Development) [3.51 pm]: I thank members for their support. I believe this model will be successful.

Question put and passed.

Bill read a third time and transmitted to the Council.

CRIMINAL LAW AMENDMENT BILL 2001

Consideration in Detail

Clauses 1 and 2 put and passed.

Clause 3: Section 297 amended -

Mrs EDWARDES: This clause proposes to amend section 297 of the Criminal Code, which deals with grievous bodily harm, by inserting the words -

> If the person harmed is of or over the age of 60 years, the offender is liable to imprisonment for 14 years.

The maximum term of imprisonment for the offence of grievous bodily harm is currently 10 years. The amendment proposes to increase that maximum term to 14 years if the person harmed is of or over the age of 60. As I indicated during the second reading debate, we have increased many maximum sentences. For example, the maximum term of imprisonment for violent offences has been increased from seven years to 10 years. I indicated also, with regard to the sentences imposed for the offence of grievous bodily harm, that the maximum sentence imposed was five years, the minimum sentence imposed was six months, and the average sentence imposed was 2.07 years. The point of that exercise was to indicate that those increases have had no impact whatsoever. The Attorney General indicated that we should have compared the statistics for when the term was seven years and when it was 10 years. If the Attorney General is to continue with that line of thought, he should also compare those statistics with the statistics for offences committed against persons over the age of 60, and he should then report to this Chamber on the impact of those changes. As we said during the second reading debate, even though these statistics do give us some indication of what is happening, if we do not have some indication of the mitigating factors, the types of offences and the types of individuals, then they will not assist us in determining how sentencing law should be changed in the future.

If the Government wants to claim that the sections that are proposed to be amended today are of a serious nature, because they deal with offences that are committed against people who are vulnerable and are aged 60 and over, then it should give us some statistics. If the Government does not approve of the matrix, and if it does not intend to proclaim the Sentencing Amendment Bill which was passed by this Parliament last year and which will provide the Government with some reporting requirements and benchmark guidelines, then the Attorney General should tell this House that he will not proceed with that matter. All the Attorney General has said so far is that the matter is under consideration. The Attorney General should also tell the House what the Government will put in place to ensure that this House has further statistics and information at its fingertips in the future.

It is proposed that the maximum sentence will be imposed for serious offences. However, at the end of the day, we will not know that, because we will not have that information. If the maximum sentence is 10 years but the average sentence that is imposed is only two years - and parole must also be taken into account - then this Parliament will have no indication and will not be able to give the community confidence that the courts are taking these sorts of offences as seriously as they are being taken by this Parliament. I ask the Attorney General to tell this House what he will do to provide more detailed information than is currently available so that we can give the community that confidence, because the community will not get that confidence from the way that maximum sentences have been used in the past.

Mr McGINTY: What the member for Kingsley said is correct, and I find it a cause of some frustration that the statistics that are kept on these matters are deficient. The Government made the point during the second reading debate that it is obviously not sufficient to simply draw attention to the maximum penalty that is allowable under the Statute, then the maximum that has been awarded in recent times, and then the average. The maximum penalties for many of those offences were increased during the term of the previous Government. One penalty which will not be dealt with as part of this package is that for home burglary, which is one of the offences that most distresses members of the public. The maximum penalty for that crime was increased to 18 years in 1996. A before-and-after analysis of penalties imposed could be constructive in attempts to determine whether the proposition put to the House today by the member for Kingsley is correct.

Mrs Edwardes: The advice from the former Attorney General - he had some information on this matter, but it was left in the office he has since vacated - is that penalties have increased not only for those on three strikes, but also generally for home burglaries. Therefore, a trend has begun to show. It would be useful to have that information brought back to the House.

Mr McGINTY: Is the trend that the courts have been awarding greater penalties?

Mrs Edwardes: It appears that having put a mandatory aspect in that section, the tariff for home burglary has increased. Of course, the former Attorney General does not have that documentation. It would be useful for that information to be brought back to the House at some stage.

Mr McGINTY: He must have left it well secreted. I have not found it.

Mrs Edwardes: I understand that he used it for a speech in Sydney. Something should be there.

Mr McGINTY: Assuming the comment by the member for Kingsley is correct, it becomes somewhat difficult to identify the cause of that increase in sentencing. It could well be that the judiciary was directly responding to Parliament's increase in maximum penalties. It could be that the introduction of mandatory sentencing on the third strike for home burglary had that effect. It is difficult to ascertain the cause. There is still a problem with the deficiency of statistics, which leaves the analysis simply with the highest and average penalties that have been awarded. That has proved somewhat deficient. It does not establish that the judiciary is unresponsive to Parliament's increase in maximum penalties. The member for Kingsley indicated that while it is far from conclusive because of the complication of the mandatory sentencing component, there is an indication that the judiciary has been sensitive to the issue of home burglaries and has increased sentences in that area. The other matter which makes it difficult to carry out a proper analysis is that while one may have the maximum penalty in the statute and the highest and average penalties that have been awarded, one does not know the number of first offenders or the mitigating circumstances in each case. I made the point in relation to the crime of wilful murder that someone of the calibre of the Birnies does not come along every year or month, if that is taken as the most extreme case.

Mrs Edwardes: There is a band even at that top level in which the Birnies might be at the extreme end. There are variations.

Mr McGINTY: Nonetheless, I appreciate that there is a need for statistics. The limited statistics available show an increase in offences against seniors. That has been borne out by anecdotes. That is the purpose of this legislation. It is true to say that in this particular case, the statistics are simply not available to back up the case that the member for Kingsley has put, which is that the judiciary is unresponsive and, therefore, an amendment is required to include mandatory minimum sentencing. The member will move her amendment in a few minutes.

The ACTING SPEAKER (Mr Dean): I bring to the attention of the House that the member for Kingsley has an amendment on the Notice Paper to clause 12 of the Bill.

Mr QUIGLEY: I support the clause. I have been concerned during debate on this Bill. The opposition spokesman raised a matter concerning a reference to statistics and an argument that the average penalty has not reflected the maximum penalty. Having practised in the courts for 26 years, my concern is that this argument does not take account of the number of first offenders who come before the courts, nor the other provisions of the Sentencing Act 1995 by which this Parliament requires the judiciary to impose a sentence of imprisonment as a last resort. There is a graduation of severity in sentencing in both fines and non-custodial dispositions before custodial terms are imposed. If there are a large number of first offenders, that cannot be the average. The member for Kingsley mentioned during debate the other day the need for a mandatory minimum sentence. The effect of this could be to make the elderly victims in cases such as domestic violence. I notice that the member for Kimberley has joined members in the Chamber. There has been a problem with domestic violence in some indigenous communities. A mandatory minimum sentence would mean that if a 65-year-old person committed a minor assault on his -

Mrs Edwardes: It is section 297 on grievous bodily harm.

Mr QUIGLEY: It is on grievous bodily harm. If a 65-year-old used a bottle or something like that to hurt his spouse, he would be given a mandatory term, whereas if such an offence occurred between spouses of a younger age, a mandatory term would not be imposed. That is my concern. The member for Nedlands mentioned the other day that the courts do take notice of what transpires in this Chamber. That is evidenced by the arguments and comments that fall from the sentencer's mouth. I have every confidence that for serious offences, the increasing of the maximum penalty by up to 50 per cent will be reflected in the sentences. While reference has been made in this Chamber to statistics, reference has not been made to sentencing judgments in which, in my experience, judges continually refer to what has transpired in this Chamber and try to give expression to that in their sentences. At the same time they try to bring into the balance of the sentencing equation the other criteria that this Parliament has asked the judiciary to address in the Sentencing Act, including imposing a sentence of imprisonment as a last resort and other mitigating circumstances. Judges perform a difficult task given the number of criteria that this Parliament requires they address. The simplistic solution of a sentencing matrix with a mandatory minimum will not address the overall problem, because that will only come into play once offenders reach the requirement for imprisonment to be imposed. The whole of the sentencing laws must be changed.

During my speech the other day, I said that I looked forward to the remarks of the member for Nedlands, who is an experienced prosecutor. I was pleased to note that she said that, in her experience, sentencing judges do heed what takes place in this Parliament and take increased penalties into account. They try to reflect that in their sentences. Just to look at a statistic and say that an average is a long way from the maximum does not take into account how many people were first or second time offenders and when the maximum penalty should be imposed. I support the clause, which increases the penalty by 50 per cent.

Ms SUE WALKER: I came in part way through the member for Kingsley's comments. Perhaps I could assist this debate by making a few comments. The member for Kingsley is concerned that the judiciary is seen to reflect the views of the Parliament. A system is in place that might assist the Attorney General. When I first arrived at Crown Law, I started a resource file index, which is now housed at the office of the Director of Public Prosecutions. If one wants any statistics on any cases, such as those involving robbery, they can obtain them almost immediately on the computer. It may be worthwhile for the Attorney General, in conjunction with the director there, to map this out over the next few years. In my experience the court does take account of what Parliament says. An example of that, in which the member for Innaloo might bear me out, was a case of stealing motor vehicles and driving dangerously; the case of Bropho. This is a classic example of the court taking note of what this Parliament says, and increasing the penalties quite severely to reflect those sentiments. In relation to the current sentencing pattern of the judiciary, a print-out can be obtained from the Director of Public Prosecutions of the range of sentences. I do not know what members have been quoting from in the House, or what status that has. Parole, of course, is part of the sentence. The system is that, if an offence carries a six-year sentence and two years are lopped off, two years are served in prison and two in the community. The two years served on parole in the community is part of the sentence. I am not sure in which Act that is contained but, if an offender breaches parole, he will go back to jail, and serve not only the rest of the parole period in custody, but also the one-third which was originally taken off. It is possible to find out how the judiciary is responding through the resource file index held at the office of the Director of Public Prosecutions. The comments of the judiciary are transparent because the transcript resides in the office of the Attorney General, and is there for him to see and use to determine whether the judiciary is taking note of what the House says.

Mr McGINTY: I thank the members for Innaloo and Nedlands for their comments. If things are taken at face value, the superior courts in this State say that they are responsive to what takes place in the Parliament. In the Court of Appeal of the Supreme Court of Western Australia, the case of Fisher v the Queen was heard in 1999, before the Chief Justice Hon David Malcolm. It was a case of home burglary, and the head note of the case reads, in part -

> Criminal law and procedures - Sentencing - Appeal against sentence of 2 years' imprisonment for burglary and two counts of obtaining money by deceit - Need to firm up sentences in light of increased prevalence of home burglaries - Increase in maximum penalties by Parliament . . .

I draw to the attention of the House a couple of very brief comments from the Chief Justice's judgment in that case -

> 13 Notwithstanding the fact that the offence was committed during the day, it fell into the category of offences for which the maximum penalty was increased in 1996 by Parliament from 14 years to 18 years.

On the next page, the Chief Justice quotes from the case of Heferen v the Queen in 1999 as follows -

> "I do not consider it is open to the Courts now to regard home burglaries as anything but very serious offences. The Courts in this State have recognised for some time now that the offence has become prevalent, and is causing considerable community concern. Quite apart from that, which would in itself

> be reason for the Courts to continue to firm up sentences in home burglary cases, Parliament has recently singled out the offence for special treatment. Prior to 1996 the maximum penalty for burglary was 14 years' imprisonment. In 1996 amendments were made which increased maximum penalty for domestic burglaries by 28.5 per cent from 14 years to 18 years. It is of course the duty of the Courts to give effect to the policy behind this change: . . .

Reference is then made further on to other decisions in the late 1990s by the Court of Criminal Appeal, quoting Justices Franklyn, White and Kennedy. The Chief Justice continues -

> The Courts have taken this view because of both the increased prevalence of the offence and the need to protect the community on the one hand, and the fact that Parliament has increased the penalties for the offence, on the other hand.

The sentence in this case was two years imprisonment. The Chief Justice says further on in his judgment -

> The subject of this application is a sentence of 2 years' imprisonment. The difference is one which is readily accounted for by two factors which I have mentioned; namely, the need to firm up the sentence in the light of the increased prevalence of the offence and, secondly, the impact of the increase by Parliament of the maximum penalty to one of 18 years' imprisonment.

Essentially, the Chief Justice was saying in that case that a sentence of 12 to 18 months would have been appropriate, except for those two factors that have just been referred to, including the clear policy statement by the Parliament. That case resulted in a proportionate increase in the penalty, and the penalty of two years imprisonment was upheld by the Court of Criminal Appeal, although in the absence of those factors, 12 to 18 months would have been the appropriate penalty. There are quite a number of cases of this nature. I simply referred to Fisher v the Queen as one example which illustrates the point of the responsiveness we would expect from the judiciary on this point.

I return to the point made by the member for Nedlands. I will talk to the Director of Public Prosecutions, because a way needs to be found to arrive at a greater understanding of cases, such as the one I referred to, and of whether the courts do respond. A proper statistical basis for that analysis is needed. I have had occasion recently to go to the database to which the member for Nedlands has referred to try to determine the incidence of charges laid under section 322A of the Criminal Code, dealing with sexual activity by males between the ages of 16 and 21. I have been able to get statistics for only the past two years, but in the light of the broader public debate on the question of the gay and lesbian law reform, particularly the age of consent, about which we spoke earlier today, those figures will become very important.

Ms SUE WALKER: The Attorney General could look at two areas. First, a case in relation to threats to kill, which I believe is the case of Green, and secondly, a case of stealing a motor vehicle and driving dangerously, that of Bropho. Both of those cases contain strong judicial comment about what happens in this House.

There is authority that the courts will never impose a maximum penalty, because there is always a worse scenario that can be thought of. There is a clear line of authority for that. I return to what the member for Kingsley said. She wants to know, particularly in relation to this legislation on elderly citizens, that the judiciary is, in fact, taking notice of this. That is right and proper. From what I have outlined, the Attorney General could follow up that matter in the coming months.

Mrs EDWARDES: The requirement to produce statistics is not just for me or for this House, as the Attorney General will know. The reason he has brought into the House legislation to increase the penalties for those who harm people over the age of 60 is for the community. It has been a long time since I have been in court, and I recognise the more recent experience of the members for Innaloo and Nedlands on both sides of the court. Although judges' words might be nice before they hand down their penalties, they do not always sit well with the community, particularly in violent offences in which the community wants to see a far more responsive judiciary. Unless it can be demonstrated to the community that factors such as first time offenders or other significant factors act in mitigation, the community will never be convinced that the penalties fit the crime. That is the reason the Government brought in the legislation. I would like to hear how the Government will provide this Chamber with the information on the question of responsiveness to the community's concerns and also how it will implement parts 1 and 2 of the Sentencing Amendment Bill passed last year which dealt with two parts of the matrix system.

Mr McGINTY: Statistics work to assist in the public understanding of what takes place in the courts. If the statistics indicate that the courts are not as responsive as the Parliament requires them to be, some informed criticism can then be made based on those statistics. Although statistics are important, we should not lose sight of what we are doing here; that is, we are drawing a distinction between the offence of grievous bodily harm on one hand - which is a serious criminal offence - and grievous bodily harm when a victim is at or over the age of 60. I am talking about heinous crimes in which the victim is a vulnerable person because of his or her age. Regardless of the responsiveness of the judiciary, I detected a measure of criticism, from not only the member

for Kingsley but also other members who participated in the second reading debate, of which I hope the judiciary will take note. If a significant section of the Parliament makes those criticisms of the judiciary, it is important for it to be aware of that and to respond to those criticisms.

However, the message we want to send with this clause is that it is worse to inflict grievous bodily harm on a senior citizen and that offence must be punished more severely. Statistics are important but we should not lose sight of the message that underpins these amendments to the Criminal Code.

Clause put and passed.

Clause 4: Section 301 amended -

Mr OMODEI: I am not a practising lawyer, I am not even a bush lawyer -

Mr Kobelke: You are a very modest man.

Mr OMODEI: There is no doubt about it, I am an honest spud farmer. However, I represent elderly people in the Parliament and this amendment to the Criminal Code is important. My primary concern is for the safety and welfare of elderly people. I too am concerned about the way in which the judiciary applies penalties to offences. However, this Bill is also about the Parliament making laws that have credence in the community.

The maximum penalty for wounding is five years. The maximum penalty imposed for that offence was three years in 1998-99 and two years in 1997-98. Members have talked about averages. I take the point made by the member for Innaloo about first offenders and the whole spectrum of offences. However, my concern is that yesterday the Government brought legislation into the Parliament that was introduced by the former Government last year - the Animal Welfare Bill. Clause 19 of that Bill refers to cruelty to animals if a person tortures, mutilates, maliciously beats or wounds, abuses, torments, or otherwise ill-treats an animal. The clause goes on to refer to a person using inhumane devices, intentionally or recklessly poisoning animals and so on. However, the clause refers to wounding.

In this Bill the penalty for wounding a person over the age of 60 years is imprisonment for seven years, and in any other case imprisonment for five years. The animal welfare legislation provides for a minimum penalty of $2 000 and a maximum penalty of $50 000 and imprisonment for five years. This Parliament could well be accused by the general public of treating an offence against a human being as a lesser offence than the offence of kicking or tormenting a dog or cat.

I examined these matters in fine detail when I was the Minister for Local Government responsible for the Animal Welfare Act to ensure that there was a connection between crimes against mankind and the kinds of offences that would apply in relation to the fines and imprisonment terms to be allocated. In the animal welfare legislation, which will be debated later this year, an offence of cruelty to an animal will attract a higher penalty than an offence of wounding a person. That concerns me greatly from the point of view of my credibility as a member of Parliament and us collectively as members of Parliament making laws to protect elderly people.

Mr McGINTY: One aspect that both sides of politics strive for when they are dealing with matters in the Criminal Code is consistency within the code itself. It would be a bizarre situation if we ever got to a stage where animals were treated as more special or more important and were offered greater protection than humans were offered.

Mr Omodei: That is what I am trying to say.

Mr McGINTY: I do not disagree with the member's sentiments that the priority must be, first, to deal with offences against the person as the area in need of greatest protection; then offences against property; and then animals. I am unsure whether one regards animals as a third category or as part of the property category. The protection of human life and human existence should remain at all times the number one priority of the law.

This clause refers to particular people who, because of their age, should not be the subject of attack. Section 301 of the Criminal Code, deals with a person who unlawfully wounds another or who unlawfully, and with intent to injure or annoy any person, causes any poison or other noxious thing to be administered or taken by any person. The current penalty for that is imprisonment for five years. This clause states that the penalty should be greater when the victim is a person of or above the age of 60 years.

I pause in passing to observe that the penalty for offences against seniors is higher than that referred to in the Animal Welfare Bill. We as a Parliament must debate in the context of that other Bill whether those penalties are too harsh. In my view there is a correct proportion in the acknowledgment of the fact that the wounding of a senior citizen must be treated more seriously than the wounding of other citizens who do not suffer from the difficulties of age. I am aware that some seniors are far more agile and able to defend themselves than are others. However, I return to the question of internal consistency in the Criminal Code. The age of 60 was chosen as the dividing point because it was a pre-existing provision in the Criminal Code. We could have

chosen 70 or 55. There is already a provision in the code in relation to sexual assaults that states, essentially, that the rape of someone over the age of 60 must be treated as a circumstance of aggravation and a heavier penalty imposed. It is easy to see why that is the case. The penalty is increased proportionately. Essentially we are increasing the penalty in the same proportion. If someone wounds someone who is over the age of 60, the maximum penalty will be increased accordingly. I do not disagree with the essential proposition the member for Warren-Blackwood is putting that people are more important than animals.

Mrs EDWARDES: Apart from inserting a new section dealing with persons over the age of 60 who are harmed, the clause changes the offence from a misdemeanour to a crime. The coalition increased the penalty for the offence from two years to five years imprisonment; it is now being increased from five years to seven years when the victim is over 60 years of age. The penalty remains at five years imprisonment in all other circumstances. The clause also creates a summary conviction penalty, if the victim is over 60 years of age, of imprisonment for three years or a fine of $12 000, and in all other circumstances the penalty is two years imprisonment or a fine of $8 000. What are the reasons behind those tariffs and can the Attorney General give me a break-up?

Mr McGINTY: The advice of the Office of the Parliamentary Counsel was that maintaining consistency and proportionality in the Criminal Code is of overriding importance. The penalty for an offence under section 301 of the Code - wounding and similar acts - that is tried on indictment is imprisonment for five years, and when it is a summary conviction the penalty is imprisonment for two years or a fine of $8 000. We have retained that proportionality that we have applied in each of the other sections, in which we go from five years to seven years, and 10 years to 14 years.

Mrs EDWARDES: The Government has not increased the penalty; it has taken the base and increased the penalty when the victim is over 60 years. Is it maintained at the same rate as it was before for all other offences?

Mr McGINTY: We have not changed the tariff when the victim is under 60 years. If the matter is dealt with by indictment, the maximum penalty is five years imprisonment; if it is dealt with summarily by the magistrate, the penalty is two years and a fine of $8 000. We have maintained that proportionality. When it is dealt with summarily the penalty is increased from two years to three years and the fine from $8 000 to $12 000. We are maintaining that proportion, while appreciating that this is one of those either-way offences that can be dealt with by a magistrate or the District Court on indictment. If a magistrate deals with it, the offence will be of the lower order, and will often result in a fine being imposed. We have simply increased the proportion of the fine in the same proportion as we have increased the imprisonment penalty.

Mrs EDWARDES: On what information did the Government base that? The Attorney General says that he tried to be consistent. What was the commonality?

Mr McGINTY: It is to increase the penalty by one-third. For example, an increase from two years to three years in a summary conviction and from $8 000 to $12 000 in a fine, which is the same proportion. It is maintaining that proportionality. It is rounded out and increases from five years to seven years.

Mrs Edwardes: And the fine?

Mr McGINTY: It is the same. It is roughly that proportion and it is rounded out. There is no particular science to it other than maintaining proportionality.

Mrs EDWARDES: I was attempting to find the commonality. What is the base line? In Victoria, for instance, it is much easier to determine because it has unit penalties. They are easy to increase. For example, if the fine is 50 000 unit penalties it is equivalent to two years imprisonment. That makes it much easier to determine the commonality. However, the Government is breaking this up into a crime and summary conviction penalties, so how did it determine that? It is easy to say that it is proportionate, but where is the commonality across the board? If we are talking about a range of sentences, we are referring to minimum and maximum sentences. That covers the range of actions of that offence, which will vary to some degree. Does the Attorney have an example of the types of offences under section 301 that would fall within the summary conviction category as against the crime category?

Mr McGINTY: I may be missing the point that the member for Kingsley is making, but I will attempt to answer the question she has posed. The Government has not created this as an either-way offence. It is part of the existing Criminal Code and can be dealt with either by indictment or summarily by the magistrate. Let us look at the amendment to section 301 of the Criminal Code that is now before the Chamber. I refer to new paragraph (b), which is the existing provision in each case, whether it be a matter tried on indictment or summarily; that is, imprisonment for five years, or imprisonment for two years or a fine of $8 000. We have added to that the circumstance in which the victim is over the age of 60 years. We have increased the penalty in roughly the same proportion as every other penalty that is subject to this Bill - in this case from five years to seven years. As I have indicated, penalties that are currently at the 10-year mark have generally gone to 14 years. It is an increase

of roughly 30 per cent to 40 per cent in most cases. We have simply factored in 30 per cent to 40 per cent, which in this case translates from five years to seven years, which I believe is 40 per cent.

Mrs Edwardes: Is that the way it has been calculated? Has the parliamentary draftsperson picked the figure of 40 per cent?

Mr McGINTY: I refer the member for Kingsley to the existing regime in the code. In the case of indecent assault, which is section 323 of the Criminal Code, the penalty is five years imprisonment. We have brought into the code the circumstance of aggravation and the proportionality of aggravation. Under section 323 the penalty for indecent assault is five years. Section 324 deals with aggravated indecent assault, for which the penalty increases from five years to seven years. That is the proportionality that we apply.

There are circumstances in which that proportionality is greater; however, that will give the member an idea of what is already in the Criminal Code and the proportion that we take into account. Generally speaking, we are looking at the circumstances of aggravation, to use the old language, and the proportion by which the penalty is increased in cases of aggravation, and then regarding an assault or an offence against a senior essentially as a circumstance of aggravation. In the early stages of drafting of this Bill, we sought to add senior citizens to the class of people against whom a serious assault, as defined in the Code, is committed. The advice from parliamentary counsel was that it would be better to include that as a particular offence in each category of offence rather than to deal with them generically, in the sense that serious assaults are dealt with generically. Those are roughly the proportions outlined in the Code in relation to circumstances of aggravation, and we have carried those forward by specifying that when a victim is at or over the age of 60 years, it should be treated as a circumstance of aggravation.

Mrs EDWARDES: It would be appropriate to split crimes and summary convictions, which would provide another valid reason for benchmark guidelines. There is some consistency, and we have seen how that has been determined in sexual assault offences. How does the court determine that in a breakdown between crimes and misdemeanours? Is it consistent or does it again vary? For instance, are courts less lenient in their maximum or average sentences imposed for summary convictions than when they deal with offences with higher penalties? The theory might be that if an offence carries a lower maximum sentence, a greater sentence would be imposed proportional to one that carries a higher maximum sentence. Again, we will not know whether that is true until we develop some of the data about which we have been talking.

Mr McGINTY: Offences under section 301 can be dealt with summarily or on indictment. Section 5 of the Criminal Code allows for an election. When a matter comes on for an initial hearing before the magistrate, the defence may elect for the matter to be dealt with summarily or to go to trial on indictment. The Law Reform Commission dealt with these issues in a report prepared by Wayne Martin QC. It proposed a review of all the classifications of offences in the Code. We are giving consideration to altering section 5 and the election process in each-way offences to ensure that the minor level of offending is dealt with more expeditiously before a magistrate rather than unnecessarily occupying the time of the court through indictment and trial by jury for something that most people in the community would regard as being at the less serious end of the offending scale. We will have that extensive debate when further legislation is introduced into the Parliament on that basis. At this stage, I think there is a measure of artificiality in allowing the defence to elect whether a matter goes to the District Court on indictment or is dealt with summarily. I do not know whether magistrates deal more harshly in a proportionate sense with summary matters, given that they generally are at the lower end of the offending scale, than would District Court judges when imposing a sentence for an offence at the more serious end of the scale.

Ms SUE WALKER: The court can and does apply the maximum summary conviction penalty. There is a case in which it has gone to the maximum, although I am unable to recall the name because I am a bit rusty.

Clause put and passed.

Clause 5: Section 313 amended -

Mrs EDWARDES: Clause 5 also deals with common assaults. We increased those penalties.

Mr McGinty: I do not think your Government increased the penalties under section 313.

Mrs EDWARDES: No, I do not think we did. The penalties under section 313 is 18 months imprisonment or a fine of $6 000, which will be increased to three years if the offence is committed against someone over 60. If that was not increased when our Government increased the penalties for a range of other violent offences, and given that the Attorney General and the member for Rockingham were the other day somewhat flippant in some of their comments about section 313, why has this been included?

Mr McGinty: We occasionally have relapses.

Mrs EDWARDES: That is most unlike the Attorney General nowadays. When we drafted amendments to impose the 12-month minimum sentence, we considered section 313 very carefully because of its somewhat

minor nature. Why did the Attorney General include it as part of the package of offences to be regarded as more serious offences against seniors?

Mr McGINTY: When we were in Opposition and brought in the crimes against seniors Bill, which was ultimately defeated in the House, we at that stage proposed to amend section 318 of the Criminal Code, which deals with serious assaults. Section 318 increases the penalty for an assault against someone generally described as a public officer by classifying it as a serious assault or, to use the old terminology, an assault in circumstances of aggravation. The penalty for that offence jumps dramatically from 18 months to 10 years, which is enormous. When we discussed this with parliamentary counsel, he asked if we really wanted, in a case of a relatively minor assault, such as a tap on the shoulder, a hip and shoulder, a shove -

Mrs Edwardes: My information is that the penalty is five years and it was then increased to 10 years.

Mr McGINTY: What section is that?

Mrs Edwardes: Section 318.

Mr McGINTY: That would probably be right. The Liberal Government would have increased that.

Mrs Edwardes: You were talking about 18 months? Is that in your legislation?

Mr McGINTY: Yes, it was in the legislation we introduced while in opposition. One of the defects in the legislation that Parliament defeated last year, to which we are now happy to admit, was the notion of increasing the maximum penalty to 10 years for a simple assault of the nature described by the member for Rockingham, and maybe others, because the victim happened to be a few years older. For example, if we had proceeded with that and the member for Dawesville were given a hip and shoulder, it would have been considered a serious assault.

Mrs Edwardes: Did you include a penalty of 10 years under section 313 in your legislation last year?

Mr McGINTY: Yes; that is my recollection. We again suggested it when we came into government. Parliamentary counsel said that we should not do that because it is disproportionate to subject an assault of the nature of the one I just described to a maximum penalty of 10 years. The second point parliamentary counsel made was that the serious assaults section of the Criminal Code states that an assault on "a public officer who is performing a function of his office or employment or on account of his performance of such a function" attracts a 10-year maximum penalty.

The second circumstance is -

> (e) assaults any person who is performing a function of a public nature conferred on him by law or on account of his performance of such a function;

The third circumstance is -

> (f) assaults any person who is acting in aid of a public officer or other person referred to in paragraph (d) or (e) or on account of his having so acted; or

The fourth circumstance is -

> (g) assaults the driver or person operating or in charge of -
>
> (i) a vehicle travelling on a railway;
>
> (ii) a ferry; or
>
> (iii) a passenger vehicle as defined in paragraph (a) of the definition of "passenger vehicle" in section 5(1) of the *Road Traffic Act 1974*;

A Rottnest ferry operator or captain of a ferry would be caught by that definition as would taxi drivers who are, not in a strict sense public officers, but they do perform a service to the public. There is consistency within section 318 dealing with aggravated assault and serious assault whereby a person is either a public officer or performing a public function. The second argument put to us by parliamentary counsel is that seniors are not performing a public function. It introduces a new concept into the notion of aggravated or serious assault. Counsel told us to take it out for two reasons: the penalty is too high and there is no public component when the qualifying condition is that a person is a senior. The Government has gone through every form of assault and put in an additional penalty when the assault - whether grievous bodily harm or simple assault - is perpetrated against a senior citizen. For the sake of consistency, the Government has inserted this provision relating to common assault. I suspect it is the most common form of assault on seniors.

Mrs EDWARDES: The Attorney General made a throwaway remark that he thought common assault might be the most common form of assault against seniors. I have no documentation on how many common assault cases have gone before the courts over a 12-month period. Does the Attorney General have those figures? Was there any disaggregation of the data to determine the number of attacks on seniors? In the media release, the Attorney

General identified the numbers of and the percentage increase in assaults. Were the figures disaggregated for the various sections?

Mr McGINTY: No, because the problem is back to that at the start of this debate, which is the availability of statistics and the extent to which they are broken down for the various sections of the Criminal Code and then further broken down by the identity of the victims. Those statistics are not available.

Mrs Edwardes: Where did the statistics that were the subject of the media release come from? Were they based on anecdotal evidence?

Mr McGINTY: No, they came from information on offences reported to the police.

Mrs Edwardes: It would be nice if we could get the various authorities and bodies using the same databases and using the same computer language.

Mr McGINTY: It would be extremely helpful. I share the member's frustrations about statistics. It would have been very useful to present a comprehensive document showing all the relevant statistics relating to this area, but we were not able to do it.

Clause put and passed.

Clause 6: Section 317 amended -

Mrs EDWARDES: Section 317 deals with assaults occasioning bodily harm and section 317A deals with assaults with intent. The penalty for assaults occasioning bodily harm remains at five years imprisonment for all offences, except when the assault is on a person over the age of 60 years. The penalty is then increased by an additional two years imprisonment. A summary conviction penalty has also been introduced. The former Government did not increase the maximum penalties under section 317. I do not know why that was left out. The former Government was concerned with certain more violent offences than with what would be regarded as more serious offences. During 1998-99, there were 54 assaults occasioning bodily harm. The maximum statutory penalty is five years imprisonment. The maximum sentence imposed was four years imprisonment and the minimum sentence imposed was six months. One can see that when a maximum sentence is lower, the proportion of imprisonment is higher. The average sentence imposed was 1.8 years imprisonment. From 54 cases, only one case was near the maximum penalty. There is no more data available on this. The following year 58 cases were recorded, and the highest penalty was three years imprisonment, of which there was only one case. The average sentence was 1.6 years imprisonment and the minimum sentence imposed was six months. Does the Attorney General have any more information about the types of offences under section 317 and how they have impacted on senior citizens?

Mr McGINTY: No, I do not. This amendment is based on advice from parliamentary counsel to take the penalty for assaults against seniors out of the serious assault provision that is contained in section 318 and to amend each form of assault to maintain consistency. That is why the changes being made to sections 317 and 317A are identical, and they are consistent with the earlier change made to section 301, which refers to wounding. The amendments allow for a separate expression on each occasion of what we originally sought to do with the section pertaining to serious assaults. Because of the reasons given to us by parliamentary counsel, it was inappropriate to proceed down the path originally intended.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Heading to chapter XXXVIII amended -

Mrs EDWARDES: The changes are extensive, not to the outcome, but to the penalties. I wonder whether the Attorney General will explain why he has proposed a new section and changed it in the way that he has with the -

The ACTING SPEAKER (Mr McRae): Is the member referring to clause 8, dealing with the change to the title?

Mrs EDWARDES: I am dealing with the title being changed from "stealing with violence" to "robbery". The Attorney General deals with all of those individual sections in clause 9. I wonder why he has gone down that path before we have got to clause 9.

Mr McGINTY: This change was made on the advice of parliamentary counsel. For a long time he drew attention to the recommendations in the Murray report -

Mrs Edwardes: It goes back some time.

Mr McGINTY: It does go back some time.

The ACTING SPEAKER: Order! I understand that conversations will take place, but will members try to keep their voices down a little. It is very difficult to follow this debate.

Mr McGINTY: In 1983, the Murray report made recommendations to simplify the offences of armed robbery and assault with intent to rob. As members are aware, the former Government and the previous Labor Government progressively moved through the implementation of the recommendations made by now Mr Justice Murray to reform the Criminal Code. I suspect that the implementation of the recommendations will be ongoing for some time.

We raised the matter of robbery with parliamentary counsel, and the need to be consistent. Originally we identified four generic classes of offence that we wanted to target in which the victim of crime was a senior: assaults, burglary, robbery and fraud. We did not proceed with burglary offences because they are offences against property. They are not offences in which there is an identifiable victim. The victim might very well be a tenant, an owner or an occupier. If a place were vacant, for example, how would the victim be identified as being over the age of 60? The nature of burglary is really an offence against property. Although that was part of what we said we would do before the election, we did not proceed with it for the sound reasons I have mentioned. It would have given rise to all sorts of difficulties that would have been imposed on the court.

However, robbery is clearly an offence against the person. Parliamentary counsel told us that he would like to use this occasion to give effect to the recommendations of the Murray review of the Criminal Code in 1983, given that we were amending the sections dealing with robbery. Consequently, the Bill does that in a new way rather than in the way it has traditionally been expressed in the Criminal Code. This is a new dimension to the argument, rather than dealing with only crimes against seniors. The member for Kingsley would be aware from her time as the Attorney General that, when a section of the code is up for review, the master plan is brought into play and changes are made to those sections.

Originally, parliamentary counsel desired to include blackmail in this Bill. I said that that would go too far beyond the scope of what we wanted to do. I am happy to have the code amended to give effect to the Murray report, but we should not use this as an occasion to deal with everything that has been the plan of parliamentary counsel for years. That is the explanation of the underlying purpose of these changes. Otherwise, and this is the import of what we are doing, apart from simplifying the nature of the offences, this Bill will give effect to the broader thrust that robbery, in its various guises, committed against senior citizens will incur increased penalties.

Clause put and passed.

Clause 9: Sections 391 to 394 replaced -

Mrs EDWARDES: Given the Attorney General's comment on the previous section, thank goodness parliamentary counsel keeps an eye on a report that goes back almost 20 years. It is great that Mr Justice Murray is still remembered. It was quite an outstanding report and was far ahead of its time.

Mr McGinty: Not many other reports could be put in that category.

Mrs EDWARDES: Absolutely not. It was not only far ahead of its time, but also considered many areas of the code that were very much outdated. I look forward to receiving some comprehensive legislation that reflects some of those changes, because they add some light-hearted humour to the debate. I am not too sure that many sections are left that are really old and destined to disappear. However, it has been a long time since I have read the report from beginning to end.

I will highlight the changes in this clause. Section 391, which defined robbery, is being deleted. Section 392, which defined loaded arms, and section 393 are also being deleted. Section 390, which defines the penalty for robbery, will be dealt with later. Section 390 imposed penalties for persons who committed crimes of robbery. Those persons were liable to imprisonment for 14 years. Those who were armed were liable to imprisonment for life, and those who wounded or used any other violence against any other person were liable to imprisonment for 20 years.

Section 394 dealt with assault with intent to commit robbery. It outlined the penalties that could be imposed against any person who had shown intent to steal anything, and during the assault or immediately before or immediately after the assault had used or threatened to use actual violence against any person or property in order to obtain what he was after. That person was liable to imprisonment for 10 years. If the person was armed with any offensive weapon or instrument, the sentence was 14 years. For the use of any loaded arm, the sentence was imprisonment for life.

On advice from parliamentary counsel, the Attorney General has added new section 391, which deals with the definitions for sections 392 and 393. They refer to the circumstances of aggravation. The circumstances of aggravation are ones in which, immediately before or after the commission of the offence, the person, in company with one or more other persons, does bodily harm to or threatens to kill any person. The new circumstance of aggravation is when the person against whom violence is used or threatened is of or over the age of 60 years.

Proposed new section 392 is headed "Robbery". I do not know why robbery was considered to be a more appropriate term to use than "stealing with violence". I tried to ascertain where that might have come from. The

Attorney General might have that information available. I never thought to look at the Murray report, and I will keep it in mind for future occasions. Why was the term "robbery" considered more appropriate than the term "stealing with violence"? Robbery is a very old term. It goes back to the sixteenth or seventeenth century. I wonder why that has been brought back.

Picking up on clauses that will be replaced, proposed new section 392(c) says -

> . . . after the commission of the offence the offender is armed with any dangerous or offensive weapon . . .

The offender does not necessarily have to be armed with a weapon for this paragraph to apply. The second aspect of that is that if the offence is committed in circumstances of aggravation, which are defined in proposed new section 391, it carries a maximum penalty of imprisonment of 20 years. In any other case, the offence carries a maximum penalty of imprisonment of 14 years. Therefore, when considering proposed new section 392(c), which provides a penalty of imprisonment for life, I am questioning why the circumstance of aggravation does not cover the whole of the clause. It is probably to do with the penalty in itself, because if the penalty were life imprisonment, it could not be increased. Has the Government actually increased the penalty for this proposed new section? I cannot pick up, from the sections that are to be replaced, whether the penalty has been increased. Proposed new section 393 is titled "Assault with intent to rob". I raise the same question. What difference is the Government trying to establish between paragraphs (c) and (d) of proposed new section 393?

Mr McGINTY: The Murray report was implemented, to a significant degree, by Hon Joseph Berinson when he was Attorney General. I noticed that during its eight-year term in government, the coalition made a number of changes to the Criminal Code, which were underpinned by that report. I expect that while the Murray report may have a little life left in it until it is fully implemented, it will be substantially overtaken by the Martin report, which was the Law Reform Commission's work on the civil and criminal justice system. The commission recommended putting all offences into one of five categories - a complete review of the Criminal Code again. One of the issues I am keen to press ahead with is to do exactly that. It will not be done overnight, but I hope that those Law Reform Commission recommendations will begin to find their way into the Criminal Code as well. It might well be that the Murray report will have a 20-year life and then the Law Reform Commission will take over.

I will do my best to describe what has happened with the various penalties and offences, because some new classes of offence appear in proposed new sections 391 to 393. I will deal first with the two groupings of robbery and, secondly, with the group concerning assault with intent to rob. The penalties have essentially been preserved. Under the offence of aggravated robbery, if the circumstance of aggravation is that the person was armed, the maximum penalty remains the same - life imprisonment. When the circumstance of aggravation is that the offender was in company, the maximum penalty remains at 20 years imprisonment. There was no equivalent under the old regime for a circumstance of bodily harm. This offence now attracts a maximum penalty of 20 years imprisonment. If someone is wounded, the old penalty prescribed a maximum of 20 years imprisonment. There is no new penalty, because that offence has been picked up in other descriptions of offences as part of the reclassification. When the circumstance of aggravation was the use of personal violence, the old penalty was 20 years. There is no directly comparable new offence, although the circumstance is covered by the reclassification. There is a new category of robbery with a threat to kill, which will attract a maximum penalty of 20 years imprisonment. Similarly, when the circumstance of aggravation in a robbery is that a victim is over the age of 60, the offence will attract a maximum penalty of 20 years imprisonment. That was not covered by the previous legislation. The maximum penalty for the basic offence of robbery with no circumstance of aggravation remains at 14 years imprisonment.

Mrs Edwardes: Where is the increased penalty in circumstances of aggravation if the victim is over the age of 60?

Mr McGINTY: The previous legislation regarded this offence as robbery, which attracted a maximum penalty of 14 years imprisonment. There was no circumstance of aggravation, if I can describe it that way.

Mrs Edwardes: The maximum penalty is 20 years imprisonment under proposed new section 392(d).

Mr McGINTY: Yes, because it is a circumstance of aggravation. That is the changed structure dealing with circumstances of aggravation and robbery, which is a description of the old compared with the new regime. That is reflected in the Bill before the House.

Mrs EDWARDES: I think the Attorney General ran out of time and I would like to hear more from him, particularly about proposed new section 393 and the difference between paragraphs (c) and (d), and how that relates to the section that will be deleted.

Mr McGINTY: Proposed new section 393 deals with assault with intent to rob. Again, the old and the new regimes are similar, with certain changes made to reflect the Murray report recommendations. When the circumstance of aggravation is that a person is armed, the maximum penalty remains at 14 years imprisonment.

When the circumstance of aggravation is that the offender was in company, there is no change in the maximum penalty of 14 years imprisonment. When a person is armed and there is also another circumstance of aggravation, that offence will attract the maximum penalty of life imprisonment.

Mrs Edwardes: Can you tell me which it is?

Mr McGINTY: It is paragraph (c).

Mrs Edwardes: That is armed, under the circumstance of aggravation.

Mr McGINTY: Yes.

Mrs Edwardes: What is the difference between paragraphs (c) and (d)?

Mr McGINTY: It is the conjunct of "and" at the end of paragraph (c)(i) and the disjunctive "or" at the end of paragraph (d)(i).

Mrs Edwardes interjected.

Mr McGINTY: It is simply the combination that gives rise to that. In each paragraph, subparagraph (i) deals with the person who is armed or who pretends to be armed. In paragraph (c), if another circumstance of aggravation is present, as defined earlier, the offence will attract a maximum penalty of life imprisonment. In the case of paragraph (d) -

Mrs Edwardes: Paragraph (d) refers to stealing with a threat of violence while armed, and the aggravation is that the victim is aged over 60, for which the sentence is now 14 years, whereas previously it was 10 years.

Mr McGINTY: No, it was previously 14 years. The difference between paragraphs (c) and (d) is essentially that in paragraph (c) two circumstances of aggravation are required, one that the offender is armed or pretends to be armed, plus another; while in the case of paragraph (d), only one circumstance of aggravation is required - that is, the offender was armed, or another circumstance of aggravation was present.

Mrs Edwardes interjected.

Mr McGINTY: In paragraph (c), being a senior is a circumstance of aggravation, so that is what gives rise to -

Mrs Edwardes: The circumstance of aggravation is in proposed new section 391(b). I understand paragraph (c), but I do not understand paragraph (d). I understand that the circumstance of aggravation of being over 60 years of age can give rise to the offence, but I do not see that the penalty for that circumstance has been increased. This differs from the rest of the Bill.

Mr McGINTY: The reason is that the penalty cannot be increased beyond life imprisonment.

Mrs Edwardes: I am talking about paragraph (d).

Mr McGINTY: I will explain. Section 394, under the heading of "Assault with intent to commit robbery", reads -

> If the offender is armed with any kind of loaded arms, and at or immediately before or immediately after the time of the assault he wounds any person by discharging the loaded arms, he is liable to imprisonment for life.

This section is to be repealed under this proposal and expressed in different terminology. This is the circumstances which gives rise to life imprisonment.

Mrs Edwardes: That is the same as proposed section 392(c)?

Mr McGINTY: Yes, but it was also extremely limited, because the offender actually has to fire the gun.

Mrs EDWARDES: Part of the current section 394 provides for imprisonment for 10 years, and that is increased, under these amendments, to 14 years, which was the second part of the current section 394. That has not been changed, because under paragraph (d) it is still at 14 years. I am suggesting that the penalty for that offence has not been increased, with the circumstance of aggravation that the victim is over 60 years. With all the other clauses there has been a common offence and a term of imprisonment, and then extra years have been added for offences committed against persons over the age of 60. With this one it appears that that has not been done. It is a bit hard to pick up because of the deletions and the rest.

Mr McGINTY: In proposed section 393(c), a combination of subparagraphs (i) and (ii) means that two circumstances of aggravation are required: if the offender is armed, and the victim is over 60 years of age. In this case, the penalty is imprisonment for life. In proposed section 393(d), only one circumstance of aggravation is required, which may well be that the victim is a senior citizen, in which case the imprisonment is for 14 years. Under the current law, the gun needed to be fired in order to attract life imprisonment. What is changed here is that now there is only a need to be armed with a gun, but not necessarily to have fired it, and to have any other circumstance of aggravation to attract the life imprisonment penalty. The question the member for Kingsley is

posing is: where is the increase in the penalty under paragraph (d) when the only circumstance is that the victim is over 60 years of age?

Mrs Edwardes: If it is linked up with another aggravation, then the penalty is increased?

Mr McGINTY: In the case of proposed paragraph (c), it is because the victim is over 60 years of age when an offender is armed that will automatically trigger the provision, because it constitutes an additional circumstance of aggravation. I think the answer to the member for Kingsley's question is that, if there is an assault with an intent to rob, which is what this section is about, and the only circumstance of aggravation is that the victim is over 60 years of age, the current penalty for assault with intent to rob is 10 years. Under paragraph (d), if there is only one circumstance of aggravation, and the only circumstance of aggravation is that the victim is over 60 years of age, the penalty will be increased to 14 years. That, I think, is the point we have been meandering around for some minutes now. The proportionate increase is the same. It is expressed quite differently from the rest of the code as a result of the restructuring of this provision.

Clause put and passed.

Clause 10 put and passed.

Clause 11: Section 409 amended -

Mrs EDWARDES: Proposed section 409 is the section which is unlike the others, in that it deals with the issue of fraud, while the other proposed sections deal with violent offences. The Opposition supports this clause wholeheartedly. The increase in penalty is from seven years to 10 years, if the victim is over the age of 60. The Government has also proposed to insert a new summary conviction penalty, which the Opposition supports absolutely. Also, if the value of the fraud is more than $10 000, the charge is not to be dealt with summarily. I do not know where the $10 000 has come from - whether it is in keeping with the code, or is a lower figure imposed in an endeavour to ensure that anybody who rips off a senior person in that way deserves not to be treated lightly.

Mr McGINTY: The experience most recently with the finance brokers issue brought home to me the extent to which fraud can warrant a much heavier maximum penalty than seven years, regardless of whether it was against a senior citizen or otherwise. This is also, quite interestingly, an area in which the courts from time to time impose quite hefty penalties. I was at Casuarina Prison recently, and while I did not meet up with him personally, a finance broker who had been recently sent to prison had his cell there. He was sentenced to 10 years imprisonment. I know that this was a cumulative penalty involving a great number of offences totalling some $5 million defrauded from clients of this broker, but this case illustrates the inadequacy of that maximum penalty, when significant frauds were committed which had enormous impact on the individuals. I thank the member for Kingsley for her comments of support for the thrust of this clause, but in my view this is unlike a number of the areas dealt with earlier, in that there was a need to review the basic penalty in any event, particularly in the light of the 10-year penalty handed out to Graeme Grubb.

Mrs EDWARDES: An age-old argument comes to mind. Often the community hears of penalties for crimes against property handed down by the courts that are often much greater than crimes against persons.

Mr McGinty: I think Robin Greenburg would agree.

Mrs EDWARDES: The Mickelbergs similarly. There are obviously a number of high-profile candidates but there would be a large number of others too who would say they were treated in a harsher way for a crime against property. I could go back to the historical argument of the value of property to the community, which has long been argued going back to the early days of the establishment of Australia. If we were also able to get benchmark guidelines, we would probably be able to see the balance much more clearly between the penalties handed down for crimes against property and those for crimes against persons.

Mr McGinty: That comes to the point the member for Warren-Blackwood made.

Mrs EDWARDES: Absolutely. We have talked about minimum sentences; I shall refer to that matter later. The Opposition agrees that people who carry out acts against dumb animals - as some people might refer to them - deserve to be dealt with appropriately. However, the penalties for cruelty to animals are not comparative with serious and violent acts against vulnerable senior members of our community.

Clause put and passed.

New clause 12 -

Mrs EDWARDES: I move -

Page 9, after line 27 - To insert the following -

12. Minimum Sentence to be imposed

(1) If a person is convicted of an offence against sections 297, 301, 313, 317, 317A, 392, 393 or 409 committed in respect of a person who at the time of the offence is of or over the age of 60 years, the court sentencing the person shall sentence the offender to a term of imprisonment which is 12 months greater than the sentence that the court would have imposed had that circumstance not existed and in any event shall sentence the offender -

(a) to at least 12 months imprisonment not withstanding any other written law; or

(b) if the offender is a young person (as defined in the *Young Offenders Act 1994*) either to at least 12 months imprisonment or to a term of at least 12 months detention (as defined in that Act), as the court thinks fit, notwithstanding section 46(5a) of that Act.

(2) A court shall not suspend a term of imprisonment imposed under subsection (1).

(3) Subsection (1)(b) does not prevent a court from making a direction under section 118(4) of the *Young Offenders Act 1994* or a special order under Division 9 of Part 7 of that Act.

This proposed new clause establishes a minimum sentence to be imposed. It has two limbs. Essentially, a court, in its discretion in sentencing a person, would be required to add a further 12 months to the sentence. In the second limb, if no sentence of imprisonment were imposed, the court would sentence the offender to at least 12 months imprisonment, notwithstanding any other written law. If the offender were a young person, the matter would be dealt with under the Young Offenders Act and the offender sentenced to a term of at least 12 months imprisonment or detention, as the court thought fit. As members know, in a home burglary case, the court can suspend a sentence and deal with the matter in a different way. This proposed new clause does not prevent a court making a direction or a special order under the Young Offenders Act. There are two limbs to this proposed new clause. One provides for a discretionary sentence to be imposed by a judge, taking account of all mitigating factors, with the imposition of a further 12 months. The second limb provides for a 12 months sentence to be imposed if it were initially intended not to impose a custodial sentence.

I know the age-old arguments about minimum mandatory sentences imposed for offences of a minor nature. Some examples were referred to by the member for Rockingham and the Attorney the other day. I recognise that was a lapse by the Attorney. I do not believe the police would charge anyone in those examples of minor offences, acknowledging that a little flippancy was used in the examples. However, they are points well taken. Often, circumstances must be taken into account in mandatory sentencing that would lead a court to the view that the offence is of such a minor nature that it is not appropriate to impose a term of imprisonment.

Reference was made to the proposed amendment to section 313 of the Act relating to common assaults. Common assaults can be minor by their very nature and definition. However, this legislation is as a result of the community's concern at the increasing number of assaults against elderly people. The research conducted by the member for Churchlands indicates that compared with all other categories of victims, seniors are least likely to be victimised. That may be the result of research, statistics and the like. However, as a community, we must eventually be concerned about seniors.

The House heard the stories in the second reading debate about the attacks on those in our community who are vulnerable. Although people are living longer and eating healthier foods, and medical attention is helping them to be less vulnerable as they get into their later years, many people in their later years are frail. Some of the perpetrators of crimes against more vulnerable victims actually wait until such time as they can be preyed upon. They watch, wait and see. They know such people are less likely to be able to defend themselves. We have heard of circumstances in the past when some brave souls have defended themselves, but what does that do to those persons psychologically? The impact is enormous.

Mr JOHNSON: Madam Deputy Speaker, I am interested in what the shadow Attorney General has to say and I would like to hear more from her.

Debate adjourned, on motion by Mr McGinty (Attorney General).

House adjourned at 5.38 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

GOVERNMENT DEPARTMENTS AND AGENCIES, STAFF STATISTICS

246. Hon C L Edwardes to the Minister for State Development; Tourism; Small Business; Goldfields, Esperance

For each Department or agency under the Minister's control as at 9 February 2001 –

(a) how many full-time equivalent (FTE) staff were employed;

(b) how many full-time staff were employed;

(c) how many part-time staff were employed;

(d) what is the annual salaries and wages budget exclusive of workers compensation and superannuation for each of (a), (b) and (c);

(e) what is the maximum FTEs that the agency can employ within this budget;

(f) how many FTEs earn an equivalent annual salary of -

(i) less than $20,800 per annum;
(ii) between $20,800 per annum and $25,999 per annum;
(iii) between $26,000 per annum and $31,199 per annum;
(iv) between $31,200 per annum and $36,399 per annum;
(v) between $36,400 per annum and $41,599 per annum;
(vi) between $41,600 per annum and $46,799 per annum;
(vii) between $46,800 per annum and $51,999 per annum;
(viii) between $52,000 per annum and $57,199 per annum;
(ix) between $57,200 per annum and $ 62,399 per annum;
(x) between $62,400 per annum and $ 67,599 per annum;
(xi) between $67,600 per annum and $72,799 per annum;
(xii) between $72,800 per annum and $77,999 per annum;
(xiii) between $78,000 per annum and $83,199 per annum;
(xiv) between $83,200 per annum and $88,399 per annum;
(xv) between $88,400 per annum and $93,599 per annum;
(xvi) between $93,600 per annum and $98,799 per annum;
(xvii) between $98,800 per annum and $103,999 per annum;
(xviii) between $104,000 per annum and $109,199 per annum;
(xix) between $109,200 per annum and $114,399 per annum;
(xx) between $114,400 per annum and $119,599 per annum;
(xxi) between $119,600 per annum and $124,799 per annum;
(xxii) between $124,800 per annum and $129,999 per annum;
(xxiii) between $130,000 per annum and $135,199 per annum;
(xxiv) between $135,200 per annum and $140,399 per annum and
(xxv) greater than $140,400 per annum;

(g) how many full-time staff earn an equivalent full-time annual salary of -

(i) less than $20,800 per annum;
(ii) between $20,800 per annum and $25,999 per annum;
(iii) between $26,000 per annum and $31,199 per annum;
(iv) between $31,200 per annum and $36,399 per annum;
(v) between $36,400 per annum and $41,599 per annum;
(vi) between $41,600 per annum and $46,799 per annum;
(vii) between $46,800 per annum and $51,999 per annum;
(viii) between $52,000 per annum and $57,199 per annum;
(ix) between $57,200 per annum and $ 62,399 per annum;
(x) between $62,400 per annum and $ 67,599 per annum;
(xi) between $67,600 per annum and $72,799 per annum;
(xii) between $72,800 per annum and $77,999 per annum;
(xiii) between $78,000 per annum and $83,199 per annum;
(xiv) between $83,200 per annum and $88,399 per annum;
(xv) between $88,400 per annum and $93,599 per annum;

(xvi) between $93,600 per annum and $98,799 per annum;
(xvii) between $98,800 per annum and $103,999 per annum;
(xviii) between $104,000 per annum and $109,199 per annum;
(xix) between $109,200 per annum and $114,399 per annum;
(xx) between $114,400 per annum and $119,599 per annum;
(xxi) between $119,600 per annum and $124,799 per annum;
(xxii) between $124,800 per annum and $129,999 per annum;
(xxiii) between $130,000 per annum and $135,199 per annum;
(xxiv) between $135,200 per annum and $140,399 per annum and
(xxv) greater than $140,400 per annum;

(h) How many part-time staff earn an equivalent full-time annual salary of:

(i) less than $20,800 per annum;
(ii) between $20,800 per annum and $25,999 per annum;
(iii) between $26,000 per annum and $31,199 per annum;
(iv) between $31,200 per annum and $36,399 per annum;
(v) between $36,400 per annum and $41,599 per annum;
(vi) between $41,600 per annum and $46,799 per annum;
(vii) between $46,800 per annum and $51,999 per annum;
(viii) between $52,000 per annum and $57,199 per annum;
(ix) between $57,200 per annum and $ 62,399 per annum;
(x) between $62,400 per annum and $ 67,599 per annum;
(xi) between $67,600 per annum and $72,799 per annum;
(xii) between $72,800 per annum and $77,999 per annum;
(xiii) between $78,000 per annum and $83,199 per annum;
(xiv) between $83,200 per annum and $88,399 per annum;
(xv) between $88,400 per annum and $93,599 per annum;
(xvi) between $93,600 per annum and $98,799 per annum;
(xvii) between $98,800 per annum and $103,999 per annum;
(xviii) between $104,000 per annum and $109,199 per annum;
(xix) between $109,200 per annum and $114,399 per annum;
(xx) between $114,400 per annum and $119,599 per annum;
(xxi) between $119,600 per annum and $124,799 per annum;
(xxii) between $124,800 per annum and $129,999 per annum;
(xxiii) between $130,000 per annum and $135,199 per annum;
(xxiv) between $135,200 per annum and $140,399 per annum and
(xxv) greater than $140,400 per annum?

Mr BROWN replied:

Given the level of detail sought by the question, I would be happy to supply an answer to any specific enquiry the Member may wish to request.

MINISTERS OF THE CROWN, OFFICERS ATTENDING CORPORATE EXECUTIVE MEETINGS

279. Hon C L Edwardes to the Premier; Minister for Public Sector Management; Federal Affairs; Science; Citizenship and Multicultural Interests

I refer the Premier to page 6-5 of the Report of the Royal Commission into Commercial Activities of Government and other Matters 1992 (Part 11) which said under the heading The Public Service - "The Public Service was affected adversely by actions taken into the period which we have inquired. Ministerial staff dealt with officials in matters relating to programme management in ways which affected the organisational integrity of departments", and ask -

(a) will the Premier advise if the Premier's Chief of Staff, Policy Officers or Ministerial Officers attend Corporate Executive, Planning or Management meetings on a random or regular basis of those organisations within their portfolio;

(b) if so, which officers have attended;

(c) what are the names of the officers that have attended; and

(d) on how many occasions have they attended?

Dr GALLOP replied:

(a)-(d) In reference to the quotation from the Report of the Royal Commission into Commercial Activities of Government and Other Matters (Part II), it is noted that the Royal Commission recommended inter alia

'the matter in which ministerial staff are to deal with the officers of departments and agencies, other than with the chief executive officer, be made the subject of clear and explicit procedures'.

This recommendation was subsequently incorporated in the Public Sector Management Act 1994 with section 74 of the Act specifically requiring each Minister to:

> 'make arrangements in writing in relation to each department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that department or organisation'.

In accordance with this provision I have such arrangements in place with the organisations within my portfolio/s.

MINISTERS OF THE CROWN, OFFICERS ATTENDING CORPORATE EXECUTIVE MEETINGS

283. Hon C L Edwardes to the Minister for Education; Sport and Recreation; Indigenous Affairs

I refer the Minister to page 6-5 of the Report of the Royal Commission into Commercial Activities of Government and other Matters 1992 (Part 11) which said under the heading The Public Service - "The Public Service was affected adversely by actions taken into the period which we have inquired. Ministerial staff dealt with officials in matters relating to programme management in ways which affected the organisational integrity of departments", and ask -

(a) will the Minister advise if the Minister's Chief of Staff, Policy Officers or Ministerial Officers attend Corporate Executive, Planning or Management meetings on a random or regular basis of those organisations within their portfolio;

(b) if so, which officers have attended;

(c) what are the names of the officers that have attended; and

(d) on how many occasions have they attended?

Mr CARPENTER replied:

(a)-(d) In reference to the quotation from the Report of the Royal Commission into Commercial Activities of Government and Other Matters (Part II), it is noted that the Royal Commission recommended inter alia 'the matter in which ministerial staff are to deal with the officers of departments and agencies, other than with the chief executive officer, be made the subject of clear and explicit procedures'.

This recommendation was subsequently incorporated in the Public Sector Management Act 1994 with section 74 of the Act specifically requiring each Minister to:

> 'make arrangements in writing in relation to each department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that department or organisation'.

In accordance with this provision I have such arrangements in place with the organisations within my portfolio/s.

MINISTERS OF THE CROWN, OFFICERS ATTENDING CORPORATE EXECUTIVE MEETINGS

285. Hon C L Edwardes to the Minister for Labour Relations; Consumer Affairs; Employment and Training

I refer the Minister to page 6-5 of the Report of the Royal Commission into Commercial Activities of Government and other Matters 1992 (Part 11) which said under the heading The Public Service - "The Public Service was affected adversely by actions taken into the period which we have inquired. Ministerial staff dealt with officials in matters relating to programme management in ways which affected the organisational integrity of departments", and ask -

(a) will the Minister advise if the Minister's Chief of Staff, Policy Officers or Ministerial Officers attend Corporate Executive, Planning or Management meetings on a random or regular basis of those organisations within their portfolio;

(b) if so, which officers have attended;

(c) what are the names of the officers that have attended; and

(d) on how many occasions have they attended?

Mr KOBELKE replied:

(a)-(d) In reference to the quotation from the Report of the Royal Commission into Commercial Activities of Government and Other Matters (Part II), it is noted that the Royal Commission recommended inter alia 'the matter in which ministerial staff are to deal with the officers of departments and agencies, other than with the chief executive officer, be made the subject of clear and explicit procedures'.

This recommendation was subsequently incorporated in the Public Sector Management Act 1994 with section 74 of the Act specifically requiring each Minister to:

> 'make arrangements in writing in relation to each department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that department or organisation'.

In accordance with this provision I have such arrangements in place with the organisations within my portfolio/s.

MINISTERS OF THE CROWN, OFFICERS ATTENDING CORPORATE EXECUTIVE MEETINGS

290. Hon C L Edwardes to the Minister representing the Minister for Racing and Gaming; Minister assisting the Treasurer

I refer the Minister to page 6-5 of the Report of the Royal Commission into Commercial Activities of Government and other Matters 1992 (Part 11) which said under the heading The Public Service - "The Public Service was affected adversely by actions taken into the period which we have inquired. Ministerial staff dealt with officials in matters relating to programme management in ways which affected the organisational integrity of departments", and ask -

(a) will the Minister advise if the Minister's Chief of Staff, Policy Officers or Ministerial Officers attend Corporate Executive, Planning or Management meetings on a random or regular basis of those organisations within their portfolio;

(b) if so, which officers have attended;

(c) what are the names of the officers that have attended; and

(d) on how many occasions have they attended?

Mr RIPPER replied:

(a)-(d) In reference to the quotation from the Report of the Royal Commission into Commercial Activities of Government and Other Matters (Part II), it is noted that the Royal Commission recommended inter alia 'the matter in which ministerial staff are to deal with the officers of departments and agencies, other than with the chief executive officer, be made the subject of clear and explicit procedures'.

This recommendation was subsequently incorporated in the Public Sector Management Act 1994 with section 74 of the Act specifically requiring each Minister to:

> 'make arrangements in writing in relation to each department or organisation for which the Minister of the Crown is responsible setting out the manner in which, and the circumstances in which, dealings are to be had, and communications are to be made, between ministerial officers assisting the Minister of the Crown and the employees in that department or organisation'.

In accordance with this provision I have such arrangements in place with the organisations within my portfolio/s.

DISABILITY SERVICES, NUMBER OF DISABLED PEOPLE

396. Dr Constable to the Minister for Disability Services

(1) How many individuals with an intellectual disability live in WA?

(2) How many individuals with a physical disability live in WA?

(3) How many individuals with some degree of both a physical and intellectual disability live in WA?

(4) How many of the individuals in (3) have a core activity restriction pertaining to -

(a) Communication only;

(b) mobility only;

(c) personal care only;

(d) communication and mobility;

(e) communication and personal care;

(f) personal care and mobility; and

(g) communication, mobility and personal care?

Ms McHALE replied:

(1)-(3) Figures according to Australian Bureau of Statistics (ABS) (Table 21, Disability, Ageing and Carers, Summary Tables, Western Australia 1998)

(1) 11,800 people have an 'intellectual disorder' as a main disabling condition; 48,151 have an intellectual impairment (difficulty learning or understanding)

(2) 296,500

(3) 355,500

(4) (a)-(f) figures according to ABS Needing assistance Table 7 – Disability, Ageing and Carers, Summary Tables – Western Australia 1998. The Australian Bureau of Statistics (ABS) only reports on the category of the core activity restriction when help or supervision is required with one of the tasks comprising that core activity. Therefore data is only available for persons with profound or severe core activity restriction.

(a) 14,100

(b) 61,900

(c) 46,500

(d) 14,100 + 61,900

(e) 14,100 + 46,500

(f) 46,500 + 61,900

(g) 272,900 Disability Status Table 1 – Disability, Ageing and Carers, Summary Tables – Western Australia 1998.

DISABILITY SERVICES, WAITING LISTS FOR PROGRAMS

397. Dr Constable to the Minister for Disability Services

(1) How many individuals with an intellectual disability are on the Disability Services Commission's applicant waiting lists for -

(a) the Accommodation Support Programme;

(b) the Community Support Accommodation;

(c) the Post School Options Programme;

(d) the Alternatives to Employment Programme;

(e) the Individual Development Programme; and

(f) respite services?

(2) How many applicants with a physical disability are on the Disability Services Commission's applicant waiting lists for -

(a) the Accommodation Support Programme;

(b) the Community Support Accommodation;

(c) the Post School Options Programme;

(d) the Alternatives to Employment Programme;

(e) the Individual Development Programme; and

(f) respite services?

(3) What is the average amount of time that an applicant spends on the waiting list for -

(a) the Accommodation Support Programme;

(b) the Community Support Accommodation;

(c) the Post School Options Programme;

(d) the Alternatives to Employment Programme;

(e) the Individual Development Programme; and

(f) respite services?

Ms McHALE replied:

The Disability Services Commission does not keep 'waiting lists' of applicants for any of the funding streams specified including the Post School Options Programme.

Funding for the Accommodation Support, Community Support and Alternatives to Employment Programmes is allocated according to demonstrated need at the time of the funding rounds, which occur quarterly. Need is determined by an Independent Panel comprised of Government, non-government and consumer representatives. Individuals who do not receive funding from a round may re-apply, particularly if their circumstances change. This has the advantage of guaranteeing that funding is always allocated based upon up-to-date information.

Applications for funding from the Post School Options Programme are considered annually through a separate process.

Similarly, the Individual Development Programme allocates funding for services on an annual basis. The exception is Autism Early Intervention funding which approves eligible applications as they are received.

Waiting lists are not regarded as a valid strategy for achieving the aims of the Disability Service Commission's funding programs because they build the expectation that individuals on the list will be funded in the order in which they apply, whereas funding is actually allocated according to need.

DISABILITY SERVICES, NUMBER OF CARERS

399. Dr Constable to the Minister for Disability Services

(1) According to the Disability Services Commission, how may carers of people with disabilities live in WA?

(2) Of the carers in (1), how many are full-time carers?

(3) Of the carers in (1), how many are part-time carers?

(4) How many of the carers in (1) report a need for respite care services?

(5) Of the carers in (4) who report a need for respite services, how many have their needs -

(a) fully met; or
(b) partially met?

(6) How many people who report a need for respite care services receive no respite services at all?

(7) What types of respite care services do the carers in (5) receive?

Ms McHALE replied:

(1)-(3) figures according to Australian Bureau of Statistics (ABS) (Table 21, Disability, Ageing and Carers, Summary Tables, Western Australia 1998)

(1) 199,600

(2) 35,300

(3) 164,300

(4)-(6) figures according to ABS (Table 21, Caring in the Community, Western Australia – unpublished data)

(4) 7,406

(5) (a) 2,420
(b) 431

(6) 4,554 + there are 27,481 people who have no need for respite

(7) While we cannot link ABS data with our own funded and provided services, carers in WA receive a range of respite care services including:

- in-home respite where the carer is able to leave the family home for periods of the day.

- centre-based where the person with a disability leaves the family home to attend a respite centre for periods of the day.

- other respite services including family-based respite for children; and camps for children.

DISABILITY SERVICES, NON-GOVERNMENT ORGANISATIONS OFFERING ACCOMMODATION

400. Dr Constable to the Minister for Disability Services

(1) How many Non-Government organisations in WA offered fully-supported accommodation, funded through the Disability Services Commission, to people with disabilities in 2000/2001?

(2) What are the names of the organisations in the answer to (1) who were funded by the Disability Services Commission?

(3) In total, how many full-time accommodation places does each of these organisations provide for people with disabilities?

(4) How many of the places offered by the organisations in (1) became available to applicants on Disability Services Commission waiting lists during the course of 2000/2001?

Ms McHALE replied:

(1) 42 organisations

(2) List of funded agencies

ACTIV
Adventist Special Family
Autism Assoc
Brightwater Care Group (Inc)
Care Options
Catholic Care
Cerebral Palsy Association
City of Canning
City of Cockburn
Derbarl Yerrigan Health Service Incorporated
Fremantle Youth
Gosnells/Armadale Community Living Association
Health Department
Hills Community Support Group
Landsdale Family Support Association
Mandurah HACC
Midway
Mofflyn
Multicare
Multiple Sclerosis Society
My Place
Nasha
Nulsen Haven
Outcare
Outline
Paraquad
Peel Community Living Association
People Actively Committed Together
Perth Homecare
Phylos
Richmond Fellowship
Rocky Bay
RWAIB
Silver Chain
Transition & Integration Services
WA Baptist Homes
WA Blue Sky
WA Deaf Society
WA Foundation for Deaf Children
Westcare

Western Swan Community Living Association

(3) Total number = 856 (non-government)

Total number = 1442 (government and non-government)

(4) The Disability Services Commission does not keep waiting lists. Eight vacancies became available in 2000/2001 to individuals identified through the Combined Application Process as in "immediate need".

GOVERNMENT DEPARTMENTS AND AGENCIES, ANNUAL REPORTS, COST

494. Hon C L Edwardes to the Minister representing the Minister for Racing and Gaming; Minister assisting the Treasurer

What cost was incurred by each department or agency within the Minister's portfolio in –

(a) producing; and
(b) distributing,

their annual report for the financial year 1999 – 2000?

Mr RIPPER replied:

INSURANCE COMMISSION OF WESTERN AUSTRALIA

(a) 1999 $32,960
2000 $26,135

(b) 1999 Nil
2000 Nil

STATE REVENUE DEPARTMENT

(A) 1999 $4,504
2000 $5,765

(B) 1999 $80.00 (estimated)
2000 $90.00 (estimated)

GOVERNMENT EMPLOYEES SUPER COMMISSION

a) GESB Annual Report 1999/2000

Preparation and design	$34,765
Printing	$17,251
TOTAL	$52,016

b) Distribution cost estimate $634

VALUER GENERALS OFFICE

(a) $16,830

(b) 376.00

LOTTERIES COMMISSION

(a) Cost incurred producing the Annual Report

Artwork and Design	$13,958.00
Printing	$16,109.50

(b) Cost incurred distributing the Annual Report

Standard postage estimated between $200.00 - $300.00

RACING AND GAMING

(a) producing

Office of Racing, Gaming and Liquor	$4,736 (incl GST)
Gaming Commission of WA	$3,045 (incl GST)
Racing Penalties Appeal Tribunal	$2,636 (incl GST)
Racecourse Development Trust	$2,795 (incl GST)

Betting Control Board	$2,808 (incl GST)

(b) distributing

Those reports that were distributed as hard copies were forwarded by Australia Post, and the approximate costs were as follows:

Office of Racing, Gaming and Liquor	$73.14
Gaming Commission of WA	$19.32
Racing Penalties Appeal Tribunal	$38.64
Racecourse Development Trust	$96.60
Betting Control Board	$73.14

The reports for the above agencies were also made available via the Office website.

MT BARKER TURF CLUB, RACING SCHEDULE

675. Hon M G House to the Minister representing the Minister for Racing and Gaming

With reference to the answer to question on notice No. 408 and given the Minister's support for the Mount Barker Turf Club's efforts to secure eight scheduled races this racing season, what is the Minister actually doing to make sure this occurs?

Mr RIPPER replied:

The operation of the Racing Restrictions Act 1917 means that the licensing of racing clubs and the allocation of race dates is a matter for the Western Australian Turf Club not the Minister for Racing and Gaming

However, my support for the proposed races is a matter of public record. The Hon Member is invited to place on the public record his support or otherwise.

_____