

Legislative Council

Thursday, 16 May 2002

THE PRESIDENT (Hon J.A. Cowdell) took the Chair at 10.00 am, and read prayers.

HOUSE MANAGEMENT COMMITTEE

Statement by Leader of the House

HON KIM CHANCE (Agricultural - Leader of the House) [10.01 am]: This is not a formal ministerial statement, but I wanted to inform the House that on the adjournment tonight I will be advising that there will be a meeting of the House management committee. The purpose of the House management committee meeting is very simple; that is, to discuss a proposed minor alteration to the estimates committee hearing times. I will briefly outline the proposed changes of which I will be advising the House management committee.

Essentially, the principal change is to move forward about a quarter of an hour in the morning the session for local government and regional development, and then to move the regional development commissions session from the afternoon to the morning, so that it will immediately follow the session on local government and regional development. I will be proposing those changes to the House management committee to accommodate Hon Tom Stephens' need to fly to the eastern States to attend a ministerial council meeting. Hon Tom Stephens does not leave until just after midday, I think, so it will be possible for him to attend those sessions to represent his portfolios.

Hon Norman Moore: It is good to see that he has his priorities right.

Hon KIM CHANCE: I thank the Leader of the Opposition for saying that. I recognise that.

The other changes to the formal agenda will simply be that the two sessions for which Hon Tom Stephens would have been present, which include the Department of Conservation and Land Management and the Department of Environment, Water and Catchment Protection, will be conducted by the Parliamentary Secretary to the Minister for State Development.

PUBLIC HEALTH SYSTEM, GOVERNMENT'S PRE-ELECTION CLAIMS

Motion

Resumed from 15 May on the following motion moved by Hon Simon O'Brien -

That this House recalls the Labor Party's pre-election claims that it "understood the public health system" and "would fix the health system" and calls on the Government to explain -

- (a) why the State's health system is under more pressure now than it was in February 2001, especially in relation to staffing;
- (b) why it has cut back rural health services;
- (c) why the Minister for Health will not support an MRI scanner for the southern metropolitan area;
- (d) the failure to obtain a PET scanner;
- (e) why it has halved funding for the Central Wait List Bureau;
- (f) why it has sacked country hospital boards;
- (g) the inadequacy of emergency services to outer suburban areas; and
- (h) the inadequacy of funding for health services generally.

HON PETER FOSS (East Metropolitan) [10.07 am]: Members might wonder why I particularly mentioned aged care facilities in a debate on health. The reason I did so is that that is the Government's solution. It is not my idea of the solution. One would think that Hon Ljiljanna Ravlich would have referred to the Labor Party policy. I will read out the Labor Party's solution to the situation in health.

Point of Order

Hon JOHN FISCHER: Has there been a change in the program? I thought Bills for introduction would have been called on now.

The PRESIDENT: Bills for introduction can be taken at any time. My understanding is that motions take precedence, but the call can certainly be given to the member as soon as motions, the first item of orders of the day, are finished.

Debate Resumed

Hon PETER FOSS: This is the solution; this is the touchstone. Page 4 of the Labor Party policy states -

To meet these goals, over the four years of a Gallop Labor Government, Labor will:

- increase recurrent funding for the public hospital system by \$179 million in addition to the provision made in the current forward estimates.

It will add that. It continues -

This additional \$179 million will go towards:

- improving patient care in public hospitals, particularly emergency and other acute services;
- tackling waiting lists and waiting times for patients with urgent and semi-urgent needs;
- providing extra funding towards a comprehensive salary and professional development package for nurses;
- better after hospital care; and
- implementing a strategy to place patients waiting for nursing-home placement into more appropriate care.

That is Labor's solution. It is not my solution or my idea. They are Labor's major points. This was emphasised in that press release I read out yesterday, headed "Labor - \$24 Million to Ease Hospital Bed Crisis and Fund New Aged Care Facilities". As I said, I asked about that. This was all to be done in the first three months. In the main, what has been done was done by the previous Government anyway. Government members cannot even believe their own policies. The press release states -

Labor will set-up a working party - to include Health Department officials and aged care industry stakeholders - to establish guidelines and address issues relating to standards of care, staffing, funding and accountability requirements for the interim aged care facilities.

The Government said that it would set up a working party within three months. I asked a question in December last year about the number of beds that were available. The answer was that there were 82, not 42. Those beds were mainly provided by the previous Government. I asked another really interesting question in December. Question without notice 961 states -

- (1) Has the Government established a working party on issues associated with interim aged care facilities?

The answer to my question, which concerned one of the primary things that Labor was going to do -

Hon Ljiljana Ravlich: When did you ask that question?

Hon PETER FOSS: In December. The Labor Party had been in government for quite a long time - longer than the three months that it said it would take to solve the problem of aged care.

Hon Ljiljana Ravlich: No-one said that we were going to solve the problem of aged care.

Hon PETER FOSS: We were told that the Government was going to do that within three months.

The PRESIDENT: Order! The parliamentary secretary will come to order. There will be no further interruptions to the debate.

Hon PETER FOSS: It is clear that not only did the Labor Party not mean anything that it said - all it wanted was to be in government - but also, as soon as it got into government, it forgot what it had said in its policy and press releases. The Parliamentary Secretary to the Minister for Health does not even know what has been said. I thought that she would at least find out so that she could apologise for it.

The PRESIDENT: Order! Hon Peter Foss, we can all hear you without you having to yell.

Hon PETER FOSS: I was anticipating more noise from the parliamentary secretary. Thank you, Mr President. I obviously do not need to shout any more.

Members should keep in mind this point from the press release, which states -

Dr Gallop said that Labor's first priority was to fix the hospital crisis but he would be seeking commonwealth funds for this initiative as aged care was a Federal responsibility.

That was the Government's first priority. I would not have thought that it would be all that difficult to set up a working group. I do not think that too many excuses would have been needed for the creation of such a working party. I asked in December whether the Government had set up that working party and was told that it had not. In his answer, Hon Kim Chance stated -

However, the formation of an aged care sector industry council will be announced early in the new year.

That was not the working party that was promised. The Government said that it would announce something in the new year. His answer continued -

One of its tasks will be to consider issues associated with interim aged care facilities.

The Government made a wonderful promise to the people of Western Australia. However, the parliamentary secretary is not even aware of that promise. All she need do is read the policy; it is only 14 and a quarter pages long. She should have been able to manage that after so many months. She could have read less than a page a month in order to manage that. If she had read that policy, she might have known what it provided. She could have read the press releases. I told her about the press release yesterday. A diligent parliamentary secretary would have gone straight back to her office and asked, "How did I miss that one? Why was I so foolish as to stand in the Parliament without knowing one of the important planks of health policy? I looked like an idiot!"

Hon Ljiljanna Ravlich: I know that I don't look like an idiot.

Hon PETER FOSS: To be in Parliament for more than 14 months and not know what is in the Government's policy or its press releases is to be abysmally shown up as someone who has been doing nothing for that period. No wonder she must shout to cover up her embarrassment. The moaner knows only one thing; the moaner knows only how to criticise. She is incapable of doing something positive. No wonder our health system has got worse and not better! This wonderful undertaking to set up a working party could have been given to the parliamentary secretary to carry out. She could have done that. It would have given her something to do, so that she could look like she was performing some useful function. Did she stand up yesterday and announce that the Government had set up an aged care council? I have not yet been able to find any such announcement. I am not saying that it does not exist; however, it certainly has not been trumpeted as the Government carrying out its first priority. This was the first priority of the Government. It is so much in its mind that it has not even told us about it.

Hon Ljiljanna Ravlich: What are you on about?

Hon PETER FOSS: The fact that government members are a useless mob who should never have been in government. All that its members know how to do is moan and criticise. While I am on the topic of moaning and criticising, I should deal with another thing that gets up this parliamentary secretary's nose. She hates the private sector. She hates anything being done by the private sector that she thinks should be done by government. I would love to hear the conversations between her and the Treasurer when it comes to questions of lovely little partnerships. They got this idea from Tony Blair. It is a partnership between the private sector and government but under another, more socialist-sounding name. I would love to hear the private conversations of Hon Ljiljanna Ravlich and the Treasurer on that point.

One thing the parliamentary secretary really did not like was the Joondalup Health Campus. She loathed the Joondalup Health Campus. Much of the crisis in health has been created by the Labor Party's union members' stirring in hospitals. The Joondalup Health Campus has been constantly criticised by the honourable member. The fascinating thing is that Joondalup Health Campus has been successful. There used to be an 84-bed hospital at Wanneroo. We now have a new, modern and excellent 335-bed hospital. Seventy of those beds are private beds. There is a contract-guaranteed minimum level of service. What is really interesting is that in 1998, Joondalup Hospital introduced a higher acuity level intensive care coronary unit, which has been delivering services comparable with but much cheaper than the teaching hospitals. Tertiary care is incredibly expensive. This has alleviated pressure on the major teaching hospitals. That can be seen in the number of people who have been transferred in a critical condition to the Joondalup Health Campus from Royal Perth and Sir Charles Gairdner Hospitals. That has taken a lot of pressure off emergency departments in the teaching hospitals. A summary of the Auditor General's report on the Joondalup Health Campus contract states -

Emergency services were double the indicative levels originally negotiated and in 1998/99, there were 3,000 more emergency attendances than planned for Joondalup.

The hospital has been a great success. People have been voting with their feet. The summary further states -

An analysis showed that the number of emergency patients from the Joondalup region fronting up to emergency at Sir Charles Gairdner Hospital fell by 30.5% between 1996/97 and 1998/99.

In 1998/99, 1728 babies were born in the Joondalup Hospital, making it second only to King Edward for the number of deliveries.

Joondalup Hospital's expansion of services included the capacity to carry out procedures such as hip replacements that were previously only done at teaching hospitals.

It is going well. This little lot was appointed to government after having smeared Joondalup Health Campus for years. It will come as no surprise to members that one of the loudest voices was the moaner herself. She headed up a committee to review the contracting arrangement of the Joondalup and Peel hospitals. To show how diligent this member is, I will further quote from the summary, which states -

... her committee was able to give the Health Minister a verbal report and written recommendations but no report was prepared.

The parliamentary secretary was in charge of the committee. She had nothing else to do; she is not a minister. All she need do to keep busy is be a parliamentary secretary. The Government gave her a job. All she could come up with was a verbal report. To put it mildly, it looks slack that she was able to come up with only a verbal report and written recommendations. This following point is interesting. The summary continues -

On the basis of the verbal briefing, the Health Minister made a statement in which he said: -

Points of Order

Hon DERRICK TOMLINSON: I am having difficulty hearing over the interjections on the other side of the House.

Hon PETER FOSS: I am having trouble talking.

The PRESIDENT: We thank Hon Derrick Tomlinson for his contribution.

Debate Resumed

Hon PETER FOSS: Mr President, I am having trouble talking.

Hon N.D. Griffiths: Hon Derrick Tomlinson is the only member who does not recognise the fact that Hon Peter Foss is shouting.

Hon PETER FOSS: Mr President, I will have to raise my voice again because I am getting a lot of interjections, even from ministers, who should know better. The minister's statement continues -

For example -

Hon N.D. Griffiths interjected.

Hon PETER FOSS: I am sorry, Mr President, but I am having problems.

Hon N.D. Griffiths: You are; you can't sustain an argument.

Hon PETER FOSS: This is the third time I have tried to read this sentence and I have been interrupted every time by the minister. The statement continues -

For example, the State cannot direct the operator to conform to government policies or ethical standards in the provision of public hospital services, despite the fact that the State is paying for the services, and is ultimately accountable for them.

The minister repeated that same line about ethical standards in the media. That was clearly intended to continue the smear and slur on private operators that Hon Ljiljanna Ravlich has always been on about. The Government was trying to undermine confidence in private operators. Hon Norman Moore asked the minister to table all the briefings on the performance of the Joondalup and Peel Health Campuses. The answer he got reads -

The tabling of any information of this nature is inconsistent with the treatment of Ministerial briefing material under Freedom of Information legislation.

The Government would not tell us what its material was because it would not look too good for its smear campaign. Hon Norman Moore then asked the parliamentary secretary representing the Minister for Health in this House -

Does the minister have any evidence to indicate that the ethical standards of staff at Peel and Joondalup Hospitals are lower than the standards at public hospitals . . .

The answer was no. Why then was that line included in the statement by the minister and why does the Government continue to undermine private operators? The reason is that all Government members can do is smear. They are not capable of even the most simple thing.

Hon Ljiljanna Ravlich interjected.

Hon PETER FOSS: Hon Ljiljanna Ravlich should write something for a change because she is obviously incapable of writing; she should practise it.

Hon Ljiljanna Ravlich: Calm down.

Hon PETER FOSS: Her mouth is running away with her because that is all she can do. If she as a parliamentary secretary cannot even give a written report to a minister, she is either bone lazy or illiterate.

Hon Alan Cadby: Or both.

Hon PETER FOSS: Yes, she is a bone lazy illiterate.

Probably the best example of how this Government does not do anything is the magnetic resonance imaging issue. We received a leak today that an MRI will now be bought. However, the fascinating aspect about this issue is that when we were in government we put some money in the budget for an MRI. It was actually for the Fremantle Hospital but at any time it could have been moved across into the Princess Margaret Hospital for Children. If that was so important did the Government do it? The money was in the budget to be expended; it was not tied to getting a licence from the federal

Government. It could have been done. If Sergeant Bob was concerned in the slightest amount for the children of this State, he could have done it immediately.

Point of Order

Hon LJILJANNA RAVLICH: Mr President, this is about the fourth time that the honourable member has referred to the right honourable Bob Kucera, the Minister for Health, as Sergeant Bob. He is not known as Sergeant Bob; he is known as either the Minister for Health or the right honourable Bob Kucera.

Hon Peter Foss: It is honourable; there is no right honourable.

Hon LJILJANNA RAVLICH: Hon Bob Kucera, Minister for Health. I ask that the member refer to him as such. I will cop the mud but I will not cop Bob -

The PRESIDENT: Order! There is no debate about what the parliamentary secretary will or will not cop. However, Hon Peter Foss would know that he should correctly refer to honourable members - not right honourable members - of the other Chamber.

Hon PETER FOSS: Thank you, Mr President; I accept that.

Debate Resumed

Hon PETER FOSS: I hope now that Hon Ljiljanna Ravlich has had an opportunity to make a speech she will stop interrupting mine.

I want to deal with this matter because the minister could have provided in the budget for an MRI machine to go to PMH. The money was in the budget for one and it could have been spent more than a year ago. The federal Government issued an interesting press release in March this year that sets out the truth of the matter. There has not been much truth in this MRI scandal. The press release states -

The Federal Government offered Western Australia \$500,000 to help with the installation of MRI services at the Princess Margaret Hospital. The Federal Minister for Health wrote to State Health Minister, Bob Kucera, with the offer.

This is the \$500 000 to help run the MRI service. The press release continues -

“I wish to propose a way forward -

Hon Ljiljanna Ravlich interjected.

Hon PETER FOSS: Will you shut up!

Hon Ljiljanna Ravlich: Don't get nasty.

Hon PETER FOSS: Just shut up! I have a few minutes left. I am trying to read something out and the member has said more words in this debate than I have, so she should just shut up!

Hon Ljiljanna Ravlich: That is very unfair because you never stop interjecting on me and I handle it; you don't.

The PRESIDENT: Order! Hon Peter Foss has a point. I would not have put it in those terms but the sentiment is the same.

Hon PETER FOSS: Thank you, Mr President. The press release continues -

“I wish to propose a way forward for a MRI for the Princess Margaret Hospital,” she said. “The Commonwealth Government offers \$500,000 towards the cost of locating a MRI unit at this site to assist the State in providing care to the children in WA.”

Senator Patterson made the offer to the State Government after the expert, independent body, the MRI Monitoring and Evaluation Group (MEG), -

That is an expert group -

noted that WA was not disadvantaged in the provision of MRI services to children in the State compared to all Australian children.

That indicates the nonsense that has come from the State minister. The press release continues -

The expert body advised Senator Patterson that children aged less than 14 years in WA received scans paid for by Medicare at a rate of almost 10 per cent higher than the national average.

However, the expert group agreed to conduct a further study to examine whether children were disadvantaged by the absence of Medicare eligible machines in all specialist children's hospitals in Australia.

Senator Patterson said, “I am concerned about the children of WA, as are the Liberal Western Australian Senators and Members and the Western Australian Opposition Health Minister, with whom I have had discussions. This Government takes its responsibility seriously.

“I have therefore written to Mr Kucera today and offered a grant of \$500,000 to the WA government. This will assist in the cost of installing a machine at PMH to address the needs of children requiring scans as inpatients.

“However, as there is clearly no need for enhanced access to Medicare-funded scans . . .

This relates to in-hospital scans, not Medicare-funded scans. Members should keep in mind that in-hospital scans are paid for by the State Government anyway. Therefore, the minister was talking nonsense; the Medicare funding is not for in-hospital scans but for people who go for a scan as outpatients. The minister is talking about an absolute myth. More Medicare-assisted scans occur in Western Australia than anywhere else in Australia and the State Government pays for the in-hospital ones anyway. This indicates the nonsense from the minister. The press release continues -

“Should Mr Kucera believe that Medicare eligibility for a machine located at PMH is a priority within the State health system, I am happy to facilitate a transfer of Medicare eligibility for another machine in WA.”

Members may wonder whether that will happen. The press release continues -

Senator Patterson said the Federal Government had supported the Northern Territory to enable it to transfer a privately-owned machine to its hospital.

Has that offer been taken up? No. The minister prefers to trumpet things as opposed to doing something about them. This Government is all about press releases, not about doing anything. The press release continues -

Senator Patterson said the offer to WA mirrored the one made to the South Australian government to assist with the installation of a machine at the Adelaide Women’s and Children’s Hospital. The \$500,000 grant was made on the condition that it not seek Medicare eligibility for two years.

All that the Government needs to do is say that it will not seek Medicare eligibility for two years and the \$500 000 will pay for more than one year. The South Australian Government understands that this is a good idea; this minister cannot. The minister has had to finally accept his rhetoric about children on the hospital’s waiting list and that it is about time he spent some money on it. However, what did he manage to do? By having this argument with the federal Government since he has been in government, he has avoided having to spend the money that we put in the budget. He has cynically used the money that we put in the budget to try to prop up his promises to the public of Western Australia while blaming the Commonwealth Government when, plainly, he was wrong about the Medicare argument.

Hon Ljiljana Ravlich: You are wrong and you know it.

Hon PETER FOSS: Come on! All the time he was wrong and all he has managed to do is find himself a few more dollars to keep up the extravagant claims that have been made by this Government. Members of this Government are a cynical lot. They promise the world and issue press releases yet do nothing. The parliamentary secretary to the Minister for Health epitomises the way this Government works. She does not know her portfolio. She does not know her policy. She cannot do a job when it is assigned to her. She cannot even write things down. She can only sneer when the facts are totally against her. It is time for this Government to realise that when it is elected to govern, it must carry out its promises and do things. It is not enough for government members to just moan and criticise and think they have done their job. This Government is here to govern and make things happen. However, all that has happened since members opposite have been in government is that we have had more ambulance bypasses and longer waiting lists, both of which members opposite used to trumpet when in opposition. The parliamentary secretary is a total failure and epitomises exactly why this Government will always fail. This Government will always fail because it is incapable of doing anything and it is incapable of telling the truth. It is fascinating that members opposite seem to think like Lyndon Johnson. Lyndon Johnson had a set of notes in his pocket containing false statistics and said, “The Vietnam War is not happening; but, if it is happening, we are winning it.” The Government is not winning this task, because it is not doing anything. The Government’s statistics are false and the Government is false.

HON BARBARA SCOTT (South Metropolitan) [10.31 am]: This motion is that this House recalls the Labor Party’s pre-election claims that it “understood the public health system” and “would fix the health system” and calls on the Government to explain a number of things.

Hon N.D. Griffiths: Get rid of John Howard for a start.

Hon BARBARA SCOTT: We are talking about this State Government, which has a responsibility for health.

Several members interjected.

The PRESIDENT: Order! Members of the ministry may be leading the parliamentary secretary into bad ways if they continue with their interjections.

Hon BARBARA SCOTT: The interjections have tempted me to use a football phrase; that is, Bob Kucera seems to have been very good at flick passing to the federal Government the State’s responsibilities. I will follow up the issue that Hon Peter Foss raised.

Hon Derrick Tomlinson interjected.

The PRESIDENT: Order! Hon Derrick Tomlinson will not disrupt the member's speech.

Hon BARBARA SCOTT: Thank you, Mr President. Hon Peter Foss spoke about the magnetic resonance imaging scanner debacle in this State. The last budget of the former coalition Government allocated \$2 million from the sale of AlintaGas to purchase an MRI scanner for Fremantle Hospital. Some weeks ago I asked a question without notice about where that money was and was told it was in the Health Department's public works budget. I ask today, on the day of the budget speech: where is that \$2 million that has been allocated for the purchase of an MRI machine at Fremantle Hospital; will the State Government now purchase an MRI machine for Princess Margaret Hospital for Children; and will the Government take up the Commonwealth's offer of \$500 000 for the annual recurrent costs for an MRI machine at both Fremantle and Princess Margaret Hospitals? That will be the question on people's lips today.

Several members interjected.

The PRESIDENT: Order! Far too many people who have not received the call to contribute to this debate seem to be contributing.

Hon BARBARA SCOTT: One of the phrases in this motion is "understood the public health system". I thought that with all the glossies the Labor Party put out when in government, and with all its talk prior to the last election, it would have made sure that in trying to fix the public health system it tried to understand the needs of the public. Three weeks ago I initiated a petition in the Fremantle and Rockingham region. That petition was presented to the Parliament yesterday. That petition, which after that short time of three weeks contains almost 5 000 signatures, calls on this Government to put an MRI machine into both Fremantle and Princess Margaret Hospitals. If the Government does not think that is an example of people demanding something in an area, then it had better do its homework. If it wants to fix the health system, it should ask the people what they want to have fixed.

Hon Kim Chance: I take it that is a petition to the Commonwealth Parliament.

Hon BARBARA SCOTT: No. It is a petition to the State Parliament. It urges the state Minister for Health to purchase an MRI machine out of the \$2 million that was set aside from the sale of AlintaGas.

Hon Kim Chance: Why would you not send it to the Commonwealth?

Hon BARBARA SCOTT: Because it is not the Commonwealth's responsibility to fix the health system.

Hon Kim Chance: Are you saying that an MRI machine is not a commonwealth responsibility? Why is it that in every other State it is a commonwealth responsibility but in Western Australia it is not?

Hon BARBARA SCOTT: I will take a moment to inform the House of the ignorance of the state Labor Party in thinking that it is the Commonwealth's responsibility to purchase an MRI machine.

Hon Ljiljanna Ravlich: Not to purchase it.

Hon BARBARA SCOTT: The Leader of the House just asked me whether I realised it was the Commonwealth's responsibility to purchase an MRI machine. That is an ignorant statement.

Hon Ljiljanna Ravlich interjected.

The PRESIDENT: Order! Hon Barbara Scott will address her comments to the Chair, and other members will not address their comments anywhere.

Hon BARBARA SCOTT: Thank you, Mr President. The Leader of the House asked me whether I thought it was the Commonwealth Government's responsibility to purchase an MRI machine. Perhaps I can give him a short lesson on the health budget.

Hon Kim Chance: Are you saying the Commonwealth has no role in funding the operation of an MRI machine?

Hon BARBARA SCOTT: The Leader of the House said purchase.

The PRESIDENT: Order! Leader of the Government, we are waiting to hear a comment by the person who has the call.

Hon BARBARA SCOTT: That statement by the Leader of the House is ignorant of not only the Commonwealth's role but also of the relationship between the Commonwealth and the States in the health arena. I explain to the Leader of the House that the only part of this issue that concerns hospitals in Western Australia that is at all linked to the Commonwealth Government is the issue of a Medicare licence to operate the MRI machines.

Several members interjected.

Hon BARBARA SCOTT: I do not want to spend the short time that I have in this debate rebutting the ignorant statements made by the Leader of the House, but I inform him that it is the State's responsibility to purchase MRI machines and equip our hospitals.

Hon Kim Chance: What about the licence?

Hon BARBARA SCOTT: The Leader of the House interjected and asked whether I realised it was a commonwealth responsibility to purchase the MRI machines.

Hon Kim Chance: I asked why did your petition not go to the Commonwealth.

Hon BARBARA SCOTT: Because it is not the Commonwealth's responsibility to purchase the MRI machines.

Hon Kim Chance: But it is its responsibility to issue the licence.

Hon BARBARA SCOTT: The Leader of the House said to purchase the MRI machines.

Hon Kim Chance: I do not think I said that.

The PRESIDENT: Order! This is not question time, and it is not the committee stage of a Bill. Therefore, those members who are participating on that basis should cease, or they should regain their composure out of the Chamber.

Hon BARBARA SCOTT: The simple point I was making is that the Commonwealth's role in this matter is to provide a Medicare licence to operate the MRI machines. That is an income-earning aspect of the MRI machines. I repeat: the coalition Government allocated \$2 million from the sale of AlintaGas for the purchase of an MRI machine at Fremantle Hospital. I was told in an answer in this House that that money is sitting in the Health Department's public works budget.

Hon Kim Chance interjected.

Hon BARBARA SCOTT: They do not need a licence.

Several members interjected.

The PRESIDENT: Order! The Leader of the House and Hon Ljiljanna Ravlich are not participating in this debate.

Hon BARBARA SCOTT: I will return to my original statement. This motion states that prior to the election the Labor Party claimed to understand the public health system and stated that it would fix it. Perhaps the Labor Party ought to have asked Western Australians what they wanted fixed. People in the South Metropolitan Region wanted a magnetic resonance imaging machine at Fremantle Hospital and at Princess Margaret Hospital for Children. In two weeks, nearly 5 000 people have signed a petition urging the State Government to purchase MRI machines for Fremantle Hospital and for Princess Margaret Hospital, and, although this was not in the petition, to seek a licence later.

Hon Kim Chance: That was not in the petition?

Hon BARBARA SCOTT: No. Why would it be? The petition was directed to the State Government.

Hon Kim Chance: Who drew up the petition?

Hon BARBARA SCOTT: I did. There is nothing wrong with that.

Hon Kim Chance: You forgot to tell the people who signed the petition about the licence.

Hon BARBARA SCOTT: No, I did not. Debates previously conducted in this House should have absolved the ignorance of members opposite.

Hon Kim Chance interjected.

The PRESIDENT: Is the Leader of the House seeking the call? If so, on what basis?

Hon Kim Chance: No, I am not.

The PRESIDENT: Why is the member participating in the debate?

Hon Kim Chance: Because I thought I could help.

The PRESIDENT: Hon Barbara Scott has the call.

Hon BARBARA SCOTT: I object to the interjection by Hon Ljiljanna Ravlich that I am lying - I am not lying. I have done my homework. Obviously, Hon Ljiljanna Ravlich has not done her homework.

Magnetic resonance imaging machines can be purchased and put in place by the State Government. A licence from the federal Government is not required to operate such machines. This will allow compensation from the Commonwealth Government every time they are used. The federal Minister for Health and Ageing, Senator Kay Patterson - to whom I have written on behalf of the hospitals - has clearly stated that the Commonwealth Government would advance \$500 000 to the hospitals so that the MRI machines could operate without the hospitals being out of pocket.

Hon Ljiljanna Ravlich: You have lost the argument.

Hon BARBARA SCOTT: I have not lost the argument. It is laughable to suggest that I do not know what I am talking about. The member has made an ignorant statement.

If we want to fix the health system, we must look to not only the problems but also the people of Western Australia to determine what they perceive to be the problems.

Seven thousand children are referred to Fremantle Hospital because it is the paediatric, obstetric and gynaecological reference centre. It is also the main teaching hospital south of the river. Any children referred to Fremantle Hospital must first go to Fremantle Hospital, and, if they require an MRI scan, they have to be taken to Sir Charles Gairdner Hospital. Such technology is a good diagnostic tool.

I refer now to the renal dialysis issue at the Rockingham-Kwinana District Hospital. There are 85 000 people living in Rockingham who, for some years, have been waiting for a renal dialysis unit to be established at the Rockingham campus. The State Government has now allocated that machine to the Peel campus. That is fine for the Peel campus. Mr President, I am sure that you, in your other capacity, are pleased about that. However, in Rockingham there is a higher level of need for renal dialysis, and at the moment people have to travel from Rockingham to Fremantle Hospital for renal dialysis. My constituents have been let down. Once again, this so-called Labor electorate has been discarded.

I was hopeful that the Government would look at the issues concerning children's health in a holistic way; certainly, the Labor Party promised to do that when it came to power. However, I have been disappointed that this has not been the case. One of the programs with which I was originally linked came out in the form of the building blocks program. The report that I brought out about early intervention and assessment and early education in 1994 stated the necessity for early assessment and intervention. It also stated that instead of individually looking at child development, child health and child education, we needed to examine the whole cycle and interaction of health care and education. When talking about young children, these factors cannot be easily separated. The building blocks program, which the State coalition Government introduced, was allocated \$9 million, and it was based on a family support scheme. Child health nurses, or other professionals in that area such as child development officers and early childhood teachers, would visit families when they first brought their babies home from hospital. High-risk families were to be visited on a more regular basis. I am pleased that the Government has decided to strengthen that program, although it is changing the name to align it with its family strength program.

The answers to the questions that I have asked in Parliament over the past few days have left me puzzled, and I am left to wonder if we are not just hearing words. Will \$10 million be allocated to strengthen families? At 2.00 pm today, I will go through the budget with a fine toothcomb to see what is happening to the money that I have asked about. During questions without notice on 7 May, I asked the parliamentary secretary representing the Minister for Community Development, Women's Interests, Seniors and Youth how much money had been spent on the building blocks program - this is part of the health budget - because there must be an interagency approach when dealing with young children. I also asked what funds had been spent on the program in 2001 and 2002 -

Point of Order

Hon LJILJANNA RAVLICH: The funding of the community development program under the minister's portfolio does not bear any relevance to the motion that is being debated.

The PRESIDENT: There is no point of order.

Debate Resumed

Hon BARBARA SCOTT: The member's interjection confirms my earlier statement about her ignorance and that of the Leader of the House. Yesterday, when I asked the parliamentary secretary how much money from the budget would be spent on the building blocks program and the Government's family strength program, she stated that \$1.2 million would be spent. She further stated that -

The estimated allocation from the health budget for 2002-03 is \$1.2 million. Any questions about funds allocated by the Department for Community Development - which includes building blocks - should be addressed to the Minister for Community Development.

I had already done that the week before.

Point of Order

Hon DERRICK TOMLINSON: I would like Hansard to record that Hon Ljiljanna Ravlich has admitted that she made a mistake.

The PRESIDENT: There is, once again, no point of order.

Debate Resumed

Hon BARBARA SCOTT: This Government has been caught right out. My sums would say that, in the answer of 7 May, the total funds allocated for 2002-03 to the Department for Community Development's family strength program, which now includes building block services, is \$2.839 million. The allocation from the health budget is \$1.2 million. That makes a total of about \$4.8 million.

I have an article headed "Early life focus in \$10m family services" from *The West Australian* of 14 May. I would be the first to acknowledge, encourage and congratulate any government that funded an interagency attack on high-risk families at an early stage. I must, however, ask the Government where the rest of the money is coming from.

According to the article, the program is \$6 million short. Will the answers be given this afternoon? This Government that said it would fix the health system has been leaking these little stories. It is a good story if it is backed up by the funds. The Opposition will look for the rest of the money this afternoon, and I would be very happy if there were another \$6 million. It is certainly not coming out of the health budget or that of the Department for Community Development. If it comes out of the youth budget, well and good. This kind of early intervention is a real health issue. At a very young age our children must be vaccinated and given healthy diets, and they should be examined for speech and hearing problems. The previous Government established these things in its building blocks program, and I am very pleased that the Minister for Community Development has announced that family strength programs will be worth \$10 million over four years. I look forward to that being in the budget this afternoon.

Hon Ljiljana Ravlich: Do you agree that the Government is doing a good job, then?

Hon BARBARA SCOTT: I have not said that the Government is doing a good job. It is building on the good work that was begun by the coalition Government, which started the building blocks program, targeting the early intervention programs. The program has come out of extremely good research. As I have said a number of times in this Chamber, Western Australia is well placed to develop good policy based on sound research. On Tuesday morning I had the privilege of attending the presentation of the Fiona Stanley medal to a man who has done a lot of work on meningitis. I always come away absolutely stimulated and invigorated from any meeting with Professor Fiona Stanley. She is a state and national treasure. She has given this State a lead in child health research that no other state can boast. The coalition Government built on that research and funded policies that attempted to intervene with high-risk families at an early stage. That is not to say that normal families do not need the kind of help that the coalition Government put into the building blocks program.

Is this Government, which said it would fix the health system, adequately funding a whole range of early intervention programs in addition to the family strength program? That is just one program. I have asked about others in this House and received unsatisfactory answers. Nutrition is a health issue. How many children go to school without having a healthy breakfast, and what is the Government doing about introducing healthy foods into schools? Nutrition plays a very important role in the growth and development of young children.

Hon Ljiljana Ravlich interjected.

Hon BARBARA SCOTT: Did Hon Ljiljana Ravlich say that she sponsored an apple? I cannot concentrate and answer all of the interjections, because they all seem to be quite nonsensical.

Early assessment programs, and the early identification of problems are vitally important. A good health system should be the result of a collaborative effort by a number of agencies. I asked a question this week about the number of prescription drugs being given to young children for behavioural problems. This is a health issue, and I have asked the Government to do something about it. However, it has no intention of finding out how many schoolchildren, pre-schoolers and small babies are being given untested drugs, of which nobody knows the long-term effect. A recent report released by a paediatrician from the Melbourne Royal Children's Hospital indicated that 70 per cent of Australian paediatricians and psychiatrists were prescribing untested drugs for things like lack of sleep, fractiousness, anxiety and depression in little children and schoolchildren.

Dysfunctional and high-risk families can be identified through the building blocks program and the various agencies. In addition to nutrition and the promotion of healthy lifestyles, the issue of prescription drugs should be addressed. Many children live in families in which the relationships are not stable, and they need help. Family violence often leads to children becoming withdrawn and anxious. It is very unhealthy and inappropriate to give children pills every time there is a problem. Pill-popping can be very dangerous.

Hon Ljiljana Ravlich: As a result of the policies of the federal Liberal Government, the problem will be solved, because they will no longer be able to afford the prescriptions.

Hon BARBARA SCOTT: It is inappropriate that this Government does not address the issues.

Several members interjected.

The PRESIDENT: Order! One interjection at a time.

Hon BARBARA SCOTT: I am directing this criticism at the State Government because we have been told that, nationally, 70 per cent of psychiatrists and paediatricians are prescribing untested drugs to children of school age and younger, for illnesses such as sleeplessness, anxiety and depression which could be addressed by the very good programs I have talked about in building blocks and strengthening families. There is a problem. Fiona Stanley would say that, if we do not have the data, we cannot develop the policy. In a question in this House I asked whether the Minister for Health would try to determine how many doctors in Western Australia were prescribing drugs for these kinds of problems in children. While they may be termed as mental illnesses, many of these problems would be eradicated by a commonsense approach through advice on good parenting, early intervention and home visits for high-risk children. I was extremely disappointed. Fortunately, I have released that information into the public arena and

received local media exposure. People feel very strongly about this issue. Little children should not have to grow up in a pill-popping regime. Pill-popping is a very bad habit. The attitude that it is all right is manifested in the drug problems we have today. It is very much a health issue.

It is time this Government endeavoured to fix the health problems by listening to people's concerns. This Government has talked about being a people's Government and being close to the community and consulting. People often approach me on the basis that I have an interest in children because they are concerned about this issue. I have asked questions in the Parliament and received answers to the effect that the Government is not doing anything about it and it has no plans to do anything about children taking drugs because it is not the Government's concern. I will read the answer -

Hon Ljiljanna Ravlich: What was the question?

Hon BARBARA SCOTT: Would members like me to read the whole question? At the risk of repeating myself -

Hon Ljiljanna Ravlich: Boring us.

Hon BARBARA SCOTT: Hon Ljiljanna Ravlich might find it boring. That is a classroom attitude. She does not understand the issue so she says it is boring. I have taught in enough classrooms to know that when children put up their hands because they do not understand something, rather than admit that they do not understand it, they say it is boring.

Hon Ljiljanna Ravlich: I know that I can read it in *Hansard*; that is why I do not want to waste the time of the House.

Hon BARBARA SCOTT: At the risk of repeating myself, the question I asked on 14 May about the national survey conducted by the Royal Children's Hospital in Melbourne was -

- (1) Will the minister conduct an urgent audit of Western Australian children being given untested drugs for behaviour control?

That was after a recent survey indicated that a new generation of psychotropic drugs had joined Ritalin as an answer to behaviour disorders in children. I will not read the whole question because members have heard it. The answer from the parliamentary secretary to the Minister for Health was -

- (1) The issue of prescription drugs for the treatment of behavioural disorders in children is of great concern for the Government.

Herein lies the ignorance of the answer -

A policy on attention deficit hyperactive disorder is being finalised for release in the very near future. The issue of drug prescription will be given consideration in that policy.

Hon Ljiljanna Ravlich: This Government is taking action in this area, which is something your Government didn't do.

Hon BARBARA SCOTT: I find alarming the ignorance of the people in this House who are supposed to have responsibility for this area. My question indicated that a new generation of psychotropic drugs has joined Ritalin as a solution to behavioural disorders in children. Ritalin and dexamphetamines are tested and acknowledged by paediatricians as appropriate forms of treatment for attention deficit hyperactive disorder.

Hon Ljiljanna Ravlich: Not everyone shares your view.

Hon BARBARA SCOTT: I am pointing out to the parliamentary secretary the answer.

I asked about a range of new drugs. What did the Government tell me? It indicated that a policy for attention deficit disorder had been finalised. We know that Ritalin and dexamphetamine are the two drugs prescribed for that. They have been tested and are properly administered by paediatricians. They are not the drugs I asked about and I was not given the answer I sought. I want this Government to find out how many Western Australian doctors are prescribing untested drugs to preschool and school age children.

Hon Ljiljanna Ravlich: Why didn't you find out?

Hon BARBARA SCOTT: Hon Ljiljanna Ravlich is in government and her Government has responsibility for the matter.

Hon Ljiljanna Ravlich: You had eight years.

Hon BARBARA SCOTT: This report was released in *The Australian* only two weeks ago. Government members have probably not even read it.

Debate interrupted, pursuant to standing orders.

YOUNG OFFENDERS (MANDATORY SENTENCING) AMENDMENT BILL 2002

Introduction and First Reading

Bill introduced, on motion by Hon John Fischer, and read a first time.

Second Reading

HON JOHN FISCHER (Mining and Pastoral) [11.08 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to remove a loophole that exists within the Young Offenders Act which, when read in conjunction with section 401 of the Criminal Code, allows for a non-custodial sentence to be imposed on a juvenile who has already had three strikes for home burglary.

The intention of the Young Offenders Act was to ensure that when a young person had been convicted of three home burglaries he or she be jailed for a period of 12 months. A recent case in Broome involving a young girl has highlighted this anomaly. In order to remove the loophole that allows a non-custodial sentence, I seek to place beyond any doubt the original intent of section 401(4) of the Criminal Code that repeat offenders, without exception and regardless of their ages or circumstances, are to be sentenced to a term of imprisonment or detention. I propose that section 401(4) of the Criminal Code be amended by deleting in paragraph (b) the words "notwithstanding section 46(5a) of that Act", and that section 46(5a) of the Young Offenders Act 1994 be amended by inserting after "enactment" the words "except section 401(4)(b) of the Criminal Code".

These amendments will remove the loophole and impose the mandatory detention that was always the intention of both sides of Parliament when it was introduced in 1996. When the three strikes law was introduced on 14 November 1996, it received bipartisan support as well as widespread community support. The community had sent Parliament a strong message. Recent events have reinforced this message. The public supports mandatory detention of repeat offenders of serious crime. This Bill will stop the revolving door syndrome that has become all too common with some juvenile offenders.

Prior to 1996, older members of our community were increasingly threatened in their homes by a small number of repeat juvenile offenders who felt unthreatened by the long arm of the law. They knew that a court appearance would result in a limp tap on the wrist, which would see them back on the streets in a few hours, free to continue their crime wave unabated. The intention of the community was very clear. The community wanted young offenders who committed three home burglaries to be imprisoned. The community has not softened its attitude on this issue.

Since 1996 we have seen two things happen in Western Australia. The rate of motor vehicle theft has dropped by some 37 per cent. Western Australia now has one of the lowest rates of motor vehicle theft in Australia. Conversely, Western Australia has the dubious distinction of having the highest rate of home burglaries in Australia. The rate increased by some seven per cent in 2000 according to the University of Western Australia Crime Research Centre. Motor vehicle theft has dropped because the Government brought in mandatory car immobilisers. That initiative has been effective.

The Government also brought in mandatory detention for more than three home burglaries. However, this is where we run into difficulties. The judiciary seeks to find ways to circumvent the legislation. Children's Court President Kate O'Brien's recent decision to impose a non-custodial sentence on a Broome juvenile provoked an angry community reaction. Under the Act as it is today, she was quite within her rights to apply that penalty. The amendment I am proposing will remove the loophole and force the judiciary to apply the law as it was intended.

This weak approach to the law has not done society any favours. In the first three years after this legislation was brought in it was found that of those juveniles detained under the law only one in 12 reoffended. However, those who were given conditional release orders reoffended more often with one in three returning to the courts. Clearly, detention serves its purpose and non-custodial sentences do not. Detention removes the offender from the crime circle and stops the cycle. This is good for both the offender and society as a whole. Clearly, if this legislation is allowed to work, as it was intended, it will produce positive outcomes for both the victims and the offenders.

Non-custodial sentences are commonly not completed and fail to adequately punish the perpetrator. The Auditor General's report on "Implementing and Managing Community Based Sentences" of May 2001 clearly shows that only 45 per cent of intensive supervision orders are completed. Non-custodial sentences appear to be fairly successful for low to moderate-risk offenders, with 70 per cent completing the orders; however, they appear not to work for high-risk offenders, with only 42 per cent completing the orders.

The community is well aware of these facts; they want high-risk offenders committing serious crimes to be imprisoned. The Children's Court statistics show that 40 per cent of all crimes brought before the courts are burglary-related. Only one-quarter of children coming before the court on such charges are imprisoned. When we speed we are punished with a fine and demerit points and when we reach 12 demerit points we lose our licence. This has the effect of removing bad drivers from the roads and re-educating them on their social responsibility. Why then are we so shy about applying that logic to juveniles? If juveniles continue to commit home burglaries they should be jailed. The community wants this. This issue is not about what the judiciary wants, but about what the community wants.

We have a duty of care to young people. Part of that is to tell them that if they offend they will be punished. If they continue to offend, they will be incarcerated until they learn to behave. We have a duty of care to the community at

large, particularly the aged, to protect both their person and property. We do not want elderly citizens to cower in their homes. When a property crime is committed, the victim commonly feels violated. These people are law-abiding citizens who have a right to be protected from criminals of any age. Being under the age of 18 does not give a person the right to enter property with the intention of theft. Home burglary is a premeditated offence that must be punished.

Incarceration need not necessarily mean behind bars. In particular, regional youth offenders could be sent to rehabilitation camps. I believe these solutions would gain public and offender support. Hon Mark Nevill has previously outlined ideas for regional work camps in which offenders could be rehabilitated and also pay back the community by engaging in constructive endeavours, free from substance abuse. I believe courageous steps should be taken to overcome the current so-called political correctness and, in so doing, develop a duty of care that instils a sense of worth into habitual offenders. If we are not to completely abandon these offenders to a wasted future, we must have the will to act decisively. Bipartisan support for this Bill will send a clear message to society that Parliament will be tough on repeat offenders who commit serious crimes.

Debate adjourned, on motion by Hon Bruce Donaldson.

COMMITTEE REPORTS - CONSIDERATION

Committee

The Chairman of Committees (Hon George Cash) in the Chair.

Report of the Standing Committee on Environment and Public Affairs - Overview of Petitions and Inquiries August 2001-December 2001 - First Report

Resumed from 9 May, on the following motion by Hon Christine Sharp -

That the report be noted.

Hon CHRISTINE SHARP: I thank members for their contribution to the lengthy debate on this report.

Point of Order

Hon MURRAY CRIDDLE: I trust this does not close the debate on the report on the overview of petitions?

The CHAIRMAN: No, it does not close the debate.

Committee Resumed

Hon CHRISTINE SHARP: In offering some feedback to the many contributions that members have made on the committee report, I am speaking very much from the perspective of a member of this place.

The CHAIRMAN: Order! I have been advised that Hon Christine Sharp moved the motion that the report be noted; that was at my request some weeks ago. As she is the person who moved the motion, and if I allow her to speak now, she will close the debate. This is, however, a matter that is taken in Committee, and I think the Committee may be disposed to allowing the member to continue to speak. However, she would have to seek leave to do so and not close the debate, so that other members can still make a contribution. Obviously, that is the point that Hon Murray Criddle was alluding to because other members have indicated they wish to speak. If Hon Christine Sharp would be kind enough to seek leave to continue her remarks and that not be taken to close the debate, I think the Committee would agree to that.

Hon CHRISTINE SHARP: I seek leave to continue my remarks, and that they should not be assumed to finalise the debate on my motion.

Leave granted.

Hon CHRISTINE SHARP: As I was explaining, I am keen to comment on the many contributions to the debate on this report over the past three sitting weeks. I point out that in making those comments I am not in any sense representing the whole committee because my comments have not been discussed in the committee, although I hope that I do not say anything that would in any sense conflict with the views of the committee. These are my own views. I will be pleased to hear Hon Murray Criddle's perspective later. I have enjoyed the fact that this report has sparked a robust debate in this place on many matters. That is not surprising, of course, because, in dealing with petitions, the committee deals with many matters that are of public interest and of a controversial nature, because almost every petition that is received in the Parliament in some sense encapsulates some controversy or conflict. Therefore, it goes without saying that it sparks a lot of interest.

I will touch first of all on Hon Bruce Donaldson's remarks a couple of weeks ago. He discussed the new structure of the committees and the way in which, under the new standing order arrangements, the Standing Committee on Environment and Public Affairs, which is a seven-member committee, now deals with petitions. Moreover, our committee, for its good working, has also formulated a subcommittee that does the initial screening and administrative work on petitions. Hon Bruce Donaldson suggested that this might not be as suitable as the previous arrangement in

this Parliament, under which a smaller committee was dedicated to the consideration of petitions. That was not its exclusive workload, but it certainly constituted a significant portion of it. Hon Bruce Donaldson suggested that that worked better. I do not have strong views on the member's suggestion.

Last year the House, in its wisdom, made fairly significant changes to the structure of the standing committees. As chair of the committee in question, I must say that I believe it is functioning fairly well. It does not really make sense at this stage to completely reorganise things again. As significant changes have been made, I feel that we should allow a certain time to elapse to ascertain how the new structure is working and evaluate it in the fullness of time, rather than chop and change all the time. I suggest that we should give it another year or so, and the House should consider it later in the piece. I was not a member of the previous committee so I cannot make an intimate comparison. However, in the context of the committee's workload and the public interest it is serving, I believe that it is working well, and I am happy with the arrangements. However, I am open to any suggestion for change.

I also want to touch on Hon Ray Halligan's interesting comments last week. He was a member of that previous Standing Committee on Constitutional Affairs, which was the smaller committee to which I just referred. He spoke about some of the guidelines that the committee used in processing petitions. He asked for clarification of the guidelines for processing petitions that are now in place under the new standing committee arrangements. He also asked for clarification of the administrative matters that are dealt with at subcommittee level. There is a simple answer to that. Every petition that is tabled in this Chamber by any member of this place comes before our committee. A simple process of evaluation of the substance of the petition must take place, and some fairly streamlined responses to various matters must be given. That is the work of the subcommittee. It normally meets for half an hour or three-quarters of an hour before the main committee meeting, to save the time of the main body of the committee. However, when matters fall into important areas of discretion or deliberation that lead to a decision to finalise or inquire into a petition, that decision is made by the full body of the standing committee.

Hon Ray Halligan also discussed the fact that, under the previous arrangements, there was an understanding that the previous committee would not inquire into matters of government policy; that it would look more at the administrative matters that were raised in petitions. That committee did not seek to inquire into matters that could challenge clearly enunciated government policy. For the information of the member, I point out that the current standing committee does not have that guideline in place. That is perhaps because the current standing committee is not chaired by a member of the Government's party whereas the previous committee was. I do not think it has occurred to the new committee - it certainly has not been put to it - that it should not have any role in challenging government policy. Indeed, I believe that that is one of the main functions of the committee. Members of the public may raise with the committee a deficiency in policy. One of the main reasons for the existence of the committee is to consider whether the petition and the argument have merit with regard to policy, and to take the matter further if necessary. If we were unable to do that, we would see that as unnecessarily binding and, in a sense, defeating one of our main purposes.

Hon Ray Halligan: I advise the member that there was bipartisan support. I accept that the committee was chaired by a member of the then Government, but members of the Labor Opposition were also on that committee and they were in agreement with that stance.

Hon CHRISTINE SHARP: I thank the member for that. It may also have been a practical measure to reduce the committee's workload. The reality is that many petitions are tabled in this place, and nearly all of them are important. Even if the matter is important to only one person or one family, it is important to someone. In many cases the matter is important to many people; yet we are a small group of very busy members of Parliament, with only a small staff. Clearly, we cannot deal with all of them. Therefore, we must have some way of making sense of how we prioritise work. One of the ways that we have adopted of prioritising that workload is to avoid second-guessing the work of other government processes. For example, we may receive a petition about a matter that is the subject of assessment by the Environmental Protection Authority, and that assessment may not have been completed; or a petition may relate to a matter which the EPA has inquired into and made recommendations on but which is under appeal under the Environmental Protection Act. They are two examples of a government process that is being used to address the matters raised. We do not believe that any useful function is served by the committee second-guessing other important government functions. I hope that helps to clarify for the member the way in which the committee has prioritised its workload. There may be some changes to that as our experience in these matters grows.

Members must bear in mind that the report we are discussing deals with petitions and inquiries to the end of last year. Therefore, it is, in a sense, a bit out of date. However, we will deal only with the matters that are raised within it, as that is obviously the nature of this debate.

I will also touch on the contributions made by various members on the two inquiries that I referred to briefly in the overview. One is the inquiry into Alcoa's Wagerup refinery and the other is the Gnarabup waste water treatment plant. I thank members for their discussion of that. I point out that those two inquiries are ongoing. The committee anticipates that it will report on the Gnarabup inquiry to the House in the near future. I thank Hon Barry House for his contribution to the debate. I am sure committee members took note of his comments as he is the member who tabled the petition that initiated the inquiry.

The Wagerup refinery inquiry is going full steam ahead - perhaps that is not a good metaphor to use! The committee is taking its responsibilities on the inquiry very seriously because it is obvious to everyone that there are some serious public health matters that need addressing. I mentioned earlier about not second-guessing other work in government. In this case, the expansion of the Alcoa refinery at Wagerup was approved by the Environmental Protection Authority in 1995. The EPA is now out of the picture. It is true to say that the committee considers that it has the primary role of trying to sort out the issue and make recommendations to the Government to resolve it and make systemic comments on how regulatory mechanisms have performed in dealing with that very important issue.

The petition that has provoked the most interest in this place is that concerning live sheep exports. The committee had concerns that the cut-off date for consideration of the petition was 31 December. As such, the petition was not finalised by the committee. It has now been finalised and, in the intervening period, the committee has done more work on the issue. It has taken the initiative to provide more information on the issue. I point out to Hon Paddy Embry, who raised some concerns about it, that his colleague on the committee suggested some valuable initiatives on how the committee address the matter. Members will have to wait for the next overview to receive the official version of that.

Hon Paddy Embry: When will it be available?

Hon CHRISTINE SHARP: At the end of this calendar year.

I will say two things about live sheep exports. From the level of debate provoked in this place, it is clear that this issue raises strong and passionate feelings. That was clear during the committee's deliberations. It is not an issue that is easily resolved. However, the committee has been able to ferret out more information about how live sheep exports are conducted. We have heard the views of different stakeholders. The information has been passed on to the principal petitioner. I hope it provides an adequate response from the system.

My position and that of the Greens (WA) is reflected in the overview of the petition before the House this morning. During 2000, 54 034 sheep died while being transported on sheep carriers. I consider it to be a cruel and abhorrent practice that I would like to see discontinued. In my view, it is very challengeable whether live sheep exports are in the best economic interests of the State because it has caused such a major impact.

Hon John Fischer: Does the member have any hard information to back up her outrageous statements?

Hon CHRISTINE SHARP: Has the member listened to what I said?

Hon John Fischer: Yes; I find the member's remarks incredible.

Hon CHRISTINE SHARP: As I just explained, I am speaking for myself. The committee report contains the figure of 54 034 sheep that left Western Australia alive and which died before they reached their destination. My view is that this is a cruel practice and I do not support it. Given that many other members have put their view, I must say that I do not support this practice because of the cruelty involved. The practice could be challenged on economic grounds because it has had a severe impact on meat processing. The committee went to the trouble of answering the member's question and finding more information about it. The information will be available in due course.

Another difficult area is petitions praying for relief. Hon Derrick Tomlinson spoke at length to explain one petition that was dealt with by the committee. The petition was submitted on behalf of Mr Tinsley Beck. I will state the obvious: when the Parliament receives a petition praying for relief, the Parliament is very much the last resort in such cases. That indicates that the matters involved are very difficult to resolve. The committee considered the petition and made inquiries into it, including hearings. They are explained in the report. The committee decided to finalise the matter. Subsequent to that, in the period not covered by this overview, the committee received further correspondence from Mr Beck. The committee has since considered that correspondence. It is true to say that every member of the committee considered the matter and recognised that the issues raised by Mr Beck about the operations of the Western Australian Planning Commission on his subdivision proposal have had a significant impact on his personal life and wellbeing. They have also had a serious economic impact on his life. The committee recognised the seriousness of these matters to the Beck family, and that is why we went to some trouble to call in Mr Beck and examine the matters that he raised. The committee is very sorry that the interaction between that family and the planning system has created a serious grievance.

It was clear to the committee that there is no easy way to remedy this matter, not only because this matter is well and truly bygone, but also because the Town Planning and Development Act does not provide for compensation of the nature that Mr Beck is seeking. The committee is well aware that it does not have the power to cause compensation to be paid. It also was not as evident to the committee as it was to the petitioner where to apportion blame in this matter. The committee was aware that because of the different hoops that this subdivision proposal has gone through, as Hon Derrick Tomlinson has explained to the Chamber, certain surrounding circumstances have to an extent militated against the adequacy of the planning system in providing timely and helpful feedback about Mr Beck's subdivision proposal. For example, during the time that elapsed between Mr Beck's first and final subdivision proposal, an important case had been taken to the Town Planning Appeal Tribunal about the block next door to Mr Beck's block. From memory, that case completely turned around the planning rules with regard to subdivision along the Canning River, which is where

both these blocks are situated, and relaxed the rules about dealing with the problem of pollution of the river from subdivision. The planning system needed to respond to those changes that had been forced upon it by that important decision of the tribunal.

Having considered that and many other matters relating to this petition, the committee decided to address its attention to whether the planning system could learn anything from this grievance and from the unfortunate experience of the Beck family. Therefore, our inquiry focused on how members of the community - families here, there and everywhere - go about proposing subdivision of their land, and how the planning system responds to those individual proposals. In other words, the committee sought to understand whether the system was user-friendly and accommodated people such as the Becks who had no professional assistance and wanted to do a subdivision on their own. The committee accepted that at the time of this grievance, inexperienced persons were given little assistance in dealing with these complex planning approval processes. We therefore asked the Department for Planning and Infrastructure, which at the time of this grievance was known as the Western Australian Planning Commission, whether it had improved its performance to become more user-friendly; for example, whether its forms were easier to understand. The overview report explains those inquiries. The committee, after hearing from the department, then made the decision that although it is regrettable that these events happened in the past, at least the system has improved its performance and is working better today than it was in the past. It was at that point, given that it was difficult to apportion blame or remedy the matter, and given that the planning system had improved its performance, that we decided to finalise that petition. I hope that serves to at least partially explain to Hon Derrick Tomlinson how the committee dealt with the serious concerns that he raised.

I am pleased that this debate demonstrates that the Standing Committee on Environment and Public Affairs plays an important and dynamic role in this Parliament. As chair of that committee, my view is that in dealing with the matters brought before the committee we play an important role in assisting to provide a more responsive government. After all, this Parliament is the place in which quite a number of community complaints about an extraordinary range of factors can meet up with the ears, eyes and attention of active members of Parliament who can perhaps help the system to respond to those concerns or complaints. With the exception of matters that are being addressed in this Chamber, whether through debate on a motion or by means of legislation, and with the exception of matters that the committee does not consider it appropriate to deal with for the reason that we do not want to second-guess what other people in government are doing, the committee aims to give some level of attention to certain matters and seeks to find at the very least some useful information to pass on from government to the community in order to explain to petitioners why government is working in a certain way.

The standing orders are perhaps a bit rigid in enabling the committee to play that responsive role. The standing orders give the committee only two ways of dealing with matters; namely, not deal with things and finalise them, or conduct an inquiry. Between those two options of no action versus inquiry, there are a range of actions that the committee can undertake and has been undertaking to provide some level of useful response to any matter that is brought before it.

By way of interjection, Hon Paddy Embry asked me how long it would be before members found out what was subsequently done about the live sheep petition. That will all be encapsulated in the report. Members could not respond to that matter in a timely way in the House because the issue did not become an inquiry. That matter will be dealt with at the next general overview that will take place at the end of the year.

Over time, as committee members gain more experience, I would like the House to more formally develop what we have been doing informally. That must be done within the constraints of the views of the committee members, which drives the whole process, the workload of members, and what is reasonable and practical for us to try to achieve. The Government should try to provide to the community some useful responses on behalf of Parliament on matters of public interest, including environmental issues, within those very important constraints.

Hon Barry House: I agree with you. The Public Administration and Finance Committee faces the same dilemma and could be much more effective and pro-active if it could treat issues in that way rather than by conducting a full inquiry.

Hon CHRISTINE SHARP: It is interesting to hear the member say that. The member is also seeking a broader range of options than either doing nothing or conducting a full-blown inquiry. Perhaps it would be advantageous for the committee chairs to have a discussion on that issue.

Hon Barry House: Parliamentary committees would then be a better catalyst for progressing issues and processes.

Hon CHRISTINE SHARP: That is right. It is a challenge to progress issues.

I thank the committee staff at the committee office and the new staff, Mr Mark Warner and Mr Rhys Brown. I thank Felicity Beattie and David Driscoll who have worked so hard to deal with the matters that have been debated. I also acknowledge the efforts of members of the committee including Hon Robyn McSweeney, Hon Bruce Donaldson, Hon Frank Hough, Hon Kate Doust, Hon Louise Pratt and Hon Jim Scott. We have all worked very hard to keep matters progressing on the committee and to deliver results. I am sorry that our reporting is not as timely as our activities behind the scenes.

Hon MURRAY CRIDDLE: I will continue my remarks on the shipping trade. I have received a very comprehensive report from Livecorp. Five directors of that organisation and two independent directors, one of whom is the chairman,

are involved in the export of livestock. The information provided to me outlines matters concerning the live sheep export trade generally and to Saudi Arabia.

The live sheep trade from Australia to Saudi Arabia had been suspended since 1989 and has just recommenced. Some very interesting initiatives have been undertaken in Saudi Arabia regarding the health of livestock. Key features of Livecorp's action plan include a scabby mouth vaccination program, ear tags for the identification of sheep, veterinary approval of the sheep by an Australian Quarantine Inspection Service veterinarian, a recommendation that a Saudi Arabian port should be the first port of discharge and for maximum stocking rates to apply to each shipment, to which Hon Christine Sharp referred. The issue of maximum stocking rates affects not only the shipping trade but also road transport. It affects the whole industry and has been regularly referred to. The industry is implementing a number of initiatives to upgrade the way it operates, including vaccination.

Livecorp documents refer to the value of the industry and to the very extensive research and development programs that are funded by Livecorp and Meat and Livestock Australia Ltd. Communications strategies for the industry have now been put in place to deal with state and federal government departments, industry advisory committees, sheep and cattle producer peak councils, Meat and Livestock Australia, shipping companies, overseas trade agencies, welfare bodies and the media.

Australia exports livestock to about 30 countries around the world. It is a large and diverse trade. Sheep exports peaked at 7.2 million in 1987 and cattle exports peaked at 882 600 in 1997. In the five years leading up to 1998-99, the combined value of sheep and cattle exports was about \$2.5 billion. It is an extensive and important trade.

The Livecorp report also contains a market update called "LiveLink", which outlines the livestock trade in various countries around the world. Another document outlines the economic arguments that could be presented for the livestock trade in Australia and Western Australia. Incidentally, in 2001, 4.3 million sheep worth \$230 million were exported from Western Australia. Given that the livestock industry provides advantages for the road transport industry, veterinary services, specialist fodder manufacturers, additional shearing contracting - the animals are shorn before they leave the country - background preparation of services and vessel services, the flow-on effects to Western Australia are worth about \$350 million, which is a substantial amount.

"Exploding the Myths: Facts about the Livestock Export Trade" is a good document for people to read who want to understand the industry from the point of view of the people who export the livestock. In 2000-01, the Australian livestock industry exported 850 000 cattle, six million sheep and 880 000 goats to 30 countries. That generated \$770 million in export earnings and provided 9 000 jobs throughout rural and regional Australia, which is of particular interest to me. The export of livestock increases the industry's marketing options. The returns to the producer will be improved if there are more options to export livestock.

There is a notion that people who export livestock are not interested in the welfare of the animals. Aside from the moral issues, there is an obvious economic issue as well. It is in the interests of the people who export the animals to get them there alive so that they can be sold. Regardless of what we would like to think, and as Hon Barry House pointed out, unfortunately for the animals, they were destined for slaughter at some time; that is a fact of life. There is a keen interest by the exporters to get the cattle, sheep and goats there in the best possible condition. As I pointed out the last time I spoke on this matter, major improvements have been made and initiatives taken with new vessels. A substantial part of the industry's extensive research is paid for by the livestock industry, with \$1.1 million going into a voluntary fund.

Progress reported and leave granted to sit again, pursuant to standing orders.

LABOUR RELATIONS REFORM BILL 2002

Rescission of Second Reading Vote, Motion

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [12.01 pm]: I move -

That -

- (a) the vote taken on Tuesday, 7 May 2002 where the *Labour Relations Reform Bill 2002* was read a second time be rescinded;
- (b) the question for the second reading of the Bill be put again; and
- (c) any member who has not then spoken to that question as originally put be entitled to speak.

This is a motion to rescind the vote taken on the second reading of the Labour Relations Reform Bill. It seeks to put the question again so that once the rescission is agreed to - if that is what the House does - any member who has not spoken to that question as originally put will be entitled to speak to the question.

I gave notice of this rescission motion last week because, for obvious reasons, the Opposition is keen to have the vote that was taken rescinded so that another vote can be taken with all members present. As I indicated last week, we are

keen to have our opposition to this legislation recorded in *Hansard*, as are many members anxious to have their support recorded in *Hansard*. I do not propose to go into the circumstances surrounding the vote last week; I could, but I do not propose to do that. It is our view that there was a breach of trust in this House, but I also acknowledge that our members should have been here. A vote was taken when our members were not here and they were not recorded as having voted against the legislation. I advised the Government last week that if the Government did not indicate in advance that it would support the rescission motion, we would then debate the rescission motion at some length. Our members have contemplated that in recent times and decided in an act of good faith on this particular matter that we will not debate the rescission motion, other than with the speech I am now making. My Liberal Party colleagues will resist making a speech on this motion. Of course, I cannot speak on behalf of other members.

Hon Murray Criddle: I can deal with that.

Hon NORMAN MOORE: I thank the member. We have taken that position regardless of the Government's view on this matter. I do not know what the Government's attitude is to this rescission motion but I guess we will hear about that in due course. We have made this decision as an act of good faith to indicate to the House that we are keen for this rescission motion to proceed so an end result can be obtained, rather than as any attempt to score points or to reopen the debate on the circumstances surrounding last week, which some people might like done.

If this rescission motion is passed unanimously by this House, it will be a positive step in the direction of restoring the trust that is important in the management of the House, which is missing at present. If the Government chooses to vote against the motion, or seeks to adjourn it as it has done with another motion I moved the other day, the restoration of any goodwill, I suspect, will be a long time coming.

Before I complete my comments I seek leave to delete part (c) of the motion as a demonstration of good faith. I indicated to the House last week that we had no intention of using this rescission motion to re-run the second reading debate. As members know, last week the House agreed to a motion we moved allowing members to make their speeches on the second reading on clause 1 of the Bill, and I appreciated that. Every member has now made a speech that could loosely be called a second reading speech, albeit not made in the second reading debate. Therefore, by deleting part (c), I put beyond any doubt the suggestion that we might be seeking to re-run a second reading debate. It has never been our intention for that to happen. I make it absolutely clear that that is our view. I seek leave in the middle of my speech, Mr President, to demonstrate the good faith of the Opposition by asking that part (c) of the motion be deleted.

[By leave, paragraph (c) of the motion was deleted.]

Hon NORMAN MOORE: I thank the House for granting me leave. Now we do not need to consider the possibility of a rescission leading to a re-run of the second reading debate.

We on this side of the House are fundamentally of the view that we want our personal opposition to this legislation to be recorded, by name, in *Hansard*. The only way that can be achieved is to have the vote on this matter re-taken, which is the purpose of the rescission motion. As an aside, we are also keen to conclude the debate in respect of referring this matter to a committee. Ironically, we have only one member left to speak in that debate and, regrettably, the debate has been adjourned on two occasions without our being able to complete it. We are keen for that matter to come to resolution. If the Government feels that it can facilitate that process, that will be appreciated on this side of House.

We require an absolute majority of members to rescind a decision of the House. This has been put forward as a way of resolving some of the problems that were created last week. It does not remove all of those problems, but if the whole House were to agree to this rescission, it would go a long way to restoring some of the trust that is important in this place.

No other member on this side will speak on this rescission motion. We do not propose to retread the circumstances of last week and I trust that all members will see the wisdom of this move and vote unanimously to rescind the decision. We will then vote on the second reading and there will be no debate from our side on that matter. I hope that the second reading vote will be taken immediately, so that we can then record in *Hansard* our views on the legislation.

HON KIM CHANCE (Agricultural - Leader of the House) [12.09 pm]: Although the Government will not support the motion to rescind the second reading decision, we accept that the will of the House will prevail and that, from discussions that I have had, it is likely that the motion will be carried and the earlier decision of the House rescinded. I appreciate the comments made by the Leader of the Opposition and I appreciate his initiative and the consent of the House to delete part (c) of the motion, which is effectively redundant now that the House has already made a decision on the suspension of standing orders to allow the 45 minute speeches -

Hon Norman Moore: It actually has not, because all those speeches were made on the first clause, in Committee, so all those who spoke on the first clause could technically have another go on the second reading.

Hon KIM CHANCE: That is right. Having said that, and indicated the Government's position, I have little more to say, except that I understand that, in the event the motion is carried, the vote on the reintroduced second reading question will be taken essentially forthwith.

HON ROBIN CHAPPLE (Mining and Pastoral) [12.12 pm]: The Greens (WA) have conversed with the Leader of the House and the Leader of the Opposition on this matter, and have come to the view that they will support the rescission and the second reading on the basis that there will be no debate.

The PRESIDENT: In order to establish that there is an absolute majority on this question, the House will divide.

Question put and a division taken with the following result -

Ayes (21)

Hon Alan Cadby	Hon Peter Foss	Hon Norman Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Ray Halligan	Hon Simon O'Brien	Hon Giz Watson
Hon Robin Chapple	Hon Frank Hough	Hon Barbara Scott	Hon Bruce Donaldson (<i>Teller</i>)
Hon Murray Criddle	Hon Barry House	Hon J.A. Scott	
Hon Paddy Embry	Hon Robyn McSweeney	Hon Christine Sharp	
Hon John Fischer	Hon Dee Margetts	Hon Bill Stretch	

Noes (12)

Hon Kim Chance	Hon Adele Farina	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kate Doust	Hon Jon Ford	Hon Louise Pratt	Hon Ken Travers
Hon Sue Ellery	Hon Graham Giffard	Hon Ljiljana Ravlich	Hon E.R.J. Dermer (<i>Teller</i>)

Question thus passed with an absolute majority.

Second Reading

Question put and a division taken with the following result -

Ayes (17)

Hon Kim Chance	Hon Jon Ford	Hon Ljiljana Ravlich	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon J.A. Scott	Hon E.R.J. Dermer (<i>Teller</i>)
Hon Kate Doust	Hon N.D. Griffiths	Hon Christine Sharp	
Hon Sue Ellery	Hon Dee Margetts	Hon Tom Stephens	
Hon Adele Farina	Hon Louise Pratt	Hon Ken Travers	

Noes (16)

Hon Alan Cadby	Hon John Fischer	Hon Barry House	Hon Barbara Scott
Hon George Cash	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Paddy Embry	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)

Question thus passed.

Bill read a second time.

Referral to Standing Committee on Legislation

Resumed from 15 May 2002 on the following motion moved by Hon Norman Moore (Leader of the Opposition) -

That the order of the day for further consideration in committee of the Labour Relations Reform Bill 2002 be discharged and the Bill be referred to the Legislation Committee for consideration, and that it report the Bill to the House not later than Tuesday, 5 November 2002 and that the Committee have power under clause 1.4 of schedule 1 of the standing orders to consider the policy of the Bill.

HON DERRICK TOMLINSON (East Metropolitan) [12.17 pm]: I support the motion of the Leader of the Opposition for the discharge of the Bill and referral to the Standing Committee on Legislation for consideration. I am pleased to observe that some goodwill has been restored to this debate. I do not believe that the major parties will ever agree upon the issue of industrial relations. It is one of the issues that defines the differences between us. For some individuals, those differences are greater than they are for others but, as parties, industrial relations is one of the defining differences between us. While I am pleased that goodwill has been restored to the debate, I am sure it will continue to be a vigorous debate in which the differences will be highlighted.

I want also to restore to the debate some degree of accuracy. I believe that there is a mistaken perception that it has never been the inclination of this House to refer industrial relations matters to committees. I refer in particular to the presentation by Hon Nick Griffiths, who addressed the House in Committee on Tuesday, 14 May. Regrettably, I do not

have the corrected version of *Hansard* because it is yet to be published. I have the uncorrected proof, but as it is uncorrected I cannot quote directly from it. However, I can refer to it as an aide-mémoire.

Hon N.D. Griffiths: Will you use the words “political stunt”?

Hon DERRICK TOMLINSON: I am pleased Hon Nick Griffiths raised that. I am sure he will understand that the aid-memoire and my recollection can be nothing more than paraphrasing. He can correct me as he wishes. However, I believe the words “political stunt” were used.

Hon N.D. Griffiths: It was an attempt to describe your moves.

Hon DERRICK TOMLINSON: I believe the Government was referring to the Opposition’s motion to send the industrial relations legislation to the Legislation Committee and for it to report back. Hon Nick Griffiths then asked rhetorically rather than interrogatively - the interlocutor was answering his own question -

Did the first wave of the Court Government’s industrial relations legislation go to the Legislation Committee so that it could be dealt with, and so that people could put forward their view to the committee?

The assumed answer to that rhetorical question is no. My recollection is that the minister replied to his own rhetorical question with the comment, “No way!” He then asked -

Did that happen with the second and third waves?

Again he said, “No way!” I know the minister well; he is not disposed towards infelicity on matters of fact. He is a stickler for facts. He has always impressed me with his prodigious memory for facts and his prodigious accuracy in recall. However, I challenge his recollection in this instance. Likewise in debate on Wednesday, 15 May, the Leader of the House referred to the history of industrial relations matters being referred to committees. I have only the uncorrected *Hansard* as an aid-memoire, which indicates - whether accurately or not I am yet to see - that Hon Kim Chance said by interjection that this House has determined on a number of occasions that an industrial relations Bill need not go to a committee and that we are simply following convention. Again, I want to bring back to this debate some degree of accuracy. I refer, therefore, to my own notes for the book I have written.

Hon N.D. Griffiths: You are not doing a Crichton-Browne are you?

Hon DERRICK TOMLINSON: As I have explained, this book will be published posthumously. I am simply protecting myself.

Hon Ken Travers: Bring on the book!

Several members interjected.

The PRESIDENT: Order! Members should not be uncharitable to the member on his feet.

Hon DERRICK TOMLINSON: I accept reality. Although my book is to be published posthumously, it has already been written. The reason I have written it and intend it to be published posthumously is that although death is certain for all of us, the timing of it is uncertain. To ensure there is an accurate historical record I have the book well and truly in hand.

Hon N.D. Griffiths: Do you want to write it before you die?

Hon DERRICK TOMLINSON: Yes. It will not be a voice from the other side.

Hon Ken Travers: Did you write it on the beach after reading *Mein Kampf*?

Several members interjected.

The PRESIDENT: Order, members! We appear to be straying.

Hon DERRICK TOMLINSON: I refer to the history of the Industrial Relations Legislation Amendment and Repeal Bill 1995. My information is that in about September 1994 Cabinet approved the drafting of that consolidated Bill, which was introduced into the lower House. Its introduction provoked considerable opposition from the unions, particularly those affiliated with the then Trades and Labor Council. Members opposite will recall that at the time of the introduction of the Bill into the lower House, industrial action was being threatened. The threat of industrial action led to a one-day strike. The State was to be stopped for one day. I think approximately 10 or 15 per cent of the workforce stopped for one day. Following that event on 17 October 1995, meetings were held over five days between government members and members of the Trades and Labor Council. One of the members was Tony Cooke. At the end of those meetings an agreement was reached between the Trades and Labor Council and the Government. I am informed that Cabinet reconsidered the Bill in late October 1995 and, as a result, some aspects of the original draft were not proceeded with. The revised Bill introduced into the Assembly on October 1995 was passed on 28 November 1995. When the Bill was presented to the Legislative Council, the Opposition made it clear that it would obstruct its passage. That was highly predictable. As I said at the outset, this issue of industrial relations defines the difference between the Liberal and Labor Parties. When the coalition was in government and the major and minor Labor Party members - Hon Jim Scott was here at the time - were in opposition, the Government introduced the Bill and the Opposition announced

it would obstruct it. It was exactly the same situation, only the sides were reversed. The Government introduced the Bill and the Opposition announced that it would obstruct its passage. I understand that the National Party and the One Nation party likewise have some strong reservations about this Bill. Nothing has changed there.

Let us consider the history in the Legislative Council of the Industrial Relations Legislation Amendment and Repeal Bill 1995. The then Opposition made it clear that it would obstruct the passage of the Bill, and because of the goodwill on the part of the Government of the day, meetings were held at which it was decided that the Bill would be split. The less troublesome clauses would be opposed but passed. At no stage did the then Opposition indicate it was comfortable with the Bill; likewise the Trades and Labor Council. After negotiations between the Government of the day and the TLC certain clauses were withdrawn and a new Bill was drafted. The TLC said that it would oppose that Bill but would not go to the wall on it. The TLC withdrew its threat of industrial action. Likewise in this House, by agreement between the two parties the Bill was split. The ALP still continued with its opposition to the Bill but indicated that it would be passed. The realities of numbers in the House made that inevitable. It was a question of how long the then Opposition could delay the inevitable.

When the Bill was in the House on Tuesday, 12 December 1995 there were presentations by the opposition member who had responsibility for the passage of the Bill, Hon Alannah MacTiernan; the then Leader of the Opposition, Hon John Halden; and Hon Peter Foss and Hon Norman Moore. We then had contributions from Hon Tom Helm, Hon Doug Wenn and Hon John Halden again; and eventually the Bill was presented to the Committee. I refer to page 13045 of *Hansard*, Tuesday, 12 December 1995. The House resolved, on a motion by Hon Peter Foss, Minister for the Environment -

That it be an instruction to the Committee of the Whole House on the Industrial Relations Legislation Amendment and Repeal Bill 1995 that it have power to, and do, divide the Bill into two separate Bills in accordance with the division made in the two Bills previously tabled.

The resolution was carried without dissent. In the debate on the short title of the Bill, the House resolved, on a motion by Hon Peter Foss -

That pursuant to the instruction given in relation to this Bill, it now be divided in accordance with the division made in the two Bills previously tabled.

It was carried, and the Chairman then reported. The Bill was then recommitted. The House then resolved, on a motion by Hon Peter Foss, Minister for the Environment -

That the recommitment of this Bill for further consideration of parts 1 to 9 be made an order of the day for a later stage of this day's sitting.

The Bill was now two Bills: the Industrial Relations Legislation Amendment and Repeal Bill, which had parts 1 to 9 of the original Bill, and which was made an order of the day for later in that day's sitting; and the Industrial Relations Legislation Amendment Bill (No 2), which was referred to the Legislation Committee on a motion by Hon Peter Foss as minister in charge of the Bill. The House resolved, without dissent, to refer the Bill to the Legislation Committee. I recite those historical facts and I invite honourable members to refer to *Hansard*; and if they want to challenge the veracity of the *Hansard*, they can by all means do so.

Hon N.D. Griffiths: I am going to read your book; I am looking forward to it very much.

Hon DERRICK TOMLINSON: I am merely reciting those facts to whet the minister's appetite; the other stuff is the juicy bit and he will salivate - unless, of course, the minister predeceases me.

I make the point that the historical and irrefutable fact is that the Bill was referred to the Legislation Committee. This is in spite of claims by both the minister in charge of the Bill and the Leader of the Opposition that referral of the current Bill to the Legislation Committee will establish a precedent, and in spite of the insistence by the minister in his answers to his own rhetorical questions that the first and second waves of the coalition's legislation were not referred to a committee. The minister said, "No way."

I now want to refer to an even sordid episode. Mr President, am I stirring memories? In May 1996, the thirty-eighth report of the Standing Committee on Legislation reported on the Industrial Relations Legislation Amendment Bill (No 2) 1995. This was the Bill that was referred to the committee after the original Bill was split. I should make the observation that while parts 1 to 9 of the original Bill, which became Bill No 1, contained clauses that were opposed by the then Opposition, the agreement was that the Bill would proceed through the House; it would not, however, be supported by the Opposition. Members will recall that issues such as the sleep-over clauses were dealt with in that Bill. The second Bill, the Industrial Relations Legislation Amendment Bill (No 2) 1995, contained the much more contentious industrial relations issues that the Labor Opposition of the day, the Trades and Labor Council and the trade unions of the day had indicated they would never tolerate. The contentious Bill was referred to the Legislation Committee; just as this Bill has contentious elements in it and the motion is to refer it to the Legislation Committee, where it can be deliberated upon away from the hothouse of partisan debate that characterises this place from time to time. The early Bill was referred for that reason.

I do not want to rehash the sorry history of the passage of the Bill, or the way in which the Legislation Committee dealt with the Bill. However, on 22 March 1996, *The West Australian* published an article by Grace Meertens, the partner of Paul Murray, under the heading "ALP calls foul on IR laws review". It does not quote the Labor MLC Hon John Cowdell; it refers to him and states -

Labor MLC John Cowdell said that in the absence of Opposition committee members, the Government had rescinded invitations to Labor Relations Minister Graham Kierath, the Trades and Labor Council and Opposition industrial relations spokesman Alannah MacTiernan.

The report states at another stage -

In the Legislative Council, Mr Cowdell said he was concerned that the system of referring contentious legislation to the committee was collapsing.

"It would be very unfortunate if our committee system was so fragile that the absence of one member led to the reversal of previous determinations," . . .

He said the committee system had been tarnished.

I recite these things with some pain, because there are moments in all our parliamentary careers of which, in retrospect, we are not proud. In recollecting this, I am not altogether proud of what happened in the Standing Committee on Legislation. However, that is a historical fact. That was the opinion expressed by Hon John Cowdell at that time.

In fact, as chairman of the committee, I was the subject of a censure motion moved by Hon John Cowdell. The allegation was that the committee had made decisions in the absence of the opposition members of the committee. Again, for historical accuracy, I indicate that after the referral of the Bill to the Legislation Committee, the committee had called for submissions and had specifically invited certain people, including Tony Cooke, the then Secretary of the Trades and Labor Council, to appear before the committee. The referral was on 12 December, shortly before Christmas. Submissions were advertised and called for, with a closing date in late January, as I recollect. There was a request from the Trades and Labor Council for an extension of the period in which to make a submission, and that extension was granted.

In the time between the submissions being received and the committee meeting again, Parliament was prorogued. As was the custom of the day, chairpersons of standing committees were elected annually, not for the duration of the Parliament, as is the practice now. There were certainly agreements about who would become the chairperson of a committee. Just as there are agreements now about which person will be the chairperson of a committee, there certainly were agreements in place then - a convention of the House that continues to be respected. However, the procedure of the committees was that chairpersons were elected annually. This required, after prorogation, the clerk of the committee to call a first meeting of the committee, and the requirement of the first meeting of the committee was to elect the chairperson.

Following that prorogation, the clerk of the committee called a meeting of the Standing Committee on Legislation on Wednesday, 21 March 1996. The minutes of that meeting record that those present were Hon Derrick Tomlinson, Hon Ross Lightfoot and Hon Bill Stretch. Stuart Kay was the advisory research officer, and Jason Agar the committee clerk. Apologies were received from Hon John Cowdell and Hon Val Ferguson. Clearly, the three government members were present. The two Labor members, for legitimate reasons I am sure, were absent. Not merely a majority but a quorum was present. The committee then proceeded with a quorum present. I am humbled to say that the committee then elected me once again as chairman. The committee proceeded to consider the report on the submissions that had been received prior to prorogation. The minutes note -

Mr Tomlinson suggested that, as a result of the strong ideological position of the submissions, at this meeting the Committee should note submissions and then could return the Bill to the House which is the appropriate forum for dealing with such issues. However he noted that this could be controversial as Mr Cowdell and Mrs Ferguson were not present.

Therefore, although there was an opportunity too good to resist and even though there may have been the tyranny of numbers, the convention was observed in this instance that if the opposition members were absent, a binding decision would not be made. There was some discussion about that. The minutes continue -

Mr Lightfoot considered that the committee should endorse the Bill.

The PRESIDENT: Order, members! I trust the member is quoting tabled minutes of the committee, not minutes that were not tabled.

Hon DERRICK TOMLINSON: As I recall, at the time of the censure motion I referred to the minutes. I asked for the direction of the then Presiding Officer, Hon Clive Griffiths, on whether I was in error in referring to the minutes of the committee, and he indicated to me that that was an appropriate procedure. Therefore, I cannot answer the President's question.

The PRESIDENT: If those minutes have been read into *Hansard* at a previous time, they are on the public record.

Hon DERRICK TOMLINSON: Yes, they certainly are on the public record, because the point I am making now I made in a different way at the time to indicate that although I was subject to a censure motion for action that was taken by the committee, the minutes indicate that the convention was observed. I will not refer to the minutes directly. I take what the President has said as a word of caution. However, the minutes, which were approved by the standing committee, indicate that there was a suggestion by Hon Ross Lightfoot that the committee should endorse the Bill, but Mr Tomlinson said that, to do that, all the committee members should be present.

The clerk of the committee was instructed to prepare a draft report on the submissions indicating the ideological position. The draft report was to include submissions that drew attention to clauses of the Bill that may be dangerous in the light of international treaty obligations. The committee resolved that the research officer should prepare such a draft and that it be presented to the committee for consideration at its next meeting. There was a full attendance at the next meeting - as there is today! At that meeting the committee resolved to report. The report is the one to which I referred. It is the twenty-eighth report of the Legislation Committee. It contains a majority report and a minority report. The majority report was signed by the government members, Hon Bill Stretch, Hon Ross Lightfoot and me, as chairman of the committee. The minority report was signed by the two opposition members, Hon John Cowdell and Hon Val Ferguson. I regret that there was a further sorry history in which, contrary to the instructions of the House, I did not table the report at the next day's sitting. I had received instructions from another source not to submit the report as there were other matters that had to be resolved. It went back to the committee the following week and awaited the signatures of the two minority report members. It could not be reported until they had signed the minority report. Even then, there was a delay in tabling the report. The request was made for a ruling from the President, which he duly gave. Once the committee resolved to report, it was beholden on the chairman to report at the earliest opportunity; that is, the next sitting of the House. I failed to do so and was admonished. I eventually submitted the report. I confess that there are sorry elements. There are some moments of which I am not proud. However, two things are illustrated in that history. Apart from responding to some asides about my book, two things are historical facts. They are contained and verified in *Hansard*. They are contained in the minutes of the committee and verified by the committee. The two historical facts refute the position of the minister and the Leader of the House that there has not been a referral of industrial relations legislation to a committee. Indeed, the referral to the Standing Committee on Legislation was to allow input from other sources on the most contentious issues so that it was not merely a debate between two irreconcilable positions on the Bill. Submissions were heard from others, not merely those who had a vested interest in the Bill. Some submissions were from academics from the University of Melbourne and La Trobe University on the international legal aspects of treaty agreements to which Australia was a signatory, which may or may not have impacted on the Bill. My understanding is that one of the clauses was subsequently challenged and found invalid due to international treaty obligations. It gave the opportunity for a dispassionate response to the legislation from persons who did not have a vested interest or who did not have an intractable political or ideological position.

Hon Bill Stretch: The list of witnesses and submissions was very enlightening.

Hon DERRICK TOMLINSON: In response to Hon Bill Stretch I will read from the list of witnesses and submissions. Apart from those that might be regarded as having a vested interest - such as the Air Conditioning and Mechanical Contractors Association of WA Inc, the Association of Wall and Ceiling Contractors of WA Inc, the Australian Council of Trade Unions, the Australian Liquor, Hospitality and Miscellaneous Workers Union, the Western Australian Chamber of Commerce and Industry and the Community and Public Sector Union - Professor Breen Creighton and the Human Rights and Equal Opportunity Commission also made submissions. It is a very enlightening list. I recommend that members refer to it.

That is the value of the committee system. It takes controversial legislation out of the hothouse and the theatre of this place. It takes legislation away from the ideological confrontation of this place and allows a dispassionate consideration of aspects of the Bill by persons other than parliamentarians.

Hon Kim Chance: Why did your side not do that with the third wave industrial relations legislation?

Hon DERRICK TOMLINSON: For the answer to that, the Leader of the House should read my book. Those are the sizzling chapters.

The history I have recited illustrates a respect for convention. In the situation when government members were confronted with the almost irresistible temptation to make a decision in the absence of opposition members, the committee resisted. The committee comprised three government members; it had the majority even if the other two members had been there. The government members resisted the temptation and observed convention. It was not to the delight of the members of the Opposition. The committee was not satisfied to the point where it said that the differences were ideological and the best place to resolve them was in the House. The contentious legal issues were referred to the House and the report was considered at the next meeting. In the presence of all five members of the committee, the committee divided on the report. A majority and a minority report were presented. That was not to the satisfaction of the opposition members. Regardless of that, no binding decisions were taken by the committee in the absence of the opposition members. There are lessons to be learned from history. The House has referred such legislation to the Legislation Committee. That Bill was referred on the motion of the government minister responsible

for the Bill. Furthermore, it illustrates the importance of conventions in this House. People who have and people who do not have vested interests in the legislation should be allowed to make a contribution to this debate. I urge strongly that members support the motion of the Leader of the Opposition to refer this Bill to the Standing Committee on Legislation and allow it to be subject to a dispassionate and informed consideration. The committee should then report to the House and the House will make its decision on the fate of the Bill. I commend the motion to the House.

HON MURRAY CRIDDLE (Agricultural) [1.01 pm]: I will make a few short comments on the motion.

The PRESIDENT: The question has been raised about whether the Government wants to adjourn now to take account of matters that will be dealt with at 2.00 pm. As such, the member requires leave to continue his comments at a later stage of today's sitting.

[Leave granted.]

Debate adjourned until a later stage of the day's sitting, on motion by Hon Kim Chance (Leader of the House).

[Continued on page 10511.]

Sitting suspended from 1.03 to 2.00 pm

ESTIMATES OF REVENUE AND EXPENDITURE

Tabling of Budget Papers

Hon N.D. Griffiths (Minister for Racing and Gaming) tabled the budget papers.

[See paper No 1428.]

Consideration of Tabled Papers

HON N.D. GRIFFITHS (East Metropolitan - Minister for Racing and Gaming) [2.00 pm]: I move without notice -

That pursuant to Standing Order No 49(1)(c), the Council take note of tabled paper No 1428 (2002-03 *Budget Statements*), laid upon the Table of the House on 16 May 2002.

This motion enables the Legislative Council to examine and debate the budget papers associated with the appropriation Bills that are now before the Legislative Assembly. The Treasurer's budget speech accompanying the budget papers provides the economic and financial framework for the 2002-03 budget. I do not propose to cover that ground in detail again. However, it may be said in summary that the 2002-03 state budget, more than anything, is about making long-term investment decisions. It is about providing the supporting intellectual and physical infrastructure for economic growth. In short, the Government is investing in our future.

INVESTING IN OUR PEOPLE

Education

In 2002-03, the Government will make a record investment in education, science and training - the centrepiece of the budget - so that Western Australians are equipped with the ideas and skills to drive the local economy.

Our record recruitment of 347 teachers to reduce class sizes in years 1 to 3 will have a direct and tangible effect on the quality of learning in the important foundation years of schooling.

The Government is also making a massive \$56 million investment over four years in computer technology for schools, with 100 schools in the lower socioeconomic areas being provided with state of the art information technology and electronic communication equipment to ensure equality of education across the community.

And we will invest \$131 million in new and upgraded schools to ensure our young people have the highest quality environment for learning.

This budget also provides for the continuation of key initiatives in the Getting it Right literacy and numeracy program, as well as the Family Links program, which allows parents to become more involved in the education of their children.

Overall, education services to the community will receive an extra \$118 million this year - a 5.7 per cent increase - taking our investment in education to nearly \$2.2 billion.

We are investing an extra \$442 in every government school student.

Training

We have also increased our spending on training by \$8 million, bringing the total training budget to \$324.5 million.

We expect there will be around 12 500 apprentice and trainee starts this year - vital investment if we are to avoid a shortage of skilled people to take advantage of employment opportunities of the future.

Student contact hours for more than 125 000 students will reach 25.7 million hours this year, a rise of 1.6 per cent on 2001-02.

Our investment in extending computer literacy throughout the community will continue with grants for community-based initiatives.

Major capital and infrastructure projects will be undertaken including an investment of more than \$8 million for high technology learning and other training equipment.

And to capitalise on our strong tourism and hospitality industry, a new world class Hospitality Centre is to be established to offer vocational education and training programs.

Science and Innovation

We have also moved to invest \$100 million in science and innovation over four years, and are establishing a new Office of Science and Innovation.

We will inject an extra \$20.4 million into the State's Centres of Excellence budget, and fund fellowship grants to attract the best researchers from interstate and overseas.

We will provide incentives to increase the number of teachers specialising in science.

And we will encourage research and development collaboration by government agencies on strategic priorities for Western Australia.

In addition, our \$20 million, four year commitment to geoscience mapping has been built into the budget to assist mineral exploration.

INVESTING IN COMMUNITY PRIORITIES

In 2002-03, this Government will once again deliver on its priorities of health, education and community safety.

Health

Health spending will rise by \$99 million, or 4.3 per cent, in 2002-03. This is the single biggest budget increase health has received in years, taking total recurrent spending to a record \$2.4 billion, or 24.6 per cent of the entire state budget.

In keeping with the Government's strategic direction for health, there will be an increased emphasis on prevention of illness and disability and continued commitment to a rural health strategy.

The Government has made a commitment to a \$375 million capital works program in health over the next four years, with spending of \$109 million planned for 2002-03 to upgrade hospitals and health facilities in suburban and regional areas.

Police

Safety is of paramount concern for the whole community but particularly for our older citizens.

The Government has responded to this concern in 2002-03 with a \$36 million increase in the budget for the Western Australia Police Service, bringing the total to \$530 million - a 7.2 per cent increase.

Increased resources will allow the police to use the latest forensic and technological techniques to target burglary, motor vehicle theft, drugs, robbery and assault, and increase the police presence on our streets.

In 2002-03, we have provided \$6.2 million to implement DNA legislation, including the collection of samples from convicted people.

And up to \$27.4 million will be spent on implementation of the police computer aided dispatch project, resulting in a greater police presence, improved responsiveness to calls and increased community security.

Also, in recognition of the work undertaken by our State's police officers we have provided \$52.6 million over four years to fund salary increases.

Additional funding will be provided to the Office of Crime Prevention to continue local government participation in crime prevention.

And as an important step in building public confidence in the police service, the royal commission into police corruption is being provided \$28 million and extensive powers to carry out its work.

Justice

In 2002-03, the \$14.8 million upgrade and expansion of the Bandyup Women's Prison will be completed. At the same time, construction will commence on a new low security women's facility at the Nyandi-Longmore site.

We have provided additional funding of \$12.5 million for the adult community justice operations over the forward estimates to meet demand.

The Government also intends to pursue the development of new district law courts in the Perth central business district.

Transport

The Government is committing more than \$755 million in 2002-03 to the State's road networks.

Local government councils will share in \$100 million to be spent on local roads.

The budget contains \$87.8 million in commonwealth allocations under the National Highways and the Roads of National Importance programs. This includes funding for the construction of a new Ord River Bridge north of Halls Creek - a critical transport route for interstate and intrastate trade that has been severed by floodwaters in recent years because the existing bridge is too low.

In 2001-02, the Government committed funds to the extension of Roe Highway through Beckenham in order to remove freight vehicles from residential streets, and works are well underway.

This year, we have committed a further \$24 million to extending Roe Highway through to South Street.

Further transport efficiency will be achieved by beginning the extension of Tonkin Highway from Mills Road West to Thomas Road and by reconstructing the Great Northern Highway in the Swan Valley.

Road safety affects us all and it remains a key priority of this Government to improve road safety for all Western Australians.

As promised when elected, this is the second year of a four-year commitment to an additional \$8 million being allocated to the state black spot program to address driver, pedestrian and cyclist safety.

Commuters will also benefit from a \$28 million investment in new buses and \$6 million in improvements to the bike path network.

Disability Services

An amount of \$195 million has been allocated to provide disability services in this State in 2002-03.

An additional \$4 million will be provided through the Disability Services Commission for new accommodation, with a total of 75 new places for people with disabilities.

This budget also provides an increase of more than \$2 million for respite and other family supports, an additional \$1.5 million into alternatives to employment and post-school options, and \$1.3 million in new money into therapy and aids equipment.

Community Development

In order to meet the needs of these children, the Government has provided \$4.9 million that will be used for foster care subsidies and other support costs.

Overall, the Department for Community Development budget will increase by \$6 million in 2002-03.

New funding of \$1.6 million has also been allocated over four years to expand sexual abuse counselling and treatment services to Aboriginal and Torres Strait Islander families in metropolitan and regional areas.

Sport and Recreation

In 2002-03 we have allocated \$12.7 million for the development of sporting facilities statewide through the community sport and recreation facilities fund; and invested \$9 million to ensure the ongoing viability of state sporting associations.

We will also progress the development of a baseball stadium in Gosnells with a government contribution of \$1.5 million, provide \$6.8 million towards the redevelopment of Perth Oval and \$1.7 million for a multipurpose stadium at Leederville.

Environment

The Government's Protecting Our Old Growth Forests package worth \$123.5 million will continue this year with a total allocation of more than \$49 million, including funding for training, business exits and industry assistance.

We will also create a record 30 new national parks in our first term of government.

So far the Government has released proposed boundaries for five of these new parks, with more to be released this year. To back this program, the Government will continue to roll out an extra \$25 million over our first term - with the largest investment of \$7.5 million next financial year in new park management and facilities.

In addition, the Government has provided \$1 million for the Karri Tingle Discovery Centre in the proposed Walpole Wilderness area - with planning and construction for this project set to begin in the next 12 months.

The Government also remains committed to new forestry development, with the Forest Products Commission pursuing avenues to achieve investment in greatly expanded plantation programs.

This \$5.5 million investment program will also integrate with the greenhouse strategy currently under development and, as a renewable resource, is another plank in our sustainability strategy for the future.

The State Government will also build on more than \$30 million currently being spent tackling salinity. A new framework for salinity investment has been devised to ensure taxpayers' dollars are used in the most effective way possible. The Government is also poised to sign the intergovernmental agreement on salinity and water quality.

Altogether, in 2002-03 we expect to invest more than \$40 million on various salinity strategies.

The increasing incidence of greenhouse gases in the atmosphere is another key environmental issue. An amount of \$4 million has been provided in 2002-03 for the programs of the newly created Sustainable Energy Development Office.

GROWING OUR STATE

Let me now outline our investment in infrastructure and regional development.

Last year, the Government made a record investment in capital works of more than \$3 billion. In 2002-03, we will spend a similar amount.

The Government has put together a common user infrastructure package to encourage the development of the Burrup Peninsula as a world-class industrial estate.

The Government has also taken a lead role in native title negotiations to secure mutually beneficial agreements, and invested an extra \$14 million in the newly created Office of Native Title over the next four years.

We have also signed off on a port enhancement strategy worth \$41 million in 2002-03 and, in addition, conditional approval has been given to the deepening of the Geraldton port to serve the growing grain and mineral export industries of the mid west.

This project will be bolstered by the Government's separate commitment to the Geraldton southern transport rail and road corridor.

The Government is also proud of its decision to expand the urban rail network - one of the biggest capital projects in the State's history and it has committed \$188.5 million this financial year.

Roads will not be neglected. More than \$755 million will be spent this year on projects throughout the State to streamline heavy haulage routes and improve road conditions for commuters and commercial users. This includes \$322 million in capital works alone.

The Government has also signed off on the Water Corporation's \$353 million program of works to upgrade water and sewerage infrastructure, including \$61.8 million of drought alleviation measures and \$20 million for odour control.

Similarly, Western Power will spend \$444 million this year on a program of power generation and distribution projects, including two new regional wind farms and continued work on the underground power program.

We will shortly be announcing plans for new energy generation capacity to meet the State's future energy needs.

An investment of \$108 million will be made in 1 500 new and refurbished public housing dwellings, and \$519 million will be loaned to 5 000 Western Australians through the Keystart program.

In addition, \$38 million worth of land development will proceed with more than 2 000 lots to be generated, many for first home buyers.

Federal-State Relations

Total commonwealth funding to Western Australia will increase by 0.6 per cent in 2002-03, excluding North West shelf royalties. That is a reduction in real terms of 1.6 per cent and in real per capita terms of about three per cent.

As a result of the Commonwealth's breach of the intergovernmental agreement on financial relations at the March Treasurer's Conference, Western Australia starts the next financial year \$18.3 million out of pocket.

Over the next four years, the effect of the changed calculation rules in relation to fuel excise indexation, will strip \$83 million out of our State budget.

Western Australia's share of general purpose grants has declined by over \$350 million over the past nine years.

This is a long-term financial problem for Western Australia.

The independent review of the Grants Commission process commissioned by the Governments of Western Australia, New South Wales and Victoria will be released soon.

This will be a trigger for further reform of Commonwealth-State financial relations - reform that is vital to Western Australia's long term ability to invest in essential infrastructure to attract major industrial developments.

SUSTAINABLE FINANCES

The Government's plan to invest in infrastructure and important community priorities can only be sustained through responsible financial management.

Spending Control

Building sustainable finances is why the Government has slashed spending growth in this budget to a figure well short of the inflation rate - the lowest growth in government spending in eight years.

In 2002-03, government spending will grow by only 1.8 per cent to \$11 billion, or minus 0.4 per cent in real terms.

This is in stark contrast to the average annual growth in spending under the Coalition of 5.6 per cent, much faster than the rate of inflation and completely unsustainable.

This year, spending increased by just 4 per cent, fractionally above the 3.8 per cent forecast in the 2001-02 Budget.

The slight increase since budget time is not the result of profligacy, but the combined effect of policy choices to provide a \$70 million top up to health to meet community demand and the provision of extra federal funding for the First Home Owner Grant scheme.

It is no small feat that the \$852 million in savings imposed on government agencies last year have been delivered without compromising key services.

Delivering Surpluses

Tight financial control and a strong property market have delivered our first budget surplus of \$118.6 million in 2001-02, more than double our budget time estimate of \$51.6 billion.

In 2002-03, the Government will again deliver a surplus.

This time the forecast will be \$119.1 million, giving the Government a greater margin to weather unexpected events and meet our capital works commitments.

Naturally, our decision to invest in infrastructure means increasing State debt - extending our net borrowings by \$585.2 million in 2002-03. This includes borrowings by public corporations such as Western Power and the Water Corporation.

As is the case with a mortgage, the critical question is can we meet the repayments?

The answer is yes - because this government, unlike our predecessors, has a track record of financial discipline and a commitment to delivering surpluses.

As a proportion of gross state product, debt will sit at seven per cent in 2002-03, declining to 6.1 per cent in three years.

We are determined to bequeath the next generation important infrastructure but not to leave an unacceptable legacy of debt.

Financial targets

With the framing of the 2002-03 State Budget, the Government is on track to meet the key financial targets.

These are to:

- retain the State's AAA credit rating by limiting expense and debt growth;
- maintain an operating surplus;
- maintain or increase our net worth; and
- maintain our tax competitiveness.

In order to preserve our AAA credit rating we have continued to uphold two specific targets:

- that the ratio of net debt to public sector revenue will remain at or below 45 per cent; and
- that real per capita expenses for the general government sector will not increase.

Revenue Measures

Notwithstanding our spending restraint, the Government has found it necessary to introduce some targeted revenue measures to ensure the tax base is broad enough to sustain our investment in community services and vital infrastructure in the years ahead.

The heady days of revenue growth averaging 6.6 per cent a year - experienced by the former government - are over.

Our projections are that, without additional revenue measures, our income would grow by only 0.8 per cent this year. It is clear that this income stream would not maintain services.

That is why we have taken corrective action, with new revenue measures raising a net \$110 million in 2002-03.

Consistent with our disciplined approach, the growth in revenue will be only 1.8 per cent - less than the rate of inflation - and, importantly, our tax competitive position will remain unchanged.

From 1 July 2002:

- Stamp duty on motor vehicle compulsory third party insurance will be set at eight per cent of the premium - the same rate that applies to most other forms of insurance.

This will raise \$24.5 million in its first full year, increasing the effective cost of compulsory third party insurance by \$19.21 for a standard passenger vehicle.

Compulsory third party insurance premiums will not rise and even after this increase in stamp duty, compulsory third party insurance costs in Western Australia will remain the lowest of all the States and Territories.

- Stamp duty on motor vehicle licence transfers (including new registrations) will be increased, except for heavy vehicles exceeding 4.5 tonnes.

Specifically, the rate of duty will be increased from 2.5 per cent to 2.75 per cent for vehicles valued under \$15 000, and from five per cent to 6.5 per cent for vehicles valued over \$40 000. The rate of duty increases proportionately for vehicles valued between \$15 000 and \$40 000.

By way of example, stamp duty on the transfer of a vehicle valued at \$15 000 will increase by \$37.50.

Stamp duty in Western Australia will remain broadly comparable with other States for vehicles valued up to \$20 000. These vehicles account for nearly 80 per cent of all motor vehicle licence transfers in this State.

- Stamp duty on property conveyances will be increased progressively, with the increases from 1.95 per cent to two per cent for property valued below \$80 000, and from 4.85 per cent to 5.5 per cent for property valued over \$500 000.

Western Australia's top rate of conveyance duty - 5.5 per cent - will be the same as the top rates currently applying in New South Wales and Victoria.

Stamp duty on the purchase of a median-priced house will increase by \$393, from \$4 787 to \$5 180.

Business Tax Relief

The Government has decided to slash stamp duty on new registrations of heavy vehicles - like trucks, cranes and forklifts - to a flat three per cent.

Stamp Duty Relief on Property Conveyances - Wholesale Unit Trusts

The Government has also decided to legislate to provide conveyance duty relief for genuine "wholesale" unit trusts investing in Western Australian property.

This decision reflects some legitimate concerns that have been raised by the commercial property industry about the broad application of Western Australia's private unit trust provisions.

Details of this measure are being finalised in consultation with the Property Council of Australia, to ensure that an appropriate balance is struck between removing impediments to investment in this State and restricting stamp duty avoidance opportunities.

Payroll Tax and Contractors

Following a consultation process with key industry groups and tax professionals, the Government has decided not to introduce new provisions to extend the payroll tax base to "employee-like" contractors.

The consultation process highlighted the difficulty of introducing new provisions that clearly distinguish employee-like contractors from those operating as independent businesses without imposing substantial additional compliance costs on employers.

Accordingly, the Government will leave existing provisions in place, but with an increased focus on taxpayer education in order to assist employers to correctly self-assess whether a contract payment should be subject to payroll tax.

Review of State Business Taxes

In last year's budget, the Government announced a review of State business taxes.

The final report of the review proposes a package of reform initiatives aimed at delivering a tax system which:

- has fewer taxes;
- is fairer;
- is less distortionary;
- is more competitive;
- is simpler; and
- minimises taxpayers' compliance costs.

The proposed package of reforms is substantial and represents an ambitious overhaul of our State taxation system while preserving our revenue base.

Consultation, and the commitment of the business sector, will be the key to its success.

That is why the Government has decided that it will release a draft white paper, outlining the proposed reform package, for public comment.

Household Impact

In its first year in office - and this year - the Government has worked hard to keep the overall impact of fees and charges below the inflation rate.

Electricity prices will again be frozen in 2002-03, as will public transport concession fares.

In 2002-03, water charges will rise by 2.9 per cent, while public transport fares will be increased in line with inflation but held to a maximum of 20c per zone.

Spending by the standard "representative" household on the basket of government goods and services and State taxes will increase by just \$1.32 a week.

This is equivalent to a 2.3 per cent increase on the previous year's expenditure on the same basket of goods - significantly less than the forecast CPI in 2002-03 of three per cent.

For a pensioner eligible for concessions, the increase is expected to be 72c a week.

CONCLUSION

This budget provides a clear demonstration that the Government is making the tough decisions to ensure the State's finances are managed responsibly.

Financial discipline is the key to sustaining our investment in infrastructure and vital community services.

These investments are what government is all about.

They are about building roads, rail networks and bridges.

They are about providing reliable energy supplies and quality water.

They are about opportunities for learning, better health services and a sense of public safety.

The 2002-03 budget aims to develop our State and provide opportunities for our people.

It is an investment in our future.

I commend the motion to the House.

Debate adjourned, on motion by Hon Bruce Donaldson.

LABOUR RELATIONS REFORM BILL 2002

Referral to Standing Committee on Legislation

Resumed from an earlier stage of the sitting.

HON MURRAY CRIDDLE (Agricultural) [2.36 pm]: I agree with the motion moved by the Leader of the Opposition, Hon Norman Moore, that the Labour Relations Reform Bill 2002 be discharged and the Bill be referred to the Standing Committee on Legislation for report by 5 November. A number of things concern me about this Bill, not least of which is the enormous number of amendments on the Notice Paper. Some of the explanatory notes that have been made available do not cover the issues thoroughly enough, leading to some misunderstanding of the debate. Some of the mechanics within the Bill are, to say the least, doubtful. I do not intend to go on at length. Committees have dealt with other Bills successfully and brought them back to the House in an acceptable manner. Hon Derrick Tomlinson outlined the input that can come into the debate in the committee, and the value of that debate and consultation. I urge the House to support the motion.

HON DEE MARGETTS (Agricultural) [2.38 pm]: I will speak very briefly to this motion. I will put into context the remarks I made the other evening. Those remarks were interjected on strongly because I assume that the Opposition did not want to hear them. I have made two attempts to provide a mechanism to enable the Bill to be seen by a committee. The first was before the legislation came to this Chamber. It would have enabled a discussion on the broad policy of the Bill as well as the Bill itself. That attempt came to nothing because, apart from anything else, the Leader of the Opposition said he did not like the idea of a Bill going to a committee before it reached the Chamber. He is entitled to that view. However, in effect, the Bill would have been tabled as a paper. That would have given us a lot of scope and time to examine it in detail. I mentioned the other night that I had attempted to enable a one-month review of the Bill, which would have reported back today as it happens. I received no positive response from either side of the House on that matter. The other night members from One Nation said that my suggestion of a review was news to them. It was

not a secret in any way. A number of people from the business community contacted me and were keen to see some limited debate on it. They knew that we sought some certainty about when it would be passed and that the offer was to report by 16 May. Many people who contacted me thought it was a good idea. In contrast to any secrecy, Hon Paddy Embry may recall that I mentioned it in some detail during my presentation in Albany. It was not a secret or something I deliberately failed to mention to One Nation members. I did not negotiate with One Nation because it did not get past first base with the Leader of the Opposition. The Government was not keen on an inquiry.

I made it clear that our offer of support for an inquiry was to be of a timely nature. If the second reading debate had been concluded in a timely manner, that would have allowed sufficient time to prepare for the Committee debate, in which case, a reasonable, dispassionate assessment could have been made of the legislation. I do not believe this motion is reasonable. Many people believe it would be unreasonable to delay changes to industrial relations until the end of this year. It would be unfair and unreasonable to leave both business and the average worker in Western Australia not knowing what is happening for that long. The Greens therefore will not support the motion.

HON JOHN FISCHER (Mining and Pastoral) [2.42 pm]: One Nation supports the motion for the Bill to be referred to a committee. At the conclusion of my speech on the second reading debate, I suggested that the Bill be referred to a committee. We are very concerned about the lack of consultation with both employers and employees in small business, particularly in rural and regional areas. A letter that I received from one of the small business organisations reads -

Firstly, can we say that the period given to make comments on such a substantial and far reaching piece of proposed legislation is entirely inadequate. It appears that the consultation period is just to allow the Government to claim they have consulted with business. Any claim of such consultation is baseless as, in the main, small business is not even aware of the full consequences of the draft Bill and is in no position to develop models of how it will apply to their individual business operations.

The fact that the draft Bill has not been widely circulated by the government demonstrates that they are not really interested in the views of small business.

One Nation considers that the lack of consultation has severely disadvantaged the drawing up of this legislation. Workers have been intimidated and small business has been insulted by the proposals. Despite the theory that this legislation will improve industrial relations in this State, my colleague, Hon Frank Hough, was right when he said that the philosophy behind the Bill is so far to the left it is probably a reaction to the previous workplace agreements. If the Bill is scrutinised by a committee, some of these problems might be resolved to the benefit of small business operators in this State. One Nation supports the motion.

Question put and a division taken with the following result -

Ayes (16)

Hon Alan Cadby	Hon John Fischer	Hon Barry House	Hon Barbara Scott
Hon George Cash	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Paddy Embry	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)

Noes (17)

Hon Kim Chance	Hon Jon Ford	Hon Ljiljanna Ravlich	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon J.A. Scott	Hon E.R.J. Dermer (<i>Teller</i>)
Hon Kate Doust	Hon N.D. Griffiths	Hon Christine Sharp	
Hon Sue Ellery	Hon Dee Margetts	Hon Tom Stephens	
Hon Adele Farina	Hon Louise Pratt	Hon Ken Travers	

Question thus negatived.

Committee

Resumed from 15 May. The Chairman of Committees (Hon George Cash) in the Chair; Hon N.D. Griffiths (Minister for Racing and Gaming) in charge of the Bill.

Clause 4 - Part VID inserted -

Progress was reported after the clause had been partly considered.

Hon DEE MARGETTS: Proposed amendment 113/4 relates to the attempted striking out of the ability to offer EEAs to parties who are under 18 years of age, which we dealt with in a previous vote. As the previous amendment was unsuccessful, and a number of other amendments on the Notice Paper are consequential because they all relate to what are, in effect, attempts to provide some protection to people who are younger than 18, I will not be moving those consequential amendments. Instead, I would like to move on to my proposed amendment 114/4.

The CHAIRMAN: To set the record straight, Hon Dee Margetts will not be moving amendment No 113/4 and we now move to proposed amendment 114/4.

Hon DEE MARGETTS: This has a similar theme to the situation with collective bargaining that I mentioned before. From the point of view of the Greens (WA), although an enterprise order is in some ways imposed on the parties, it is part of the process of negotiating collective agreements and it should be considered in the same way as EEAs. If we leave an enterprise order out of that process, it might encourage those people who are recalcitrant in negotiating a collective bargain to then do other things. I mentioned the potential to push individual contracts while that enterprise order was in force. From our point of view, it is an artificial distinction to separate enterprise orders from agreements; therefore, for the purpose of giving collective bargaining primacy, as was stated as the object of the Bill, I ask the Chamber to support my amendment. I move -

Page 8, line 17 - To insert after "agreement" the words "or enterprise order".

Hon N.D. GRIFFITHS: The Government opposes what Hon Dee Margetts seeks to do. There is a distinction between an industrial agreement and an enterprise order. An industrial agreement involves agreement between the parties, whereas an order is an arbitrated process. Therefore, it is inappropriate to agree with the amendment.

Hon DEE MARGETTS: Certainly, the arbitrated process is arrived at after attempts have been made to reach agreement, and the process has gone a long way towards that, so it cannot occur without the parties being involved; although, I suppose it is possible that one party does not want to be involved at all. It is important that we do not reward those people who have been recalcitrant, and who may wish to sabotage that process, by giving that outcome less value and more ability to be turned over by enabling that process to come to fruition in the first place.

Amendment put and negatived.

Hon RAY HALLIGAN: Clause 4 is quite long, and in dealing with some of the amendments we went beyond some of the proposed sections that I would like to have spoken on. Proposed section 97UB(1) states -

An EEA may deal with rights and obligations that are to take effect after the termination of employment between the persons who, before the termination, were the employer and the employee.

Could the minister give some examples of what is intended by this proposed subsection?

Hon N.D. GRIFFITHS: Rights and obligations that are relevant after the termination of employment can commonly include the return of property - often an employer's property - matters to do with restraint of trade and confidentiality.

Hon BILL STRETCH: I asked a couple of questions the other day about percentages and numbers. I researched further into the relevant period for the figures that the minister supplied. It seemed on further study that they related to the time that the new Government was reviewing, cutting and changing the nature of public service contracts etc. In other words, it was in the last six months of Labor's first year in government. In order to get a fair picture of what was happening previously, I ask the minister to supply or table as quickly as possible the equivalent numbers or percentages for the four preceding six-monthly periods. According to the minister's speech, the figures came from the statistical report of the department, so they should be fairly easily available. Can the minister table figures for those six periods - five, if the minister discounts the period in which the election was held? The significant periods are the four before the period that the minister quoted. I would appreciate any later figures, but I do not expect to receive them.

Hon N.D. GRIFFITHS: I will seek that information from the department with a view to tabling as much information as I can so that Hon Bill Stretch and other members are as fully informed as they can be.

Hon PADDY EMBRY: I am sure that if I am not dealing with the appropriate part I will be told. I am having a little difficulty finding my way through the Bill. Under proposed section 97UB(1), I understand that if an employer-employee agreement is signed, the employee at a later stage may opt to change. If that is correct, will the employer have the right to terminate the employment? In other words, the job may have been available for the employee under an EEA, but should the employee exercise the right to change, will the employer have the right to terminate?

Hon N.D. GRIFFITHS: An EEA is binding on the parties. Of course, we are not dealing with slaves or serfs, as somebody can leave somebody else's employment. In answer to the first question, no; the second question, not applicable.

Hon DERRICK TOMLINSON: I would like some clarification of proposed section 97UD on page 7 of the Bill, which deals with the making of an EEA by a person with a mental disability. Proposed subsection (1) states -

An EEA may be made for a represented person as an employee by the person's representative.

On the one hand, the title refers to the making of an EEA by a person with a mental disability. On the other hand, the text of the Bill refers to making an EEA for a person with what is described in the provision as a mental disability by the person's representative. I assume that by the use of the words "mental disability", the intention is to refer to persons with intellectual disabilities. Mental disability and intellectual disability are two different entities. However, they are quite often interchanged in common usage.

When a person assumes authority for another person who suffers an intellectual disability, the usual course of action is for the person who is assuming the authority to be granted the authority by such things as an enduring power of attorney. In proposed section 97UD(1), (2) and (3), there is no explanation of how the person's representative assumes the authority to act for the represented person - the person with the intellectual disability - nor is there any indication of a requirement of will on the part of the person with an intellectual disability. The assumption seems to be that because a person has an intellectual disability, he will be placed in a box, and his independent choice will be removed and given to a representative. Elsewhere in the Bill, "representative" is taken to mean a union person. I do not believe that is necessarily the case. However, if it is the case that a union representative may assume authority on behalf of a person with an intellectual disability, at what level of intellectual disability and by what authority would that be done, other than that this Bill says it may be done? Furthermore, what is there to protect the interests, other than the referral to the Western Australian Industrial Relations Commission? Is the Western Australian Industrial Relations Commission empowered? Does it have the authority and the expertise to make judgments about the independent will or the independent capacity of a person with an intellectual disability?

Many people with intellectual disabilities have discriminatory power to understand the difference between right and wrong and to understand that which is to their advantage or benefit. Those who are so severely intellectually handicapped that they are incapable of making those sorts of judgments are probably unemployable anyway.

Hon Sue Ellery: No.

Hon DERRICK TOMLINSON: Not necessarily so, I know, because many of them would be in protected workshops or in other forms of employment. However, even in that situation, the interests of those persons must be protected by more than a provision in this Bill that states that somebody may enter into an EEA for them. Which provisions protect the interests of intellectually handicapped persons?

Hon N.D. GRIFFITHS: What Hon Derrick Tomlinson has commented on has relevance to the amendment on the supplementary notice paper that is foreshadowed to be moved by Hon Murray Criddle. I refer the member to page 44 and the following pages of the Bill. They deal with division 9, EEAs for persons with mental disabilities. In there is contained a definition of mental disability - an inclusive, not exclusive, definition, but it is wider than an intellectual disability. It can include other categories. The relationship with the Guardianship and Administration Act is then set out. The person who makes the decision is the Registrar of the Western Australian Industrial Relations Commission. He is obliged to seek information from the Guardianship and Administration Board, and the board is obliged to give certain information that is set out in proposed section 97WU, when that is applicable. Proposed sections 97WV and 97WW set out who will make the application and the requirements for the application. Proposed section 97WY sets out who can be approved. In that context, there are three categories, but the proposed paragraph (c) category is not known at this stage because it is a class of persons prescribed by the regulations.

If and when those regulations emerge, Hon Ray Halligan will give them appropriate scrutiny on our behalf. We may be debating them at some stage. Proposed section 97WZ deals with the approval process. As the Committee moves through this division members will note that there is an appellate process. The registrar of the commission does the job. The procedures and the relationship with the Guardianship and Administration Board are set out in proposed division 9, which starts at page 44 of the Bill and goes through to page 51. It then goes on to deal with other matters in connection with the issue of representatives. EEAs are considered by the Government to be an appropriate choice for people to make. It is a policy of the Government - after consultation - that people with disabilities who wish to be employed should have the benefits of EEAs if that is thought appropriate.

Hon ROBYN McSWEENEY: Proposed section 97UD is titled "Making of EEA by person with a mental disability". We have an employment agency at home that employs people with mental disabilities. I was asked a question the other day by the mother of a young man who works four hours a day and is paid \$5 an hour. The parents are happy with that and he is happy with that. Sometimes, he cannot work for four hours as he gets headaches and has to go home. Does the Government call that exploitation or will the Government allow that sort of arrangement to continue? Will people with mental disabilities who are useful to the community still be able to be employed for \$5 an hour or will they have to be paid a different rate? It is a worry for parents who have children with mental disabilities. They are very pleased that their children are in the community with worthwhile occupation.

Hon N.D. GRIFFITHS: I thank the member for the question. The starting point for the answer is on page 5 of the Bill, at which are definitions of the supported wage provisions and the supported wage system. Arrangements for employees of the kind mentioned by the member are different from arrangements for employees in general. Supported wage provisions -

means provisions that enable an employer to pay an employee with a disability a wage that is related to the employee's productive capacity;

Reference is made to the supported wage system on page 33 of the Bill at the heading for proposed subdivision 2 - Principles to be followed in application of no-disadvantage test.

Proposed section 97VV has particular provision for cases when the supported wage system applies. It states -

An EEA does not disadvantage an employee in relation to his or her employment by reason only of a reduction of the employee's wages if -

- (a) the employee is eligible for the Supported Wage System; and
- (b) the EEA provides for the payment of wages to the employee at a rate that is not less than the rate set in accordance with that System for persons of a class that includes the employee.

The supported wage system is a commonwealth system. It is likely - although not necessarily so - that the person mentioned by the member will come under that category.

Hon PADDY EMBRY: The minister referred to page 44 of the Bill. Proposed section 97WR contains definitions. I do not see a category that would cover a person with attention deficit disorder. It is not an intellectual disability, nor is it a psychiatric condition, an acquired brain injury or dementia. Has that category been catered for?

Hon N.D. GRIFFITHS: This division deals with mental disability. If a person's medical condition, either physical or mental, does not fit into those categories, then that is the position.

Hon DERRICK TOMLINSON: I thank the minister for drawing our attention to proposed division 9. It is a very important division. He was very thorough in his reference. I take it from the definition of mental disability - including the four categories shown - that the assumption is that someone who has a so-called mental disability has some degree of impairment of reasoning. I listened with interest to the question about a person with attention deficit disorder or attention deficit hyperactivity disorder. Both conditions are best treated by psychiatrists. Some people categorise them as behavioural problems to be treated by paediatricians. Most paediatricians simply dose affected children with Ritalin or dexamphetamine. Some of the smart children sell the dexamphetamine at \$5 a hit in the playground. I hope that one day only registered psychiatrists will be able to prescribe Ritalin and dexamphetamine for people diagnosed with ADHD.

The minister said in reply to Hon Paddy Embry that if a person has a disorder that does not fit within the categories described in paragraphs (a), (b), (c) or (d), this proposed section does not apply. What about a person who has, for example, cerebral palsy? A person with cerebral palsy is not necessarily intellectually disabled. The person may be of normal or superior intelligence. Cerebral palsy does not necessarily have an attendant mental disability. However, the cerebral palsy may be such that the person cannot speak clearly and has a communication disability.

Hon N.D. Griffiths interjected.

Hon DERRICK TOMLINSON: Yes; the intention is there, inside the person's head, as the minister tapped his skull to indicate. There are numerous examples of people whose condition does not fall within the category of mental disability and who are employable, perhaps only in a protected or sheltered situation, and perhaps only as a supplement to their disability pension. Nevertheless, they are still making a meaningful contribution to the community and their own economic welfare. Employment is most important to the wellbeing of disabled persons. If there is no provision for people who do not fit the reasoning impairment assumption in those four categories described as mental disability, what provision is there for people who have a physical impairment that limits their participation in negotiations for an EEA?

Hon N.D. GRIFFITHS: This proposed section is not dealing with physical impairment. The origin of this proposed section goes back to the longstanding rule of common law that deals with the capacity to contract. We are dealing here with a mental capacity to contract. Members may recall that there were categories of persons who could not contract fully, including married women, lunatics and the like. That is the origin.

Hon Paddy Embry: They should not be grouped together, minister!

Hon N.D. GRIFFITHS: Well, there we are! This proposed section is not about a person with cerebral palsy. It is about a person who does not have the capacity to contract. The Bill sets out the processes that are to be followed. Whether or not a particular condition falls into the categories in this definition is a question of judgment. It does not necessarily follow that a person with ADD or ADHD will fall under this definition. It is not appropriate for me to give advice about whether particular conditions are medical or psychiatric. To do that, I would need to have a battery of psychiatrists in here, and I do not have that.

Hon DERRICK TOMLINSON: I wanted the minister to make clear what was implied in his answer, and he confirmed my assumption that the defining characteristic of mental disability is some impairment of reasoning; or, to use the common law term used by the minister, the ability to contract. Persons with an impairment that may be a physical disability rather than an intellectual disability - or, to use the term in the Bill, a mental disability - are excluded. I accept that division 9 applies to EEAs for persons with mental disabilities. Is there a provision within the Bill to protect persons with disabilities other than mental disabilities who may have a right to enter into an EEA but because of their impairment, of whatever kind, there is a restriction on their capacity to enter into negotiations about an EEA?

Hon Sue Ellery: They can have a bargaining agent.

Hon DERRICK TOMLINSON: That is good.

Hon N.D. GRIFFITHS: As I said to Hon Robyn McSweeney, the supported wage system can apply to people who suffer a physical impairment - not necessarily, of course, but these are judgments that people make. That is covered in proposed section 97VV at page 33. With regard to the concern about whether a person's condition falls within the definition of "mental disability", the safeguards can be found in proposed section 97WW(3).

Hon Derrick Tomlinson: That has been amended.

Hon N.D. GRIFFITHS: That is right.

Hon BRUCE DONALDSON: We have talked about people with a mental disability or, in the case of paragraph (c), an acquired brain injury, and we have talked about an order under the Guardianship and Administration Act for the appointment of plenary guardians or limited guardians. Does the Bill capture people who are appointed by a Supreme Court order under the Mental Health Act to manage another person's affairs? The reason I know so much about this matter is that my eldest son has an acquired brain injury, and I manage his affairs under a Supreme Court order. If my son tried to enter into an employer-employee agreement, would I be the appointed person to act on his behalf, because it is different from an order under the Guardianship and Administration Act?

Hon Derrick Tomlinson: He might enter into an agreement against your will.

Hon BRUCE DONALDSON: Yes. I thank Hon Derrick Tomlinson. Could he enter into an agreement against my will?

Hon N.D. GRIFFITHS: Under proposed section 97WY, in the absence of anything else, there would be no difficulty for someone in the position that the member has outlined being approved to become that person's representative; so that would deal with that person's capacity to enter into an EEA. I am not in a position to answer with regard to the Mental Health Act. I do not have the Mental Health Act in front of me and do not know the provisions to which the member is referring.

Hon BRUCE DONALDSON: Is the minister saying that proposed section 97WY(1)(b) gives approval to a close associate of a person with a mental disability who has reached 18 years of age to act as a representative? Is that what the minister is referring to?

Hon N.D. Griffiths: Yes.

Hon BRUCE DONALDSON: In this case, would a person be covered irrespective of the -

Hon N.D. Griffiths: It gives people the capacity to apply to become a representative if they want to, but they do not have to. The person concerned may not wish to have an employer-employee agreement.

Hon BRUCE DONALDSON: Under the Mental Health Act, the Supreme Court has ruled that the few people in Western Australia who manage the affairs of disabled people can do so. Could I legally represent my son and be an authorised representative on any EEA?

Hon N.D. GRIFFITHS: I will refer to the member because he referred to himself. Nobody is appointed as a representative without making an application, and the person must be approved. The member described himself in a situation that falls squarely within proposed section 97WY. This proposed section is not meant to interfere with what the Supreme Court has empowered a person to do; it relates to employment and the opportunity to enter into an EEA if that is what a person wishes to do. When I use the word "capacity", I mean simply that. This Bill does not direct the person who has the duty to manage somebody's affairs to enter into an EEA. However, it gives people the capacity in those circumstances to be approved as a representative. It would be wrong if it were otherwise.

Hon FRANK HOUGH: I will revisit 97UV(1), which Hon Paddy Embry referred to a few moments ago. Perhaps the member and I misinterpreted what the minister said. If an employee had previously signed an EEA with an employer but decided to change to an enterprise bargaining agreement or an award because the circumstances of his employment had changed, would he have to resign? If the employer did not wish to change the agreement, could the employer fire the employee?

Hon N.D. GRIFFITHS: My answer to Hon Paddy Embry stands. A registered EEA is binding on both parties; it is an agreement and neither of them can walk away from it.

Hon FRANK HOUGH: The EEA might be a three-year agreement. During that time, the employee might decide to leave the business. I imagine that he could leave at any given time. That would mean that the employee would have to resign if he was not happy with the EEA he signed. I understand what the minister said; however, because of changes in the workplaces and the circumstances of employment, the employee might not be happy working under that EEA. A person who buys a motorcar or a house might suffer from what is called buyers' remorse. Is there a time in which the employment agreement can be changed? The employer might not be happy, which is possible - 50 per cent of contracts result in buyers' remorse; I know that because of the type of business in which I have been involved. Am I right in saying that the employee cannot change his workplace agreement? If that is the case, must the employee resign and then reapply for the job? That would mean that the employer might or might not re-employ him.

Hon N.D. GRIFFITHS: As I understand it, the member has posed a scenario whereby an employer and employee have signed an EEA, but the employee no longer likes it and wants it changed. It is always open to the employee to seek a new agreement with the employer. If he does that but he cannot get what he wants, the employee has a choice. We are not imposing serfdom or slavery. It is always open to an employee to say that he is not satisfied with the conditions of his employment and he can leave. That is what choice is all about.

Hon MURRAY CRIDDLE: I refer to the explanatory memorandum that relates to proposed section 97UD. The third page of the explanatory notes state -

Employers must provide prospective and existing employees with detailed information before making an EEA, including a copy of any relevant award (or approved summary thereof) -

What is that?

and an information statement prepared by the Registrar of the Commission.

How does the employer get that so that he can hand it to the employee? The memorandum further states -

The information must be provided to new employees at least 5 days before . . .

That is subject to an amendment that I will move. How does that information become available, and will it be readily available? It gets back to the issue of education and making sure that people know where they stand, otherwise they will break the law.

Hon N.D. GRIFFITHS: I am advised that an information statement will be prepared by the commission and awards are matters for the public record.

Hon MURRAY CRIDDLE: If that is the case and an information statement becomes available and people know they can hand them on, what is the penalty for that besides not being able to register the agreement?

Hon N.D. GRIFFITHS: That is the penalty. Why would people go through the process if they were not going to register the agreement? People are encouraged to go through a process to get to an outcome. If they turn it into a farce, they will not get what they presumably wanted in the first place.

Hon MURRAY CRIDDLE: The explanatory note says -

. . . must provide prospective and existing . . .

Is it true that there is no penalty if the employee is an existing one? Is an existing employee a registered employee at that stage?

Hon N.D. GRIFFITHS: An employer can enter into an employer-employee agreement with an existing employee.

Hon Murray Criddle: Is he going to deregister or register the agreement?

Hon N.D. GRIFFITHS: No. The proposition is that that the employer and employee want to enter into an EEA but they have not gone through the process. Therefore, the EEA will not be registered. That does not mean that employment ceases. People who are employed now will continue to be employed, with some of them entering into EEAs. However, the fact that people enter into EEAs does not mean that their employment will cease. It is a separate matter entirely.

Hon MURRAY CRIDDLE: I understand that. The point I am trying to make is that if an agreement exists but is not registered, which seems to be the information that is in front of us, there is no penalty. Does the show just go on? The minister is saying that the agreement must be registered and the information must be handed on.

Hon N.D. GRIFFITHS: Yes, if the agreement is to be registered.

Hon RAY HALLIGAN: When we discussed proposed section 97UD we spoke about mental disabilities and the like. What happens to an employer who takes on someone with a mental disability? We have already been told that there are degrees of mental disability. Could an employer end up in a difficult situation if he takes on such a person, and the EEA is signed and registered? The registrar will not know about the capacity of the employee unless there is a provision in the Bill that deals with this matter. What would happen to the employer if someone, at some stage, found that that employee did not have the legal capacity to sign an agreement? Are any penalties likely to be imposed on the employer?

Hon N.D. GRIFFITHS: We are discussing a situation in which an employer finds that he has employed someone with a mental disability under an EEA but he was not aware of the disability at the time. I cannot envisage anything happening to the employer.

Hon RAY HALLIGAN: I was thinking of the situation to which Hon Bruce Donaldson referred in which someone else might know of the mental capacity of the employee and bring it to the attention of the employer at a later stage. That person may wish to take the matter further and suggest that the employer was taking advantage of the employee in some way, shape or form. Is there a penalty in the Bill for that?

Hon N.D. Griffiths: No.

Hon RAY HALLIGAN: I refer to proposed section 97UC, which deals with other provisions about making an EEA. Subclause (3) states -

The matters that may be dealt with in EEAs made with certain categories of employees are subject to the restrictions in . . .

It then refers to the Public Sector Management Act and the Port Authorities Act. What in particular was being considered when that provision was included in the Bill?

Hon N.D. GRIFFITHS: Proposed subsection (3) prevents any overlap in the employment arrangements.

Debate interrupted, pursuant to standing orders.

[Continued on page 10525.]

Sitting suspended from 3.45 to 4.00 pm

QUESTIONS WITHOUT NOTICE

HOMELESSNESS STRATEGY, FUNDING

1416. Hon NORMAN MOORE to the Minister for Housing and Works:

I refer the minister to his recent announcement of a \$32 million initiative to assist homeless people. Where is the funding shown in the budget papers?

Hon TOM STEPHENS replied:

The budget was cast on 15 April. The cabinet decision about the homelessness strategy was made on 29 April. The Government's homelessness strategy involves expenditure of \$10.5 million from the current budget; that is, between now and 30 June. The remaining funds do not appear in the budget papers because the decision to expend them was made 14 days after the decision relating to the casting of the budget.

HOMELESSNESS STRATEGY, FUNDING

1417. Hon NORMAN MOORE to the Minister for Housing and Works:

Where does the minister anticipate the extra \$20 million for the homelessness strategy, which is to be spent in the next financial year and which is not budgeted for, to come from?

Hon TOM STEPHENS replied:

Not all the \$32 million for the program is additional expenditure for 2002-03. The money is to be spent over four years.

Hon Norman Moore: It is not as good as it sounded the other day.

Hon TOM STEPHENS: No; it is a four-year program of which \$10.5 million for capital works will come from the current budget; and another \$500 000 will come from the rental assistance fund for one of the programs that comes to mind. That \$500 000 is from interest returned on the rental assistance fund, which becomes surplus funding. It will come from a combination of sources, including the consolidated fund.

SHARK BAY WORLD HERITAGE INTERPRETIVE CENTRE, FUNDING

1418. Hon NORMAN MOORE to the Minister for the Kimberley, Pilbara and Gascoyne:

Does the budget contain any funds for the Shark Bay world heritage interpretive centre; and if so, how much?

Hon TOM STEPHENS replied:

The money is effectively all there. The funds that were allocated for the current financial year, which as the member knows have not been spent, remain available. There will be a draw down on funds during the coming financial year and, the Shire of Shark Bay council advised me, in the subsequent financial year. The full financial commitment of the Government is contained in the budget. However, planning for the interpretive centre has not been finalised to the satisfaction of either the council or the Government. A business plan is yet to be finally agreed on. The full financial commitment of the pre-election promise is in place, but a business plan is to be finalised. Some more discussions between the council and the Government are needed to bring the issue to resolution.

I am very pleased to say that it is one of many pre-election commitments made by this Government that are delivered in the budget papers.

CALM'S TREE PLANTING OPERATIONS, CONTRACTING OUT

1419. Hon PETER FOSS to the Minister for Agriculture, Forestry and Fisheries:

(1) Is the Department of Conservation and Land Management to contract out its tree planting operations for the regeneration of logging coupes?

- (2) Is this work traditionally carried out by CALM workers?
- (3) What impact will this have on people currently employed by CALM for that purpose?
- (4) Will the minister comment on the claim that 36 people, who are members of the Australian Workers Union, will miss out on \$300 000 in wages as a result of this decision?
- (5) How does the Government reconcile this decision, particularly in light of the economic stress in the south west, with its commitment to increase employment in the timber areas?
- (6) What is the reason for the decision?

Hon KIM CHANCE replied:

- (1) The Forest Products Commission has responsibility for revegetation works. Obviously Hon Peter Foss knows that because although his question referred to the Department of Conservation and Land Management, it was directed to me. That can be confusing, but it is an FPC responsibility.

Hon Peter Foss: CALM workers have been doing it.

Hon KIM CHANCE: Yes, the workers have been contracted to the FPC. The FPC has indicated that it is pursuing competitive prices for its karri planting program in recognition that excessive costs in this area would be reflected in higher prices for karri sawlogs and would risk the viability of the restructured karri industry.

- (2) CALM workers currently undertake this work, and the Forest Products Commission has indicated that this option remains open, subject to CALM meeting competitive rates.
- (3)-(4) It is premature to speculate on this point prior to the final decision on the tender process.
- (5)-(6) See (1).

KANGAROO NUMBERS

1420. Hon BARRY HOUSE to the Minister for Agriculture, Forestry and Fisheries:

Does the minister acknowledge that kangaroo numbers have increased to plague proportions in many parts of country Western Australia; and what does the State Government intend to do to address that problem?

Hon KIM CHANCE replied:

I thank the member for the question, although I have only a secondary interest in kangaroo numbers. The question should have been put to the Minister for the Environment and Heritage. However, I am prepared to offer an opinion on the extent to which kangaroo numbers have an impact on agriculture. I did not receive notice of the question about whether there are plague numbers of kangaroos. I would require specialist advice from the Department of Conservation and Land Management to answer that. I have not heard reports of plague numbers of kangaroos affecting agriculture. That does not mean that, from an environmental perspective, there are not plague numbers in particular areas.

Hon Barry House: They are doing well from an environmental perspective.

Hon KIM CHANCE: A surplus of native animals can be an environmental threat in itself. This can occur particularly in pastoral areas that have had water points provided. Previously the limited water resource was the restricting factor on the breeding rate of kangaroos and other macropods. As the honourable member is aware, kangaroo numbers are controlled by CALM through a quota system. Licensed shooters are issued with a number of tags and a quota to kill.

From my dealings with the kangaroo processing sector, I know that we are killing far fewer numbers than we are licensed to kill. We are issuing far more licences than we are delivering in carcasses. This is a matter of concern for two reasons. Firstly, we are not achieving the cull rates that the Department of Conservation and Land Management has indicated it needs; and, secondly, the kangaroo processing industry is at some risk because it is not getting the throughput it needs. Members may be interested to learn that there is a huge international demand for kangaroo meat for human consumption. This situation has existed since the outbreak of bovine spongiform encephalopathy which has resulted in a demand for game meat, particularly venison and kangaroo.

The King River International Pty Ltd abattoir in Canning Vale is the only company in Western Australia that processes kangaroo meat for human consumption. I think it exports to 40 countries. It is having extreme difficulty acquiring sufficient kill.

I have had discussions with the Minister for the Environment and Heritage on this matter. I also wrote to her recently with a detailed proposal from Mr Barry Bell, whom the member will know very well. This time it was in his capacity as a licensed shooter rather than as an executive of the Western Australian Farmers Federation. Barry Bell put to me a range of proposals, which I have relayed to Dr Judy Edwards with my recommendation that she seriously consider Mr Bell's proposals. They relate to the way in which we review the licensing of professional shooters. Similarly, I have had discussions with full-time professional shooters, particularly those based in the Collie region, about the different licensing requirements in Western Australia and the other States. Here full-time professional shooters have a different

grade of licence from part-time shooters. One of the concerns expressed by both Mr Bell and the full-time professionals is that in Western Australia we tend to issue a licence to anyone who has an approved set of credentials, regardless of whether they are full-time shooters. If they hold an appropriate firearm licence, they can have a professional kangaroo shooters licence.

The PRESIDENT: Order! I trust the leader is bringing his answer to a conclusion.

Hon KIM CHANCE: Indeed. The outcome is still not clear. I will continue my negotiations with the Minister for the Environment and Heritage to ensure that we address the situation so that more full-time shooters are in operation and we achieve a higher proportion of our quota.

TAMALA PARK LAND FILL, STIRLING RECYCLING FACILITY

1421. Hon J.A. SCOTT to the minister representing the Minister for the Environment and Heritage:

An extra day's notice of this question has been given.

- (1) Is the Minister for the Environment and Heritage or the Department of Environmental Protection aware that the operators of the Atlas-City of Stirling waste recycling facility are dumping waste in the Tamala Park landfill without its being weighed or recorded?
- (2) If so, did the minister or the department permit this unrecorded waste to be dumped at Tamala Park?
- (3) Will the minister table all weighbridge dockets for waste delivery by Atlas to the Tamala Park land fill from the City of Stirling recycling facility on 14 May 2002; and, if not, why not?
- (4) Is Atlas required to pay land fill levies on the unweighed and unrecorded loads taken to Tamala Park; and, if not, why not?
- (5) How does the dumping of unrecorded land fill affect the calculation of payments for the waste diversion bounty to Atlas?

Hon TOM STEPHENS replied:

The Minister for the Environment and Heritage has provided the following response -

- (1) She is not aware of any waste being dumped that is not weighed and recorded and has been advised by the Department of Environmental Protection that all waste received at the Tamala Park land fill is weighed and recorded.
- (2), (4) and (5)
See (1).
- (3) No. The minister has been advised that the land fill levy regulations require 24 hours notice to be given to land fill operators to provide detailed records of waste received.

BUDGET STATEMENTS 2002-03, RESEARCH AND DEVELOPMENT FUNDING

1422. Hon MURRAY CRIDDLE to the Minister for Agriculture, Forestry and Fisheries:

On page 230 of the *Budget Statements* the estimated person hours involved in research and development have dropped dramatically, while funding from sources other than the State Government have risen by \$1 million.

- (1) Does this indicate a cut in consolidated funding?
- (2) Where is that cut being made?

Hon KIM CHANCE replied:

- (1)-(2) I thank Hon Murray Criddle for asking a more generic question than I thought he was going to ask. I have left my copy of volume 2 of the *Budget Statements* outside.

I have complained consistently in both opposition and in government about the difficulty in comparing one year's budget papers with another year's papers. I was horrified when I read this year's budget papers, not only because I found them very difficult to read but also because unless one has a degree in accounting and understands the reasons for changes it is extremely difficult, if not impossible, to make a valid comparison between each year's budget. We have been assured over recent years - Hon Murray Criddle was assured while he was in government - that the format of the budget papers was a transitional process and eventually the format for each year would be comparable. I note that Hon Bill Stretch is amused by that because he has heard it far more often than I have.

Hon Bill Stretch: Hope springs eternal.

Hon KIM CHANCE: In the interest of transparency I have responded to the difficulty by offering supporting information for the budget, which will make it somewhat easier for members to determine the differences between the

budgets of each year. Similarly, I will follow the same practice I followed last year. I have already offered selected opposition members an extensive briefing on the way the budget is constructed.

To answer Hon Murray Criddle's generic question, the net effect of this agriculture budget compared with last year's budget is a reduction of \$2.5 million, or three per cent. That puts it on par with all other non-quarantined agencies across the portfolios in Western Australia. A postscript, however, is that the \$2.5 million would have evaporated had we brought into the budget salinity funding, which we have not yet put into programs as a result of the delay in signing the intergovernmental agreement with the Commonwealth on the national action plan. Members will be aware that as soon as that money is shown in the budget program it becomes, for the purposes of the IGA, old money and cannot be matched by the Commonwealth. I am certain of my ground when I say that the net cash difference between this year's budget and last year's budget is negative in the region of \$2.5 million.

Other issues must be considered in the way services are funded and provided to agriculture in the Gallop Government's structure. These are not accounting difficulties; they are policy differences. It is the Gallop Government's policy to address not so much issues of land care but the generic issues of salinity and water quality on a whole-of-government basis. As a result, much of the money for those purposes, whether allocated or not, has been parked in other agencies' budgets. I refer members particularly to the budgets of the Water and Rivers Commission and CALM in which a substantial amount of salinity money is parked but not yet allocated. However, in the long term members will see increasingly agricultural-related money - money that we would have expected to see in the agriculture budget in the past - being delivered across other agencies. One of the other reasons for that is to ensure that the lumps of money set aside for programs are kept in a single jar so that we can match the Commonwealth's "glass jar" approach whereby commonwealth and state money is combined in a single source. There is a range of reasons. I know it is difficult.

Hon Murray Criddle: What about the CRF net difference?

The PRESIDENT: Order! I do not know that we can have a supplementary question that will prolong the answer further.

Hon KIM CHANCE: I will not take long, Mr President. The answer is a refinement. The consolidated fund base allocation is slightly higher than it was last year.

GOVERNMENT CONTRACTS, TENDERING

1423. Hon JOHN FISCHER to the Minister for Housing and Works:

- (1) In the light of the building industry code introduced in January 2002 and the impending passage of the Labour Relations Reform Bill, will the minister guarantee that companies whose work force does not operate under an enterprise bargaining agreement will not be excluded from tendering for government housing and works contracts?
- (2) If the answer to (1) is no, will the minister confirm that no company tendering for any government contract will be excluded if the company does not operate under an EBA?

Hon TOM STEPHENS replied:

- (1)-(2) The code of practice does not specify enterprise bargaining agreements or any other type of industrial agreement. Tenderers must comply with the law and the code to be eligible to tender.

GOVERNMENT AGENCIES, INFORMATION

1424. Hon RAY HALLIGAN to the Leader of the House:

Members are often asked to obtain information from government agencies in relation to constituents' inquiries. Under what circumstances does the Leader of the House not allow members to speak with staff of the agencies under his control to obtain that information?

Several members interjected.

The PRESIDENT: Order! The question was not asked of the parliamentary secretaries.

Hon KIM CHANCE replied:

It is my practice to ensure that members of my ministerial staff speak freely to any member of the Opposition. Indeed, I encourage that. For those members of the Opposition who have responsibilities that directly relate to my portfolio, I have not only offered them direct access to my office and officers, but also offered to provide them with facilities in the form of an office in my office, should they need to use one.

WESTERN AUSTRALIAN ACADEMY OF PERFORMING ARTS, REVIEW

1425. Hon BARBARA SCOTT to the parliamentary secretary representing the Minister for Education:

In June 2002 the Western Australian Academy of Performing Arts is due to have a five-year review.

- (1) When will the Government act to conduct an independent inquiry into the operation of the academy within Edith Cowan University to restore its status as the premier arts training school in Australia?
- (2) Why has the name of the academy been changed to WAAPA at Edith Cowan University?
- (3) Was the Government consulted about this change?
- (4) Have the statutes relating to the academy been altered to reflect the change?

Hon GRAHAM GIFFARD replied:

I thank the member for some notice of this question.

- (1) Recommendation 22 of the recent review of the training sector, chaired by Mr Tony McRae, MLA, indicated that there should be a review of the status and future development of WAAPA. Government is still considering this recommendation.
- (2) The name has not been formally changed. However, WAAPA@ECU is used for badging and promotional purposes.
- (3) Not applicable.
- (4) See (2).

HERBICIDE SPRAYING IN THE KIMBERLEY, USE OF PRISONER LABOUR

1426. Hon ROBIN CHAPPLE to the Minister for Agriculture, Forestry and Fisheries:

I refer to my question without notice 1356 on Wednesday, 8 May 2002, and seek clarification of the answers given. Specifically, given that there appears to have been some correspondence, whether written or verbal, between the Agriculture Protection Board and the Department of Justice and given the contradictory reports of the matter in the media over the past few days, will the minister give an account of his understanding of the matter?

The PRESIDENT: I am sure the minister will give a concise and precise response.

Hon KIM CHANCE replied:

Of course I will, Mr President, as I always do. I thank Hon Robin Chapple for some notice of his question. Hon Robin Chapple might have said that the contradictory reports of the matter in the media over the past few days were attributable to him, at least in part.

I am surprised that the member seeks clarification, as there appears to be no confusion between the comments I have made and the media statement issued by the Department of Justice on 10 May. I remind the member that the Agriculture Protection Board has only one staff member - its Perth-based manager - and that this has been the case for over five years. I am assured that there has been no contact between board members or the APB manager and the Department of Justice regarding staff from Bungarun correctional facility.

Officers from the Department of Agriculture at Derby were contacted by local staff from the Department of Justice about ideas for possible projects suitable for prisoner involvement. The Department of Agriculture has continued to assist the Department of Justice via provision of information and advice. For the member's benefit, I refer him back to my original answer, in which I clearly stated that I had been advised by the Department of Agriculture that it has not been, nor will it be, party to any activity requiring chemical use on the part of prisoners. I should add a codicil to that. Were a prisoner a licensed pesticide operator, perhaps we would reconsider that question.

SEXUALLY TRANSMITTED DISEASES IN CHILDREN

1427. Hon ROBYN McSWEENEY to the parliamentary secretary representing the Minister for Health:

I will give a preamble to this question because it will put it into context. I was watching a program on the ABC that was filmed in Queensland -

Hon Tom Stephens: *Australian Temptation Island* is on Channel Seven.

Hon Alan Cadby: Only you would know that, minister. What was it like last week?

The PRESIDENT: Order, members! Members are straying from the question.

Hon ROBYN McSWEENEY: I think so. When they hear the question, they will be rather ashamed of themselves for laughing.

Many children in certain areas, some as young as eight years old, had sexually transmitted diseases. The figure was absolutely horrific. Queensland Premier Peter Beattie quite rightly said that this is a tragedy and a national disgrace. All of us, whether we are in this place or in the community, have a duty of care when it comes to children.

- (1) How many sexually transmitted diseases have been reported in each of the past five years for -

- (a) Aboriginal girls aged under 10;
 - (b) non-Aboriginal girls aged under 10;
 - (c) Aboriginal girls aged 10 to 13; and
 - (d) non-Aboriginal girls aged 10 to 13?
- (2) What was the youngest reported age during that five-year period?

Point of Order

Hon TOM STEPHENS: I apologise to the member for interrupting her question.

Hon ROBYN McSWEENEY: I thank the minister. I believe an apology was necessary.

The PRESIDENT: It might have been a point but it was not a point of order.

Questions without Notice Resumed

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

- (1) The following figures refer to notification data for the five-year period from 1996 to 2000. It is important to note that many of the notifiable STDs are not necessarily sexually acquired. For example, gonorrhoea notifications do not distinguish between the various areas of the body. This means that the data includes both conjunctivitis and genital infections. However, some database entries include documentation stipulating that the infection is conjunctivitis. Accordingly, these entries have not been included in the figures below.

In contrast, only genital chlamydia infections are notifiable. However, it is known that the number of chlamydia notifications in infants aged zero to one year is subject to inaccuracy due to the inappropriate inclusion of notifications of neonatal chlamydial conjunctivitis. Similarly, trachoma infections in children may be included erroneously in chlamydia notification data. However, for both gonorrhoea and genital chlamydia, it is likely that many notifications in infants aged between zero and one year were neonatal eye infections contracted at birth during vaginal delivery from an infected mother.

Similarly, it is possible that a number of the cases indicated below are eye infections -

- (a) chlamydia - seven cases - one is in a child less than one-year-old and may represent an eye infection; gonorrhoea - 22 cases - eight are in children less than one-year-old and may represent eye infections;
 - (b) chlamydia - 10 cases - eight are in children less than one-year-old and may represent eye infections; gonorrhoea - four cases - one is in a child less than one-year-old and may represent an eye infection;
 - (c) chlamydia - 28 cases; gonorrhoea - 49 cases; syphilis - one case; and
 - (d) chlamydia - five cases; gonorrhoea - four cases.
- (2) There are notified sexually transmitted infections in children under one year. However, as indicated in question (1), the database does not distinguish the site of origin for the infection and therefore it is not possible to determine the youngest age at which infection has been acquired sexually.

POTABLE WATER, AGREEMENT WITH PRIVATE LAND-HOLDERS

1428. Hon BILL STRETCH to the minister representing the Minister for the Environment and Heritage:

The preamble to the question addresses itself to Hon Nick Griffiths because I had a discourse with him on water supplies. The minister will recall earlier this year that I urged the Government, through the Water and Rivers Commission, to enter into agreements with private land-holders for the supply of potable water for public distribution. I believe that the minister supported this proposition and indicated that such negotiations had taken place.

- (1) How many such contracts have been finalised?
- (2) What volumes of water are involved in each contract?
- (3) In which shire is each such water supply located and which town supplies are proposed to be supplemented by each contract?

Hon TOM STEPHENS replied:

The Minister for the Environment and Heritage has provided the following response: she has been advised by the Water and Rivers Commission that there are two methods whereby private land-holders may enter into agreements to supply potable water for public distribution. They are when the land-holders own an entitlement to take water and they trade this with a water service provider such as the Water Corporation and when a private land-holder becomes a water service provider to supply water to the Water Corporation. Such people would need a licence to operate from the Office of Water Regulation.

- (1) The Water Corporation is currently negotiating with South West Irrigation to see whether water used for irrigation may be treated to assist Perth in its current shortage.
- (2) Answered by (1).
- (3) Not applicable.

COMMUNITY-BASED MIDWIFERY PROGRAM, MEDICAL INDEMNITY INSURANCE COVERAGE

1429. Hon GIZ WATSON to the parliamentary secretary representing the Minister for Health:

Regarding insurance for midwives in the south west of Western Australia -

- (1) Will the Government extend the community-based midwifery program to include the south west of Western Australia?
- (2) If the answer to (1) is yes, when will the program commence and how much will be allocated to the program?
- (3) If not, how will the Government ensure that midwives in private practice are covered by medical indemnity insurance?

Hon LJILJANNA RAVLICH replied:

I thank the member for some notice of this question.

- (1) The Department of Health currently employs the independent community midwives who were previously contracted by Community Midwives WA. This employment has enabled the current community midwifery program for 150 eligible public patients a year across the metropolitan area to continue. There are no plans to extend the program at this stage.
- (2) Not applicable.
- (3) It is not the responsibility of the State to provide medical indemnity insurance to midwives who undertake private practice. An Australian health ministers advisory council committee is currently considering medical indemnity insurance and the issue of midwives' professional indemnity has been raised in this forum.

BLUE LAGOON PEARLS PTY LTD, LONG-TERM LEASES

1430. Hon GEORGE CASH to the Minister for Agriculture, Forestry and Fisheries:

I refer to my question without notice on Wednesday, 15 May 2002 on the current and future status of the Blue Lagoon Pearls Pty Ltd leases at Denham and ask the minister if he can provide further information on this matter to assist the operators of Blue Lagoon Pearls?

Hon KIM CHANCE replied:

Blue Lagoon Pearls Pty Ltd currently operates near Monkey Mia, Shark Bay on an aquaculture licence issued under the Fish Resources Management Act. To date, Blue Lagoon Pearls Pty Ltd has not made an application for an aquaculture lease. The lack of tenure in the form of a lease for the company and other aquaculture licence holders in coastal waters is seen as an impediment to further development of the aquaculture industry. The Department of Fisheries has been working to enable me, as the Minister for Fisheries, to grant aquaculture leases under section 97 of the Fish Resources Management Act. The department has experienced significant delays in the completion of the process, which has required inter alia an amendment to the Fish Resources Management Act. The Fish Resources Management Amendment Bill was granted assent on 9 April 2002.

I have finalised a package of information to aquaculture lease applicants, the lease instrument, the application form, and a draft ministerial policy guideline. The ministerial policy guideline will determine the basis on which the executive director assesses, and makes recommendations to the Minister for Fisheries in respect of granting and the renewal of aquaculture leases. In February 2002, the draft ministerial policy guideline was provided to the Aquaculture Council of Western Australia for comment. Comments from the council were received on 30 April. The department is considering the matters raised. I hope to be able to settle the ministerial policy guideline as soon as possible, after which I will be able to offer aquaculturists the opportunity to apply for aquaculture leases. The Fish Resources Management Act provides me with the ability to grant a lease for an initial term not exceeding 21 years. The grant of an aquaculture lease to Blue Lagoon Pearls Pty Ltd will be considered on its merits upon receipt of the competent application.

TIMBER INDUSTRY ASSISTANCE PROGRAM AND BUSINESS EXIT ASSISTANCE

1431. Hon PADDY EMBRY to the parliamentary secretary representing the Minister for State Development:

My question concerns the timber industry assistance program and business exit assistance.

- (1) It appears that different accounting firms are using different multiplying factors to prepare earnings before interest and tax plans. These multiplying factors vary between less than five to over seven, and this makes a huge difference to the outcome. What is the minister's comment?
- (2) Will the minister explain why this is happening?
- (3) Will the minister give the names of the businesses awarded compensation, the amount awarded, the accounting firm used to assess and prepare the business exit packages and link this to the businesses paid out?
- (4) What is the multiple factor used for estimating the earnings before interest and tax for each of the businesses awarded compensation?

Hon KEN TRAVERS replied:

I thank the member for some notice of this question.

- (1) The member is referring to the calculations required to determine the level of business exit assistance offered to applicants. Earnings before interest and tax form part of those calculations. The capitalisation rate - the multiplier - is determined after considering specific issues relating to the business, including the extent and nature of the competition, the quality of earnings, growth prospects, contractual arrangements, industry trends and relative business risks, log timber contract of sale quantities, and length of time in the industry etc.
- (2) The methodology used to determine the recommended level of BEA is a standard approach to capitalisation of estimated future maintainable earnings. This requires the capitalisation of the earnings of the business at a multiple; that is, a rate of return that reflects the risks of the business and the stream of income that it generates. There is no standard multiplier as each business is different.
- (3)-(4) I must advise the member that the offer of BEA is to provide reasonable financial assistance to help a business leave the native hardwood timber industry. They are not payments for compensation. The Minister for State Development is happy to discuss with the member the amount of assistance provided and the multiplier used but is not prepared to release the figures at this stage.

LABOUR RELATIONS REFORM BILL 2002*Committee*

Resumed from an earlier stage of the sitting. The Chairman of Committees (Hon George Cash) in the Chair; Hon N.D. Griffiths (Minister for Racing and Gaming) in charge of the Bill.

Clause 4: Part VID inserted -

Progress was reported after the clause had been partly considered.

Hon MURRAY CRIDDLE: I move -

Page 9, lines 1 and 2 - To delete the lines.

Proposed section 97UG(1)(b) on page 9 states that if the employee is a represented person, the employer must give the documents and information to that employee's representative before an EEA is signed. This amendment seeks to delete those words so that the employer has to give the documents and information only to the employee. It is up to the employee to determine to whom he or she wishes to pass that information. This amendment will prevent any breaches of privacy if documents are given to parties who should not be able to access that confidential information. From my reading of the Bill, this does not contradict proposed section 97WY. People with a disability will still be able to have a representative available to them. The employee should receive the documents and information rather than a representative.

Hon RAY HALLIGAN: We support the amendment, for the reasons that Hon Murray Criddle mentioned. A representative of an employee who wishes to sign an EEA will have to look through the EEA prior to witnessing it to understand what the employee is committing himself or herself to. For the sake of the employee and the privacy associated with these types of agreements, it should be up to the employee to decide whether to give a copy of the agreement to his or her representative or anyone else.

Hon N.D. GRIFFITHS: I suspect that Hon Murray Criddle and Hon Ray Halligan have failed to comprehend that proposed section 97UG(1)(b) relates to an employee who is a represented person. If this amendment were carried, we could forget about division 9, which deals with EEAs for persons with mental disabilities. The aim of this proposed section is to facilitate a person who has been appointed under division 9 representing a person with a mental disability.

If we were to amend this proposed section in the manner suggested, the representative would not be able to carry out his or her job. It has nothing to do with union officials and the like; it has to do with a representative approved in accordance with division 9.

Hon DEE MARGETTS: My understanding is that this proposed section does not require the employee to hand the documents and information to the representative. The requirement is that either the employee or the employee's representative must see the documents and information. It does not require the employee to hand the documents to anyone, and it does not even require an employee who is a represented person to have his or her representative look at the documents. The word "or" in proposed subsection (1)(a) indicates that one of those persons must have seen the documents and information before the requirements of the legislation can be met.

Hon MURRAY CRIDDLE: We are dealing with the employee. Why must the employee go through a second person to get the information? The first person who should get the information is the employee. That is why I have moved the amendment. What is the connection between this proposed section and proposed section 97WY, and why does the minister say it nullifies that proposed section?

Hon N.D. GRIFFITHS: The represented person is the person with a mental disability. The representative is the representative appointed under division 9 of this Bill. Proposed section 97UG states that an employer must not enter into an EEA with an employee unless he or she has given a copy of certain documents to the employee or, if the employee is a represented person, to his or her representative. How can the member have a complaint about that? We are talking about a person with a mental disability who wishes to be employed in accordance with division 9. The representative who is carrying out the contractual obligations on behalf of the employee with a mental disability should be given all the information and documents that a non-mentally disabled employee would have to be given before an EEA is signed. I cannot see what conceivable evil the member is trying to prevent.

Amendment put and negatived.

Hon MURRAY CRIDDLE: I move -

Page 9, line 23 - To delete "5" and insert "2".

Proposed section 97UG(4)(a) gives the employer five days in which to provide the documents and information. This amendment will expedite that by providing that the relevant time be two days. Under proposed section 97VF(2) on page 24, there is a cooling-off period of 14 days.

Hon N.D. GRIFFITHS: The amendment, as the member correctly points out, would reduce from five to two days the time a new employee would have to consider a proposed employer-employee agreement. It is the Government's view that five days is a reasonable period to allow new employees to consider their employment options. It might take some time for employees to seek independent advice. The Government believes that five days is a reasonable time frame to ensure necessary, genuine and informed choice. I am advised that the period of five days is consistent with the time frames that new employees in the federal and Queensland jurisdictions have to consider Australian workplace agreements and Queensland workplace agreements respectively.

Hon DEE MARGETTS: In the interests of consistency, the Greens (WA) believe that a reasonable period of notice is preferable so that new employees can consider the documents regarding employer-employee agreements. Therefore, we believe that the period of five days should not be shortened to two days.

Hon RAY HALLIGAN: I have heard what the minister has said about Australian workplace agreements in other States, and that might well be the case. It has been determined that five days is a reasonable period and the minister believes that.

Hon N.D. Griffiths: It is a matter of judgment.

Hon RAY HALLIGAN: Okay.

Proposed section 97UG(4)(b) states -

in the case of an existing employee, not less than 14 days before the EEA is so signed.

Can the minister advise us how that number of days was determined? Are they working days? Does it mean five days from Monday to Friday or five calendar days?

Hon N.D. GRIFFITHS: In order to expedite new employment opportunities, five days was considered a reasonable period for new employees, but 14 days was considered a more appropriate period for existing employees. Again, that also is a matter of judgment. It could have been 15 days and six days or four days and 14 days; it is a matter of judgment. The number of days is to be five clear days.

Amendment put and a division taken with the following result -

Ayes (16)

Hon Alan Cadby	Hon John Fischer	Hon Barry House	Hon Barbara Scott
Hon George Cash	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Paddy Embry	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)

Noes (17)

Hon Kim Chance	Hon Jon Ford	Hon Ljiljana Ravlich	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon J.A. Scott	Hon E.R.J Dermer (<i>Teller</i>)
Hon Kate Doust	Hon N.D. Griffiths	Hon Christine Sharp	
Hon Sue Ellery	Hon Dee Margetts	Hon Tom Stephens	
Hon Adele Farina	Hon Louise Pratt	Hon Ken Travers	

Amendment thus negatived.

Hon RAY HALLIGAN: I refer the minister to proposed section 97UE. There are many forms of employment contracts, including awards, EEAs and industrial agreements, that are enterprise bargaining agreements. What part does the employment contract play? I find it confusing. Proposed section 97UE states -

- (1) An EEA, while it has effect, operates to prevent from extending to the employee any award that would otherwise do so, including an award that comes into operation after the EEA takes effect.

I accept that the EEA takes precedence over the award. The proposed section continues -

- (2) An EEA, while it has effect, does not displace any contract of employment . . .

That means something other than the award. It is a third type of contract, so to speak, between an employer and an employee. I continue -

. . . but the EEA has effect -

- (a) as if it formed part of that contract; and

Obviously that refers to a situation in which someone is currently under a contract of employment. Is that synonymous with "award"?

Hon N.D. Griffiths: No.

Hon RAY HALLIGAN: Okay. I continue -

- (b) regardless of the provisions of that contract.

The EEA must be registered. The no-disadvantage test means that it must be compared with the contract of employment. Certain decisions are made and the EEA takes precedence. The proposed section continues -

- (3) The provisions of an EEA have effect subject to section 5 of the MCE Act.

Will the minister please explain how all that comes together?

Hon N.D. GRIFFITHS: These provisions are similar to those in the Workplace Agreements Act. An employee and an employer have a contract of employment. That contract of employment exists irrespective of whether the employee operates under an award, industrial agreement or EEA. An EEA can become part of the contract of employment. It lies on top of that contract of employment. If it were otherwise, an employee entering into an EEA might lose contractual benefits. A contract of employment may deal with matters other than the matters dealt with in the EEA. The EEA overrides the contract of employment in cases of inconsistency.

The Minimum Conditions of Employment Act sets out certain minimum standards that must be complied with. Notwithstanding what may occur with issues such as no-disadvantage tests, which are relevant to EEAs, and the freedom of choice between an employer and employee, the community through this Parliament has said that there are minimum conditions that cannot be overridden.

Hon RAY HALLIGAN: I asked about contracts of employment only because there does not appear to be anything in the definitions part of the Bill.

Hon N.D. Griffiths: It is a common position.

Hon RAY HALLIGAN: I assume that was intended to refer to only existing contracts of employment. If this Bill is passed, other terms will be used.

Hon N.D. GRIFFITHS: Contracts of employment will continue. Many people in our community have contracts of employment but are not, and never have been, covered by awards, enterprise bargaining agreements - industrial agreements as they are properly called in our legislation - or workplace agreements. Contracts of employment exist in many areas of activity.

Hon Peter Foss: Contracts of employment can exist even when there is an award.

Hon N.D. GRIFFITHS: That is right. Contracts of employment may exist in conjunction with awards or industrial agreements. They will exist in conjunction with EEAs. A person is employed under a contract of employment. He may also be employed under another arrangement such as an award, industrial agreement, workplace agreement, Australian workplace agreement or, in due course, EEA.

Hon Derrick Tomlinson: Enterprise agreements.

Hon N.D. GRIFFITHS: What are commonly referred to as enterprise bargaining agreements are properly called industrial agreements.

Hon RAY HALLIGAN: I was trying to be flippant about these things. I understand about contracts of employment. The minister mentioned industrial agreements and EBAs and said that one takes the place of another. I thought that a different term from contracts of employment might be used in the future.

Hon N.D. Griffiths: It is along the same lines as section 6(4) of the Workplace Agreements Act.

Hon DEE MARGETTS: I indicate that amendment 115/4 standing in my name is also a consequential amendment relating to the offering of contracts to people under the age of 18 years and, therefore, is no longer required to be moved.

Hon MURRAY CRIDDLE: I move -

Page 11, line 18 - To delete "or may arise".

This part of the Bill allows for an employee to appoint a bargaining agent, and specifies the role of the bargaining agent. The agent can act on any question, dispute or difficulty that exists or may arise. This amendment seeks to remove the provision for the agent to deal with things that "may arise". Employees should have access to a bargaining agent for events that have occurred, but not for hypothetical events that may arise.

Hon N.D. GRIFFITHS: The Government opposes the amendment. It would prevent a bargaining agent from representing an employee in a dispute that may arise out of the employment. It would restrict the bargaining agent's activities. It would make life more difficult and encourage the escalation of rather than expeditious dealing with matters.

Hon DEE MARGETTS: My understanding of the way the legislation is structured is that people should appoint their bargaining agents when they sign the contract, and that is why the words "or may arise" are included. It is not just about what happens at the time the contract is struck but about what might happen after that. The Greens (WA) have some further comments to make about the appointment of agents. I agree with the Government, and the Greens will not support this amendment.

Hon MURRAY CRIDDLE: I am at a loss to understand how people can negotiate about something that may arise in the future. Are we legislating for anything that might happen? What may arise? What is it that the Government thinks might happen that has prompted it to include the words in this proposed section?

Hon N.D. GRIFFITHS: An agreement about proposed redundancies is an example of what may arise. Frankly, it could be anything. Some people entering into employment arrangements want a bargaining agent. It is unfortunate that not every employment situation is plain sailing at all times. An experienced agent can prevent what may be a small incident escalating into something major. A person is not compelled to engage a bargaining agent to be on stand-by as it were to deal with something in the future. It is a matter of choice. I do not see anything sinister in this. It is a provision that facilitates good workplace practices. Hon Dee Margetts is correct when she says that the intent is to facilitate the appointment of a bargaining agent at the onset. However, that does not have to be the case. People can appoint a bargaining agent as they go.

Hon MURRAY CRIDDLE: With my amendment, proposed paragraph (d) would read -

for the purpose of acting for him or her in connection with any question, dispute or difficulty that has arisen in the course of employment.

What is wrong with that?

Hon N.D. GRIFFITHS: I do not want to put words and ideas into Hon Murray Criddle's mouth. However, if his amendment were passed, it would seriously impede a bargaining agent such as a trade union from carrying out its activities.

Hon DERRICK TOMLINSON: I think the problem Hon Murray Criddle has is the confusion with the current and future event in the words "that has arisen or may arise". The bargaining agent may be appointed for the purposes of a current dispute or difficulty arising out of the course of employment or he may be appointed in anticipation of a future event - a dispute that may arise out of the course of employment. I wonder whether it might have been simpler had the clause been in terms of "dispute or difficulty that arises out of the course of the employment". The alternatives (a), (b) and (c) with the conjunction "or" suggesting that they are alternatives, not sequential, provide that it is the negotiation and making of. A temporal order is involved.

A temporal order is contained in proposed paragraph (c), which states -
for the negotiation and making of a cancellation agreement; or

One is sequential upon the other or perhaps even consequential upon the other. Proposed paragraph (d) continues that temporal order that has arisen or may arise. I think that is the minister's intention. The minister explained that a person may appoint a bargaining agent, whether it be a union employee or a handsome young man like me! It is to deal with matters in the present or matters anticipated in some uncertain future. The wording is not a matter of affecting the course of the employment; it is a matter of making clear the temporal order that is intended. Will the minister consider removing the confusion by deleting the words "a dispute or difficulty that arises out of"?

Hon MURRAY CRIDDLE: I saw the minister shrug his shoulders. The explanation that has been given clarifies what we are trying to do in this case. That would overcome the difficulty that the amendment has highlighted.

Hon N.D. GRIFFITHS: The words contained in this clause at the moment clearly cover what the Government is seeking to do. We are content with those words. I note that Hon Derrick Tomlinson is seeking to use the English language in a particular way. I am often very pleased with his contributions in that regard. However, the Government is content with the words in the clause. It does what the Government is seeking to do. I note that the amendment moved by Hon Murray Criddle is to the contrary.

Amendment put and negatived.

Hon RAY HALLIGAN: Proposed section 97UI(1) refers to a form of information statement that is to be given to employees. Is the minister able to advise us when that form of statement will be available?

Hon N.D. GRIFFITHS: I am not definite on this, but I am advised that it will be available within a month or so - emphasis on a month - after the royal assent is forthcoming.

Hon MURRAY CRIDDLE: I move -

Page 12, lines 28 and 29 - To delete the lines.

This part of the Bill specifies the form of the employer-employee agreement. Currently, it states that a new EEA must be offered and registered for every change of full-time, part-time or casual employment. This amendment seeks to delete the provision that states that the type of employment - full time, part time or casual - must be specified in the agreement. This information should be provided in a covering letter to the future employee. Therefore, a standard EEA could be offered.

Hon DEE MARGETTS: The Greens (WA) think it rather odd that a person could be asked to sign an agreement that does not specify whether the employment is full time, part time or casual. At the very least, when a job is advertised, that kind of information is available. It seems bizarre that that basic information about the status of a job would not be included in the agreement.

Hon RAY HALLIGAN: Members will note that there is a further amendment to line 29 on the supplementary notice paper should this amendment not be passed. However, the Liberal Party supports the amendment moved by Hon Murray Criddle. Should it not be successful, I will move my amendment.

Hon N.D. GRIFFITHS: The Government opposes the amendment. I note Hon Dee Margetts' contribution, and the Government agrees with it.

Amendment put and a division taken with the following result -

Ayes (16)

Hon Alan Cadby	Hon John Fischer	Hon Barry House	Hon Barbara Scott
Hon George Cash	Hon Peter Foss	Hon Robyn McSweeney	Hon Bill Stretch
Hon Murray Criddle	Hon Ray Halligan	Hon Norman Moore	Hon Derrick Tomlinson
Hon Paddy Embry	Hon Frank Hough	Hon Simon O'Brien	Hon Bruce Donaldson (<i>Teller</i>)

Noes (17)

Hon Kim Chance	Hon Jon Ford	Hon Ljiljana Ravlich	Hon Giz Watson
Hon Robin Chapple	Hon Graham Giffard	Hon J.A. Scott	Hon E.R.J. Dermer (<i>Teller</i>)
Hon Kate Doust	Hon N.D. Griffiths	Hon Christine Sharp	
Hon Sue Ellery	Hon Dee Margetts	Hon Tom Stephens	
Hon Adele Farina	Hon Louise Pratt	Hon Ken Travers	

Amendment thus negated.

Hon RAY HALLIGAN: I move -

Page 12, line 29 - To insert after "casual" the words "fixed-term employment".

There appears to be an assumption from the wording of the Bill that people are only employed full time, part time or in a casual sense. Another group of employees - more so nowadays - have fixed-term employment. It quite often happens for specific, designated periods; it could be a two or three-year contract. I do not know whether the term "full-time" is supposed to cover those people, but my understanding of full-time employment is that it is somewhat indefinite and that full-time employees work all the time with one employer. It may come down to what people decide on the day. The intention in the Bill needs to be a little clearer so that people in these situations find themselves covered. The point is that, under an EEA, if an employer and an employee came to an agreement about a fixed-term arrangement, unless there is something in this Bill that I have yet to find, it may be the contention of some that they are not necessarily covered under this provision because it mentions only full-time, part-time or casual employment. Hopefully the minister will be able to explain to me where I might be wrong.

Hon N.D. GRIFFITHS: The Government has a concern with the amendment proposed by Hon Ray Halligan, which would require parties to specify in the EEA whether the employment is for a fixed term. Firstly, this is unnecessary and can be dealt with under the contract of employment. Secondly, and importantly, the Government does not want to flag to employers the ability to make fixed-term EEAs, which are also fixed-term contracts, because some permanent employees could inadvertently sign EEAs that would have the effect of changing their employment to a fixed term. The end result would be that the expiry of the EEA would be the end of their employment.

Hon FRANK HOUGH: Ironically, I agree with the Government on this amendment. Fixed-term employment is a dangerous situation. If a worker is signed up on a fixed-term employment contract for two years, and the contract is finished in 14 months, the employer is lumbered with another 10 months employing that worker. Fixed-term employment is very dangerous, and is covered under "full-time, part-time or casual". To add fixed-term employment, particularly with overseas and fly in, fly out contracts, would be detrimental to employers.

Amendment put and negated.

Hon DEE MARGETTS: I move -

Page 12, after line 29 - To insert -

- (ca) specify the differences between the EEA provisions and those that would otherwise apply under a relevant award.

In moving this amendment I foreshadow that the Chair need not call me for the following amendment, which is consequential upon this one. As members would by now be aware, the Greens (WA) are opposed to individual contracts, including EEAs, but we recognise where the numbers lie, and that both major parties support them in some form. We wish to ensure, however, that where such agreements are made, the registration process is as rigorous as possible. We believe that some of the measures we propose are better than those already provided for in the Bill. As the employer-employee agreement will take employees completely out of the collective award and agreement system, employees need to be made fully aware of the implications of accepting the agreement, as opposed to the relevant award. That is the reason we believe the EEA should specify the differences between that and the relevant award.

Hon FRANK HOUGH: Proposed section 97UL provides that an employer-employee agreement must specify whether the employment is full time, part time or casual. This amendment would require the EEA to specify the differences between the EEA provisions and those that would otherwise apply under the relevant award. The amendment would mean that an employer would have to seek the advice of a barrister every time he wanted to employ someone. We do not need to baffle employees and employers with science. The amendment is not needed. We have enough information to cover, and to add to that would be diabolical.

Hon N.D. GRIFFITHS: I note the words "specify the differences" and the observations of Hon Frank Hough about barristers interpreting the differences. The Bill already contains sufficient safeguards for what is to be provided. Proposed section 97UG specifies that the documents to be provided to an employee include the award. Employees can appoint a bargaining agent to advise them. I do not think it is appropriate that the onus should be on the employer to specify the differences. This would be very onerous for employers. They might get it wrong. It would put at risk the independent meeting of minds between the employer and the employee on an EEA by enticing an employer to put his

interpretation on what he thinks the differences are. It is unnecessary, as it would make the implementation of EEAs more difficult.

Amendment put and negatived.

Hon MURRAY CRIDDLE: I propose to delete the entire proposed subsection that provides for employees under 18 years to have a parent, guardian or independent adult sign on their behalf. I indicated my reasons for this amendment the other day when I spoke about young people making decisions for themselves. If they are old enough to do all the things I mentioned, such as drive and meet the challenges in the community at present, they are old enough to sign on their own behalf. They can get advice if they need it. I move -

Page 13, line 14 to page 14, line 3 - To delete the lines.

Hon DEE MARGETTS: Astute people would note that an amendment standing in my name also seeks to delete those lines. However, this is the main area that gives some protection for people under the age of 18. As we did not get our wish to guard against EEAs being offered to people under 18 years, I will not move my amendment, nor will I support this amendment. It would defeat the purpose of the Greens (WA), which is to provide a better and fairer system for all people, including those who are in the hardest bargaining positions. That includes groupings of young people, who experience one of the highest levels of unemployment. I will not move the amendment in my name, nor will I support this or the subsequent amendment of the Opposition, which is incorporated within those lines.

Hon KATE DOUST: I oppose the amendment moved by Hon Murray Criddle on the basis that this part of the Bill provides protection for people under the age of 18. Although people under the age of 18 are able to do a range of things, such as drive cars -

Hon Murray Criddle: They are important.

Hon KATE DOUST: Indeed; they are important, but they require different skills and are in an entirely different field from employment contracts. Employment contracts are often detailed. A person usually needs some sort of technical background to be able to understand the terms of employment contracts. It can be confusing for people under the age of 18, who may not have been in the workplace at all - they may have just left school - to perhaps be presented with a one-page contract that sets out the conditions under which they will work. Indeed, it is unfair to place that burden on young people and expect them to understand the implications of those agreements. This part of the Bill specifically ensures that if a person under the age of 18 is offered an employer-employee agreement, he can seek advice from somebody about whom he is confident, is over the age of 18 and can represent him.

Hon Simon O'Brien: I agree with Hon Tom Stephens' comment that backbenchers should be seen and not heard.

Hon KATE DOUST: I am sorry to disappoint Hon Simon O'Brien. Under the current legislation, young workers face difficulties with secrecy. They are not afforded the protection that is provided in this Bill. This clause will afford protection to those people and enable them to access the rights that should be available to them. It will enable them to seek advice from people who have more experience in the world of work and perhaps a better understanding of the detail of the agreements that young workers will be asked to sign. I believe that the Government has taken all the appropriate steps to address this issue and has provided the protections that are needed for young workers under the age of 18.

Hon FRANK HOUGH: Half an hour or so ago, I was not sure whether to go one way or another. I thought I did my sums fairly well with Hon Kate Doust. I was about to support the proposed section that Hon Murray Criddle wants to delete, but I have since done some more homework and have got examples of some of the scenarios that could occur if this proposed section were included in the legislation. It is no use saying that these young people - a 16-year-old, a street kid or whatever - particularly in country areas, could grab an 18-year-old to sign the agreement for them or help them with the document. Some situations will not allow that. I will reflect back on some legislation that has recently been passed. We gave the okay for 16-year-old kids to work in bathhouses. If those young people are old enough to work out a contract for a bathhouse, they are old enough to make decisions. A 16-year-old boy is not as mature as a 16-year-old woman. There will be circumstances in which it is no good saying that a young person can grab someone over the age of 18 years to help him with his contract. That person may not be on his side. I support Hon Murray Criddle's amendment.

Hon DERRICK TOMLINSON: The thrust of proposed section 97UM is that a child must be represented by a responsible adult. Alternatively, a decision entered into by a child must be confirmed by a responsible adult. I disagree with my colleague, Hon Simon O'Brien, who said that government backbenchers should be seen and not heard. I encourage the Government to let its backbenchers participate. So far, they have made more sense than the government frontbenchers in this debate. I particularly encourage Hon Kate Doust to speak more frequently. The interjections of Hon Sue Ellery are usually brief, but they are incisive and intelligent. There is foreman material on the backbench and they should be allowed to inform the debate. That is an aside.

Proposed section 97UM intends that a responsible adult should confirm the decisions of a child. Is that an unnecessary repetition of the provisions of proposed section 97UJ? A child, one assumes, may appoint a bargaining agent. I assume

a bargaining agent would be a responsible adult capable of entering into a contract - I think that is the common law term used by the minister. If a child appoints a bargaining agent, does a parent have to sign and confirm the appointment of the bargaining agent? Does a parent have to sign any agreement contained in proposed section 97UJ(2) or (3)? If a child wishes to join a union, does a parent have to sign a form consenting that the child may join a union? I see heads shaking. That is why it is very important that the backbenchers contribute to the debate. How many children employed in fast food outlets have an application for union membership thrust in front of them? They go home and say, "Dad, guess what? I am a member of a union." Dad will say, "You are a what?"

Hon Peter Foss: I have experienced that.

Hon DERRICK TOMLINSON: I experienced that with my own offspring. My son told me that he was a member of a union although he did not want to sign up. They told him to sign up. As an objecting parent, I had no say in that. Perhaps we should make sure that when a child wants to join a union the application must be confirmed by a parent. Proposed section 97UM implies that a child is not capable of entering into a contract, because a child is a child. It must be a responsible adult over the age of 18 years. The responsible adult may or may not be related to the child. It does not have to be a parent of the child.

This is rather like my experience of joining the teachers union when I was at teachers college. A lecturer, a person in authority, put an application in front of me and told me to sign it. I did, and I became a member of the teachers union.

Hon N.D. Griffiths: It regrets it!

Hon DERRICK TOMLINSON: It does not regret it. I made a significant contribution to the union - I resigned from it!

Several members interjected.

The CHAIRMAN: Order, members! Let us apply ourselves to this amendment as members are keen to progress the Bill.

Hon DERRICK TOMLINSON: Thank you, Mr Chairman. If proposed new section 97UM requires a responsible adult to confirm a contract for membership of a union entered into by a child, does the same provision apply to a contract entered into on behalf of a child by a bargaining agent? If not, why not? Why does proposed section 97UM require the parent's confirmation of the child's contract when the child may have contracted through a bargaining agent? Some parents may be confronted with a child saying, "Dad, I am now a member of a union, the thing was put in front of me." However, the reverse may apply. The child may say, "Dad, I've got this enterprise agreement with the boss who says I have to sign it" and the father says, "Well, sign the bloody thing, son, and get your pay cheque." It does not follow that parents are responsible. Proposed section 97UJ covers that situation, so why is it included in proposed section 97UM?

Hon JOHN FISCHER: I will not support the amendment moved by Hon Murray Criddle. I take on board the points made by Hon Derrick Tomlinson. I note that proposed section 97UJ states that an employer or employee may, by an instrument in writing, appoint a person to be his or her bargaining agent. I agree with my colleagues - I have already spoken about this matter on a previous Bill - that allowing 16-year-olds in bathhouses is ridiculous. I do not believe that two stupid laws advance anyone's interests. People under the age of 18 need to be looked after. Although I take on board the points made by other members, I am certain that if my children took on a job at the age of 17, I would feel utterly responsible for any document they were about to sign. As I said, I will not support this amendment.

Hon PETER FOSS: A number of issues need to be considered in this proposed section. It very much selects one aspect of the employment of a child in reference to one type of agreement. Without any participation by, consultation with or knowledge of a child, conditions of employment can be radically altered in an award entered into by arrangement between a union and an employer or possibly a group of employers; it does not have to be a particular employer for whom a child works. That sort of thing happens. Those children are not given the choice of saying that they do not want those conditions to apply to them; they are fixed by the terms of that award. They cannot take that award home to their parents and it would be impossible for the award conditions to be changed if their parents did not agree with them.

If the minister believes that the theory is a good one, why did he choose only one incident of employment on which the terms of employment can be changed? For instance, as Hon Derrick Tomlinson said, entering into an individual contract with a union with the financial responsibilities that go with that contract should be done with at least the opportunity for consultation with a parent. Despite all we have done recently to expose 16-year-olds to the world, a 16-year-old is still a child in law and in fact. This was drawn to my attention recently when my son came home and said he had become a member of a union. I asked him what were the circumstances under which he became a member of a union.

Hon N.D. Griffiths: And you then proceeded to cross-examine him!

Hon PETER FOSS: No. I was actually very understanding. I wanted to find out how it had happened. He had gone to an induction day at his workplace, and during the day the union representatives had marched in and proceeded to give those workers a lecture on what the union was all about.

Hon Sue Ellery: Do you know that they marched in?

Hon PETER FOSS: Yes. They then handed out forms and said, "Sign this".

Hon Derrick Tomlinson: That sounds the same as my son's employer.

Hon PETER FOSS: It probably is.

Hon Derrick Tomlinson: It is probably the same union.

Hon PETER FOSS: Yes, the Shop Distributive and Allied Employees Association.

Hon Derrick Tomlinson: And Hon Kate Doust was probably the one who marched in!

Hon Kate Doust interjected.

Hon PETER FOSS: If it is not called the SDA, tell me, because that is what is written all over the front of its pamphlets.

Hon Kim Chance: That is the correct name. What we are trying to find out is whether the SDA officials marched.

Hon PETER FOSS: I think it may have been stomach first, but they definitely marched in.

Hon Kate Doust: You are stereotyping union officials.

Hon PETER FOSS: There is a picture on the pamphlet. It is not a stereotype. The person with the smiling face on the front page of the pamphlet distinctly features a stomach! I did not pick the photo. We all know whose photo it is. It is Hon Kim Chance's stomach that is on the front page!

Hon Kim Chance: Not mine, surely!

Hon PETER FOSS: It is very similar!

Hon Kim Chance: I am not in the SDA. I am in the metal workers union.

Hon PETER FOSS: I have not done anything more than ask my son what I think are the appropriate questions about why he signed up and whether he wished to remain a member of that union. I have not tried to influence his views one way or another. However, it is a little difficult when we are presented with the fact that our child has already signed up with a union and that if he wants to cease to be a member of that union he has to ring up the union and say he does not want to be in the union any more. There should at least be a cooling-off period. The union should say, "Here is the form. Go home and discuss it with your parents, and if you then want to join the union, sign it and bring it back." That would be a better process. As a matter of good practice - I am not even saying as a matter of law - that is what should happen.

Hon Robyn McSweeney: Did they take his money on that day?

Hon PETER FOSS: Of course. He signed up to have it taken out of his pay. We talk about the employers not having good relationships with their employees. Unions should take a better approach than that to signing up children to become union members. What would it have mattered if the union had said to my son, "Take the form home and talk to your dad and mum and see what they think about it, and if you then feel like joining the union, send in your form." It was not done in that way. He was told, "Sign up, and if you have any problem with it you can ring us up and tell us you do not want to be a member". The reasoning is obviously to strike while the iron is hot. That is slightly unwise. This is not the Construction, Forestry, Mining and Energy Union. That union seems to have slightly different methods of encouraging people to join up, which I think we all accept are illegal and improper. The SDA is a respectable union. I do not for one moment suggest it is in that group of unions that seems to live more off its members than for its members. It is a union that works for its members; and that is one of the things I discussed with my son. However, if a union of that respectability adopts that method, there is some concern.

While the minister is going through this Bill and putting in this sort of provision, it might be worth his looking at some of the other things that happen during the course of labour relations. Surely, if one had to pick a formation of a contractual relationship that should receive the same type of protection - leaving aside whether it should or should not be here and assuming that this relationship should have it - it would be very hard to see what logic says that joining a union should not have it. Without in any way saying what is the theory, I would like to hear from the minister what is so distinctive about joining a union. What is the logic behind this provision that would not apply to joining a union? If we had that information we might understand it.

Progress reported and leave granted to sit again, pursuant to standing orders.

ADJOURNMENT OF THE HOUSE

HON KIM CHANCE (Agricultural - Leader of the House) [5.57 pm]: I move -

That the House do now adjourn.

As I indicated in my short ministerial statement earlier today, I will be calling on the House management committee to meet within five or 10 minutes of completion of the adjournment debate. The purpose of the meeting is to consider some small amendments to the timing of the estimates committee hearings on Thursday.

Banana Growers - Adjournment Debate

HON JOHN FISCHER (Mining and Pastoral) [5.58 pm]: I take this opportunity to bring to the attention of the House an issue concerning the protection of Western Australian banana growers. After rice, wheat and milk, bananas are the fourth most valuable food globally. Only 10 per cent of the annual production is available for sale; the rest is consumed as a staple diet. Bananas contain carbohydrates, fibre, vitamins, A, B₆, C, potassium, phosphorus and calcium. Bananas have value as a fruit as well as a staple food. The world banana industry is worth \$US2.5 billion annually.

Most bananas grown in Australia are grown in Queensland. Here in Western Australia, bananas are grown in Kununurra and Carnarvon. Queensland bananas are very large and Carnarvon bananas are smaller and sweeter. Western Australian producers have worked long and hard to establish a market for their produce. They now find that their industry is threatened by the importation of produce that is probably infected with black sigatoka.

Black sigatoka disease is common in foreign bananas. It was first recognised in the Sigatoka Valley in Fiji in 1963 and has since spread to Asia, South America and Africa. It is also commonly found in Philippine bananas. The disease is fungal based and is spread by wind, rain and irrigation channels. It causes significant yield loss of up to 50 per cent in addition to premature ripening, which is a serious defect for exported fruit.

One of the ways to control the spread is to remove affected leaves. Unfortunately, it is these leaves that have helped to spread the disease. They have been used as fillers in packing cases used for export. That practice has effectively spread the disease far beyond Fiji's borders. Because bananas are grown prolifically in the third world, disease control is extremely haphazard. Black sigatoka is already in Australia and has affected bananas from Tully in Queensland, which is the premium banana growing area of Australia. The Western Australian Government has banned the importation of bananas from within a 50-kilometre radius of Tully. Western Australia must maintain this stance, not just for foreign bananas, but particularly for bananas from the Philippines. We must protect our Western Australian growers at all costs.

Biosecurity Australia, which is part of the Australian Quarantine and Inspection Service, is conducting an import risk assessment on the importation of Philippine bananas. The Western Australian Department of Agriculture is conducting a risk assessment on the importation of Tully bananas to Western Australia. These risk assessments are technical and the final decision will rest with the federal and state Governments. Unfortunately, political expediency sometimes gets in the way of commonsense. However, no amount of foreign political goodwill is sufficient if we infect our own produce with foreign bugs and diseases. Foreign political goodwill will not protect government ministers at the next poll if they place the local industry at risk. The importation of disease-ridden bananas into Western Australia can and would ultimately destroy the Western Australian industry. Philippine bananas have not only black sigatoka, but also blood disease and moko disease, which are destructive. These are both bacterial diseases and are considered more serious than black sigatoka. The importation of foreign produce can also bring in foreign species of insects and frogs that could wipe out many of our own plants and animals.

I will give members an example of an occurrence in New Zealand recently that is of extreme concern. The importation of table grapes from California was suspended because in a period of six months four black widow spiders were discovered in the boxes of those grapes. The fact that the spiders survived fumigation, transportation and refrigeration is utterly frightening. New Zealand believes that if four black widow spiders could survive, so too could the glassy-winged sharpshooter, an insect that spreads Pierce's disease, which is currently decimating the Californian vineyards. The glassy-winged sharpshooter thrives on eucalyptus trees and would be impossible to eradicate if it were established in Australia.

A recent study in New Zealand of the 189 recorded reptiles brought into the country by accident shows that 16 per cent entered with bananas and 86 per cent of all animals intercepted in cargo were still alive. That is a frightening statistic that must cause us some concern. We cannot be too careful in Australia. We must be vigilant at all levels. Despite these disturbing facts, Biosecurity Australia has announced that it will allow Californian table grapes into Australia. As I have explained, these could well have Pierce's disease. The Philippines have declared that by not allowing their bananas into Australia, we risk the export of meat into the Philippines. That is straight out political blackmail. Australia has established a worldwide reputation for clean and green produce and that must not be put at risk. That brings us back to the Western Australian banana industry. It must be protected and the Minister for Agriculture must ensure that it is.

Shop Distributive and Allied Employees Association - Adjournment Debate

HON KATE DOUST (South Metropolitan) [6.04 pm]: I must respond to some of Hon Peter Foss's comments made during the committee stage of the Labour Relations Reform Bill, particularly his comments about the recruitment practices of the Shop Distributive and Allied Employees Association of WA.

I am pleased to hear that his child has joined the SDA, as it is known. All children in workplaces should join the SDA; it is a wonderful thing to do. I have signed up into the union a couple of thousand young people who work in the retail and fast food industries. I know from personal experience that the union gives a very detailed brief to potential members about the benefits of trade unionism and what the potential member can gain from belonging to a union. It

also gives young workers the opportunity to go home and discuss the decision with their parents. They may choose to sign up on the spot and on the odd occasion may ring up and say, "Listen, I've changed my mind." The union may receive a phone call from a parent saying, "My child came home and said she had joined the union. I have difficulty with this." We would have a conversation about that and on most occasions the parents would terminate the telephone call very relaxed about the fact that their child had joined a union, understanding that their child would gain greatly from being a member of the SDA. On the rare occasion that that would not occur, we would say, "Thank you very much for your call", and end it there. There were no dramas, no hassles. The person had exercised his or her democratic right about whether to join a union. He or she was able to opt out; there were no problems with that. We have never been into forcing or coercing any individual into joining a union. We are in the business of encouraging people to participate and become active in their workplaces through their union, and that is exactly what has happened in that workplace. It is a daily occurrence in hundreds of workplaces throughout the State, and I am sure that a range of other unions would also go through a similar recruitment practice.

As I have said, the SDA has demonstrated a very successful recruitment track record. It must be doing the right thing if such high numbers of young people are joining. I did say that over 9 000 people joined the SDA last year, and the bulk of those, coming from the fast food industry, would have been very young people. So it cannot be all that bad. It must be a very attractive option if we are seeing such high numbers of young people joining of their own free will.

Hon Kim Chance: And staying joined.

Hon KATE DOUST: And staying in the union as well.

Banana Growers - Adjournment Debate

HON KIM CHANCE (Agricultural - Leader of the House) [6.08 pm]: Hon John Fischer raised a very interesting point earlier. I am surprised that this matter has not surfaced in the House previously. There are two parallel issues, particularly when we start talking about black sigatoka, but he has concentrated on what I think is the key issue. The other issue is a disagreement between Western Australia and the other States on the level of funding we are providing for the outbreak in Tully. Our argument on that question is that this national threat is not an exotic disease; it has become an endemic disease. If we were to provide the funding that the Queensland Government has requested - and the Commonwealth, for that matter - we would find ourselves, in respect of other threats and in particular bovine Johne's disease, put in a very difficult position of funding other States' responsibilities.

I note that the issue raised by the member is a separate and much larger issue. It revolves around what is called the SPS agreement, the sanitary and phytosanitary agreement, which is actually a World Trade Organisation function to which we are signatories as a result of the agreement at the Council of Australian Governments. The import risk assessment is the functional component of the sanitary and phytosanitary agreement. The member has certainly raised an issue of great sensitivity. Being a WTO-based agreement, the outcome of most import risk assessments, at least from the point of view of the threatened and receiving countries - Western Australia in the case of bananas - is generally thought to be over-generous and leaning towards the liberalisation of trade. Incidentally, the member's view is shared by the Western Australian Government. That is exactly our position.

The member mentioned the glassy-winged sharpshooter, which I have also heard called the lacy-winged sharp shooter. It was at the insistence of the Western Australian Department of Agriculture that Biosecurity Australia was hauled over the coals on that matter. Two years ago it agreed to allow the importation of United States table grapes without any recognition that the lacy-winged sharpshooter might be a threat. It was the Western Australian Department of Agriculture that told Biosecurity Australia that there was a problem. In my view, that indicated major holes in the import risk assessment process. We have been through the same process with fire blight in New Zealand apples. The trade issues the member mentioned occur with not only bananas but also pineapples and mangoes. The latter two involved the Philippines, although the three seemed to run together at one stage. The member was correct in saying that the Philippines Government sought to exert leverage on the Australian Government through trade between Australia and the Philippines in meat and live cattle.

It is a matter of major concern for me, and I understand the member's point. It is an ongoing matter. The only ground we have made in this - and this was confirmed at the Primary Industries Ministerial Council meeting in Hobart a couple of weeks ago - is that the States have insisted on asserting their rights in the operation of the import risk assessment process. The Commonwealth wanted to take control of it. The Western Australian and Tasmanian Governments have insisted on maintaining state sovereignty in this matter. The member would be aware that Tasmania has a particular concern about the importation of Canadian salmon. This is an issue that is far from resolved, notwithstanding the small win we had in Hobart a couple of weeks ago.

I encourage the honourable member to keep a watching brief on the matter. I, for my part, will be happy to hear his advice as he chooses to offer it. We are of the same mind. There are obvious difficulties when Australia, possibly in good faith, enters into agreements of an international nature without the necessary information. The Australian Government then seeks to enforce the operation of those international agreements. Sometimes that enforcement is not possible, at least not without very close state government involvement. I thank the member for raising the issue. It is an extremely serious issue that is far from resolution. We all need to be on top of it.

Hon John Fischer: One of the very great concerns is the role of the Australian Quarantine Inspection Service. Our trade agreements with New Zealand mean that its fruit can still come into Australia. The figures show that 86 per cent of product that had been fumigated still contained live bugs. With Pierce's disease, that could be a disaster.

Hon KIM CHANCE: There is some stand-by protection. I always hesitate to offer it as a response by the Western Australian Government because people might deem it to be the complete response. It is little more than a very effective bandaid. Through our state legislation - I think it is the Agriculture and Related Resources Protection Act - we have the capacity to carry out certain actions that can prevent the importation into Western Australia of, for example, New Zealand apples, even if they were allowed to be imported into Sydney. We can do things to prevent the reimportation of that product from Sydney to Perth. Indeed, a few months ago Hon Christine Sharp raised the issue of fire blight and the importation of New Zealand apples into Western Australia. Members will note that I recently used that same Act to prevent the importation of South Australian unwashed potatoes when The Smiths Snackfood Company felt the need to increase its output. I believed that that posed an unacceptable risk and was able to use state legislation to prevent that. I thank the member again for raising the issue; we will try to deal with it as expeditiously as possible.

Question put and passed.

House adjourned at 6.16 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINING LEASE 26-353, APPROVAL FOR EARTHWORKS

532. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to question on notice No. 257 of Thursday, September 27 2001 and the answers provided -

- (1) Can the Minister check all of the answers provided and advise whether he still stands by all of the answers provided?
- (2) If not, why not?
- (3) Why was question number three not applicable?
- (4) What does the question four refer to when question number three was not applicable?

Hon KEN TRAVERS replied:

- (1) The Minister for State Development thanks the Hon Robin Chapple for questioning the correctness of the answers provided in question on notice No 257. Information supplied to the Minister's Office for the answer to parts (3) and (4) of that question was incorrect.

The answer should have read:

- (3)-(4) No approval was necessary because the activities were not mining operations'.

MINING, MT CHARLOTTE-FIMISTON OVERLAND CONVEYOR, LEGAL ADVICE

533. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to question on notice No. 240 of Wednesday, September 26 2001 and the answers provided -

- (1) Can the Minister explain how the provision of legal advice, as given by the Crown Solicitor and given to KCGM lawyers when KCGM was the alleged offender, can facilitate settlement of the matter?
- (2) If not, why not?
- (3) Can the Minister explain why, given that it was a extremely important issue, there are no notes on Departmental files of the subsequent discussions held with KCGM lawyers?
- (4) If not, why not?
- (5) Is it correct that there are records of other discussions concerning this same issue of KCGM breaching section 20(5) of the *Mining Act* on Departmental files commencing from when the complaint was first lodged and made with the Department?
- (6) Can the Minister give a specific date, or month of the year in which the well established practice of legal advice to be considered privileged information under a solicitor/client relationship of the Department changed to being the general position of not releasing Crown Privilege on legal advice relating to a single issue?
- (7) If not, why not?

Hon KEN TRAVERS replied:

I am advised:

- (1) The outcome was that the matter was settled after the advice was provided.
- (2) Not applicable
- (3) Departmental officers make notes and file them as and when they consider it appropriate.
- (4) Not applicable
- (5) Yes
- (6) Whilst the expressions 'well established practice of legal advice being considered privileged information' and 'the general position of not releasing Crown Privilege on legal advice relating to a single issue' may be different, it was not intended to convey a different position in meaning when the latter phrase was used in answer to question on notice No240.
- (7) Not applicable

GREENHOUSE GAS EMISSIONS, BURRUP PENINSULA

535. Hon Norman Moore to the Parliamentary Secretary representing the Minister for State Development

- (1) Is the Minister aware of claims by the Hon Robin Chapple that developments at the Burrup Peninsula could blow out the State's greenhouse gas emissions by 15 million tonnes of CO₂ equivalent each year?
- (2) If so, does the Minister concur with Mr Chapple's assertion?
- (3) If so, why?
- (4) If not, why not?

Hon KEN TRAVERS replied:

I am advised:

- (1) Yes.
- (2) No.
- (3) Not applicable
- (4) The estimates in public reports for Greenhouse gas emissions from proposed industrial developments on the Burrup Peninsula do not support the Hon Robin Chapple's claim. The reports indicate that the proposed industrial developments at the new industrial precinct on the Burrup Peninsula could emit much less than that claimed, even assuming all the projects proceed.

It is important to note each project either has been or will be subject of formal assessment by the Environment Protection Authority. Greenhouse gas emissions are taken into consideration in such assessments.

Furthermore, by utilising energy resources in the development of relatively clean fuels like LNG and synthetic fuels from gas conversion, the State is contributing to fuel substitution on a global scale, thus reducing overall global emissions.

KALGOORLIE CONSOLIDATED GOLD MINES PTY LTD, HCN LEVELS IN CIL PLANT

555. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to a letter I understand is dated December 5 1990 signed by A W Extract, District Mining Engineer addressed to the Registered Manager - Metallurgy, Kalgoorlie Consolidated Gold Mines titled 'HCN LEVELS ON CIL PLANT-GIDGI ROASTER' and copy of a record book entry dated December 3 1990 signed by Special Inspector of Mines -

- (1) Was the above referred to letter sent to the company?
- (2) If not, why not?
- (3) Is it correct that part of the letter states 'A recent inspection of the above operation on the December 3 1990 discovered levels of HCN significantly above the TLV of 10ppm. The readings were taken by one of your portable, hand held monitors as we were walking over the top of tanks 1B and 1C. The levels indicated a reading in excess of 20ppm while over tank 1C and although we were informed of the high reading by your plant operator prior to our inspection the levels recorded appear to occur regularly in tanks 1A, 1B and 1C ...'?
- (4) If not, will the Minister table a copy of the entire letter?
- (5) If yes to (3), can the Minister state what short and long term measures were implemented to maintain the HCN level in the CIL plant to the maximum TLV of 10ppm?
- (6) Is it correct that the record book entry referred to above in part states 'I have today carried out an inspection of your roaster, CIL plant and workshop. The following defects were observed -
 - (a) Roaster #1 burner port has a leak and noxious fumes are being released;
 - (b) Tank 1B and 1C of the CIL plant had HCN levels in excess of the maximum TLV of 10ppm. Tank 1C recorded a HCN level in excess of 20ppm;
 - (c) A Bennetts - Day Crew Operator - was observed not wearing safety glasses while preparing samples at the sample preparation area of the CIL plant; and
 - (d) Clean up of concentrate spillage was being conducted during this inspection. Housekeeping levels around the site are generally good'?
- (7) If not, will the Minister table a copy of the record book entry?
- (8) If yes to (6), were all the defects rectified to ensure that they did not occur again to create an unsafe working environment for any of the workers?

Hon KEN TRAVERS replied:

I am advised:

- (1) Yes.
- (2) Not applicable.
- (3) Yes.
- (4) Not applicable.
- (5) KCGM acknowledged receipt of the letter dated 5th December 1990 in a response dated 27 December 1990. Short term measures implemented by the company included the mandatory use of full face respirators, warning signs being displayed to inform employees of the safety requirements and the access gate to the CIL area remaining closed to prevent unauthorised access. The long term measures proposed included a process circuit change to address the factors which were viewed as being responsible for the high HCN levels being experienced at the time.
- (6) Yes.
- (7) Not applicable.
- (8) The defects identified were recorded by the Inspector in the mine record book at the mine for action by the manager of the mine. Under the terms of the (now repealed) Mines Regulation Act 1946 which was in force at the relevant time, the manager was responsible (ref. Section 30 of the Act) for enforcing the observance of all the provisions of the Act and all of the Regulations applicable to the mine under his charge. The manager was required to rectify any defects noted by the Inspector or otherwise appeal against the determination made by the Inspector. The Department of Mineral & Petroleum Resources does not have any record of correspondence from KCGM indicating that the specific individual matters recorded in the record book on this occasion were rectified other than the letter of 27 December 1990 referred to above. However, there is no record of any appeal with respect to compliance made with regard to the defects raised. The mines safety inspectorate of the then Department of Mines (predecessor to the former Department of Minerals and Energy and the present Department of Mineral and Petroleum Resources) regularly made visits to mines on an ongoing basis for the purpose of ensuring compliance with then current regulatory requirements.

GREENHOUSE GAS EMISSIONS, BURRUP PENINSULA

571. Hon Robin Chapple to the Parliamentary Secretary representing the Minister for State Development

I refer to greenhouse gas emissions from proposed industrial developments on or near the Burrup Peninsula, and ask -

- (1) Does the Minister agree with the published estimates for CO² equivalent emissions from the various projects, as listed below (all figures are measured in millions of tonnes per annum (mtpa) of CO² equivalent) -
 - (a) Methanex Methanol stage 1 - 0.9 mtpa
 - (b) Burrup Fertilisers - 1.44 mtpa
 - (c) Syntroleum Sweetwater - 1.16 mtpa
 - (d) Plenty River Ammonia - 2 mtpa
 - (e) Japan DME - 2.5 mtpa
 - (f) GTL Resources - 0.45 mtpa
 - (g) Woodside LNG expansion - 3.1 mtpa
 - (h) Austeel/Mineralogy - 4.21 mtpa
 - (i) Total - 15.76 mtpa
- (2) If not, can the Minister outline specifically which estimates the Minister disagrees with, and provide the Government's estimates for CO² equivalent emissions?

Hon KEN TRAVERS replied:

I am advised:

- (1) No.
- (2) The estimates for Greenhouse gas emissions from the specified projects are set out in the table attached. Each project either has been or will be subject of formal assessment by the Environmental Protection Authority. Greenhouse gas emissions are taken into consideration in such assessments.

Concerns associated with carbon dioxide emissions relate to the issue of global warming. By utilising its energy resources in the development of relatively clean fuels like LNG and synthetic fuels from gas conversion, the State is contributing to fuel substitution on a global scale, thus reducing overall global emissions.

CABLE SANDS JANGARDUP MINERAL SAND MINE, DISCHARGE OF WATER

574. Hon Christine Sharp to the Minister for Housing and Works representing the Minister for the Environment and Heritage

With regards to the recent discharge of water from Cable Sands Jangardup Mine -

- (1) Is the Minister aware that the ERMP states 'The excess water will be pumped to a small pond and recycled as much as possible. Water will also be recycled from the dumped mixture of sand and clay which remains after the heavy minerals have been separated out, and from the stockpile of Heavy Minerals Concentrate. The excess water will be allowed to seep or drain from the ponds into the natural drainage. It will not be discharged as a surface flow into the State forest or the D'Entrecasteaux National Park'?
- (2) What testing was carried out on this surface water discharge and by whom for -
 - (a) acid sulfate;
 - (b) pH;
 - (c) salinity;
 - (d) heavy metals; and
 - (e) flocculant,
 and will the Minister table the results?
- (3) Does the recent discharge of water into D'Entrecasteaux National Park compromise Ministerial Condition 3 for the Jangardup Mineral Sand Mine 'The proponent shall ensure that there are no environmentally significant detrimental effects from the mining operation on the vegetation or groundwater quality or levels within adjacent National Park, State forest and private lands'?
- (4) What action will the Minister take against Cable Sands?
- (5) What action will the Minister be taking to ensure the protection of the D'Entrecasteaux National Park and Gingilup NR from such future events?

Hon TOM STEPHENS replied:

- (1) The Minister for the Environment and Heritage has been advised by the Department of Environmental Protection that the procedure for managing excess water, which is to pump to a small pond, has been implemented for over a year.
 The DEP has also advised that excess water that cannot be recycled is allowed to drain from the ponds into natural drainage, which then flows into State forest and the D'Entrecasteaux National Park.
 This procedure is stated in the ERMP and approved implicitly in statement 103 issued on 20/7/1990. Two section 46 amendments to the original statement were issued in statement 455 on 23/7/97, on truck haulage routes, and in statement 508 on 4/6/1999 for an extra area of state forest to be mined. The mining operation also has a licence issued annually which was issued on 19/6/2001 and amended on 30/7/2001, and a condition to sample the water quality at the discharge point was added.
- (2) Cable Sands undertakes water quality testing at the water supply dam, dredge pond and at various drainage points in accordance with condition W3(a) of the Environmental Protection Act 1986 Licence.
 It is considered by the DEP that the critical parameters, with regard to vegetation protection, are acidity and acid sulphate levels.
 I now table the results on behalf of the Minister for the Environment and Heritage (Attachment 1). [See paper No 1441.]
- (3) Condition 3 has not been breached. Although there has been an elevation in groundwater level in the National Park, there appears to be no detrimental impact on vegetation or groundwater quality.
 Other areas that are hydrologically unaffected by the discharge from the Cables Sands mine have also shown an increase in groundwater level.
- (4) The DEP has advised the Minister that it considers no enforcement action is warranted. The DEP and the Department of Conservation and Land Management conduct an on-going review of the monitoring program

results to ensure that an adverse effect upon the vegetation would be detected in time to avoid significant loss of vegetation.

- (5) The Department of Environmental Protection and the Department of Conservation and Land Management are discussing possible alternative summer disposal options with Cable Sands.

TOX-FREE INCINERATOR, KWINANA

576. Hon Jim Scott to the Minister for Housing and Works representing the Minister for the Environment and Heritage

- (1) What level of assessment did the DEP give the TOX-FREE incinerator proposal in Kwinana?
- (2) Did the assessment take into account emissions from the incinerator afterburner?
- (3) Has modelling of Dioxin emissions been carried out?
- (4) If so, will the Minister table a copy of the modelling?
- (5) Has modelling of Furan emissions been carried out?
- (6) If so, will the Minister table a copy of the modelling?
- (7) Did the DEP investigate emissions from similar operating plants?
- (8) If so, which ones?

Hon TOM STEPHENS replied:

- 1) The Minister for the Environment and Heritage has been advised by the Department of Environmental Protection (DEP) that the project was referred to the Environmental Protection Authority (EPA) and the level of assessment was set at 'not Assessed-Managed under part V'. On this basis, the project was dealt with by the DEP through Works Approval and Licensing.
- 2) When the project was referred to the EPA, the Afterburner was not included. However, during the Works Approval and Licensing assessment process, the afterburner was taken into account and appropriate licence conditions included.
- 3) Yes. Dioxin modelling was conducted for processes involving chlorinated materials, although the DEP is not aware of any dioxin modelling carried out for the tyre trial due to the lack of chlorinated material in the feed stock.
- 4) On behalf of the Minister I now table a copy of the modelling. [See paper No 1442.]
- 5) Yes, modelling of Furan emissions was carried out.
- 6) The tabled document includes this information.
- 7) Yes, the DEP did investigate emissions from similar operating plants.
- 8) The facilities investigated were:
Tox Free Systems Pty Limited Orange NSW.
Tox Free Systems Pty Limited Beenleigh Qld.
Oil Energy Corporation, Wedgefield WA.

WATER RESOURCES, LEEDERVILLE AND YARRAGADEE AQUIFERS

580. Hon John Fischer to the Minister for Housing and Works representing the Minister for the Environment and Heritage

Further to question without notice No. 901 of April 9 2002, can the Minister now advise -

- (1) When the Department of Minerals and Energy tested this water?
- (2) How many bores were used in the test?
- (3) Where were the bores located?
- (4) What was the rate of flow?
- (5) How deep were the bores?
- (6) What was the standing water level?
- (7) What was the draw down?

- (8) Was the water tested for quality?
- (9) If so, where are the results?

Hon TOM STEPHENS replied:

- (1) The Water and Rivers Commission has advised me that the only testing of groundwater near the Norseman-Coolgardie pipeline was carried out in 1988 by the then Department of Minerals and Energy.
- (2) Six bores were drilled.
- (3) The bores were located near Horse Rocks, 33km south east of Coolgardie.
- (4) Flow rates were not tested.
- (5) The deepest bore, KRE 4, was 58.7 m deep.
- (6) The standing water level in KRE 4 was 20.3 m.
- (7) The drawdown is unknown, as the bores were not tested.
- (8) The groundwater salinity in bore KRE 4 was 31 200 milligrams per litre (mg/L) total dissolved solids (TDS).
- (9) The results were published in the Geological Survey of Western Australia Record 1991/10.

POLICE FIREARMS, REPLACEMENT WITH SIGMA PISTOLS

598. Hon Peter Foss to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services

- (1) Has the Police Service made a decision to replace its current standard issue police firearms with the Sigma pistol?
- (2) Has the Government made a decision to replace the Police Service's standard issue police firearms with the Sigma pistol?
- (3) If so -
 - (a) when was the Government's decision made;
 - (b) what is the total estimated cost of this initiative;
 - (c) has funding for the replacement been agreed to;
 - (d) what amounts and in what budget years; and
 - (e) what was the policy reason behind the decision?
- (4) What is the total number of standard firearms currently issued to the Police Force?
- (5) In particular, what make and type of firearms are they?
- (6) How many are there of each type?
- (7) What is it proposed should be done with those firearms which are to be replaced?
- (8) Have any Sigma pistols been acquired?
- (9) If so, when, how many and at what cost?
- (10) Has any time or money been expended in training in the use of the Sigma pistol, whether of officers who will use the standard firearm or persons who will train officers to use them?
- (11) If so, what amount of time and money has been spent?
- (12) Has the Minister or the Police Force at any time subsequent to the decision to adopt the Sigma, considered adopting or decided to adopt as standard issue firearm, a firearm other than the Sigma?
- (13) If so -
 - (a) when was that consideration given, or if a decision has been made, when was the decision made and by whom;
 - (b) what is the firearm adopted or being considered;
 - (c) what were the reasons for that decision or consideration;
 - (d) has the Government agreed to this;
 - (e) what is the unit cost of this new firearm compared to the Sigma; and
 - (f) what will happen to those Sigma pistols already purchased?

- (14) If a firearm other than the Sigma has been considered or adopted -
- is it proposed that both firearms be used within the Police Force or that one be phased out and when;
 - what costs will be thrown away be reason of this decision;
 - will further training be required in the use of this new firearm; and
 - what time or money has been expended, and will need to be expended in order to introduce this new firearm?
- (15) On how many occasions in each of the three last calendar years have officers, other than those within the TRG, discharged firearms in the course of their duties, other than in practice?
- (16) On how many occasions in each of the last three calendar years has an officer attempted to discharge a standard firearm in the course of their operational duties resulting in the failure of that firearm to discharge due to a malfunction?

Hon N.D. GRIFFITHS replied:

- (1) Since 1996 the Police Service has been gradually purchasing appropriate semi-automatic pistols.
- (2)-(3) The Government has provided the Police Service with appropriate funding to accelerate the equipping of operational police officer with suitable semi-automatic pistols. The Police Service will determine the most suitable model of firearm through extensive consideration of the relative merits of alternative semi-automatic pistols as part of a tender process.
- (4) 3914
- (5) Model 10 S &W .38, Model 10 S & W .22, Model 36 S &W .38, Sigma C Series S & W, Sigma E Series S & W,
- (6) 2389 Model 10 S &W .38
3 Model 10 S & W .22
494 Model 36 S &W .38
671 Sigma C Series S&W
357 Sigma E Series S&W
- (7) The firearms in question form part of the " Scope Of Work" section 2.2.4 Trade-in / Buy Back within the Request For Tender, which states:
TRADE-IN / BUY BACK
Respondents will also be required to submit bids based on the "Buy Back" of WAPS's non-required stocks of firearms (including spare parts), S & W 40 F holsters and pouches. Details including approximate quantities etc will be provided at the Pre-tender briefing.
- (8) Yes
- (9) 1028 Sigma pistols have been purchased since 1996 at an approximate cost of \$500,000
- (10) Yes.
- (11) Approximately 1100 officers have received training in the use of the Sigma semi-automatic pistol. This equates to approximately of 4000 training days.
In addition approximately \$130,000 has been expended on ammunition.
- (12) Refer to (2)
- (13) Not applicable.
- (14) Refer to (1) and (2)
- (15) For the past three calendar years the following numbers of officers, other than TRG, have discharged their firearms in the course of their duties, other than in practice:
- | Year | Number of Officers |
|-------|--------------------|
| 1999 | 5 |
| 2000 | 4 |
| 2001 | 4 |
| Total | 13 |
- (16) There have been no reported incidents in the past three calendar years.
The implementation of formal procedures and mandatory serviceability checks required before the booking out of an issue firearm, dictate that unserviceable firearms be returned immediately to the Ballistics Section for repair or replacement.

Also the instigation of mandatory six monthly re-qualifying shoots, has also contributed to the prompt reporting and return of unserviceable firearms for repair or replacement, thus alleviating discharge failures.

STATE HOMELESSNESS REPORT, IMPLEMENTATION OF RECOMMENDATIONS

602. Hon Christine Sharp to the Minister for Housing and Works

With respect to the Recommendations of the State Homelessness Report of January 31 2002 -

- (1) What action is the Minister taking in respect of the recommendations contained within the Report?
- (2) Will the long-term funding outlined in the Recommendations be provided in full?
- (3) If not, why not?
- (4) Is the Minister prepared to commit that the levels of funding as outlined in the Report will be contained within the forthcoming Budget?
- (5) If not, why not?
- (6) What legislative measures is the Minister considering to address homelessness, and in particular youth homelessness, in Western Australia?
- (7) When will these legislative measures be introduced into Parliament?
- (8) If no legislative measures are being considered, what other measures is the Minister taking to address homelessness, and in particular youth homelessness?

Hon TOM STEPHENS replied:

The Premier has now formally released the Government's response to the State Homelessness Taskforce's Report. I have arranged for a copy of the Government's response to be provided to the Hon Member as soon as possible. This will fully explain the Government's funding, program and legislative initiatives and aims to address the need for additional housing and support structures as highlighted by the Taskforce.

This response will include additional funding of \$11 million in 2001/02 to increase the public housing building program, provide additional financial counselling services and to assist with the housing of people with special needs. Funding of \$3.18 million in 2002/03 and \$5.3 million annually thereafter to support recurrent initiatives to address the homelessness problem has also been approved.

The Government is also spending an estimated \$6.935 million per annum that address in part recommendations made in the Homelessness Taskforce report through programs established in 2001/02.

The success of the Government's response and commitment to addressing homelessness will be measured through performance indicators that will be monitored by the Cabinet Standing Committee on Social Policy.

SHIRE OF CARNARVON, SURGE WALL/RING ROAD FUNDING

607. Hon Robin Chapple to the Minister for the Kimberley, Pilbara and Gascoyne

With regard to funding provided by the State Government to the Shire of Carnarvon in relation to the development of a surge wall/ring road -

- (1) Will the Minister identify when the application was made for such funding and the reason given for that funding in the original application?
- (2) Is it the Minister's understanding that the intent of that application remains the same today?

Hon TOM STEPHENS replied:

- (1) The application was made under the Application for Concept Approval as part of the Gascoyne Development Commission Capital Expenditure proposal for the 1999/2000 and 2000/01 financial years. The reason given for the funding in the original application was:

to complete the full government commitment to the Carnarvon Fascine Development Project to include storm surge protection for business and community.

for the Economic and social development of the Gascoyne Region through infrastructure development that will enhance the region's ability to attract residential and business occupation in the immediate and long term, and for community and commercial safety and damage expense protection.

For safety to society, business and existing infrastructure. Rebuilding is more costly than protection. An absence of protection does not assist Carnarvon to develop.

- (2) Yes
-