WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE ASSEMBLY

Thursday, 31 October 1996

Legislative Assembly

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THE SPEAKER (Mr Clarko) took the Chair at 10.00 am, and read prayers.

PETITION - QUARRY DEVELOPMENT, RESERVE ROAD, GIDGEGANNUP PROPOSAL

MRS van de KLASHORST (Swan Hills) [10.03 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned people of Western Australia wish to express our concerns regarding the proposed Black Granite Quarry development, Reserve Road Gidgegannup.
>
> The undersigned represent a strongly opposed local group of residents who choose to live in the area for the pristine environment and peaceful lifestyle.
>
> We believe that the proposal is an inappropriate development for the area due to its potential noise, dust, water pollution risks. The development would also produce a negative visual impact and reduced property values in the area.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

The petition bears 259 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 198.]

MINISTERIAL STATEMENT - PREMIER

Commission on Government Reports, Government Response, Tabling

MR COURT (Nedlands - Premier) [10.06 am]: The Government established the Commission on Government in response to a recommendation of the Royal Commission into Commercial Activities of Government and Other Matters. COG has conducted the broadest public inquiry into government and the public sector that this State has ever seen, with extensive public consultation through discussion papers, seminars and hearings. COG made 263 recommendations, with over 100 having multiple parts.

The Government has already taken steps in a number of areas where COG has made recommendations and is preparing legislation in others. I propose to advise the House of the Government's position with regard to some of the more significant recommendations, and responsible Ministers will make further ministerial statements. I will also table the Government's response to COG reports Nos 1 to 5. COG's fifth and final report presented COG's recommendations for the prevention of corrupt, illegal or improper conduct through increasing access to information about government and fundamental changes to Western Australia's Constitution.

There has been some debate about whether the events of the WA Inc era can be blamed on the people or the system. It remains this Government's view that no system can withstand those who are determined to abuse it. This view was recently supported by Professor Brian Galligan of the University of Melbourne, who is reported to have warned that the constitutional reforms recommended by COG are no guarantee against political corruption. The Government's view, however, is and always has been that all governments require checks and balances. This Government has already undertaken significant structural reforms to improve the conduct and accountability of the public sector; for example, the establishment of COG; the implementation of the Freedom of Information Act and the Public Sector Management Act; a code of conduct for media secretaries; and strengthening the Anti-Corruption Commission.

The Government endorses, in principle, most of COG's recommendations in report No 5, although a number of practical and legal issues require detailed consideration. The Government agrees that the State Constitution should be contained in one document. Further, any changes to the Constitution should be considered by a people's convention which, ideally, should be convened after any changes to the Commonwealth Constitution stemming from the proposed commonwealth people's convention.

A number of COG's proposals relate to the Parliament. The Government considers that it is not appropriate for the Executive to decide these matters and, therefore, proposes that each House establish procedures to consider the recommendations and implement reform as soon as the new Parliament commences in 1997. In conclusion, COG proposes reforms to take us to the year 2001 and beyond. As COG Chairman, Mr Jack Gregor, has said -

> Many of the things we suggest are very complicated and do require further discussion. Ultimately we don't expect things to change overnight. What we have done is crystallise the debate which should make further consideration of those issues easier and quicker.

This Government has started the reform process and expects to continue in 1997, hopefully on a bipartisan basis.

I table the report.

[See paper No 704.]

MINISTERIAL STATEMENT - MINISTER FOR COMMERCE AND TRADE

Public Accounts and Expenditure Review Committee Report on Government Financial Assistance to Industry, Department of Commerce and Trade Response

MR COWAN (Merredin - Minister for Commerce and Trade) [10.08 am]: On 17 October, the House received a report of the Public Accounts and Expenditure Review Committee on the subject of Western Australian Government financial assistance to industry. While the recommendations were numerous and wide-ranging, the public interest seemed to be about those recommendations that related to the programs and schemes administered by the Department of Commerce and Trade. Given that public interest, and the interest in the list of around 1 000 industry assistance grants that I have previously tabled in this House, I am responding to those PAERC recommendations that relate specifically to the Department of Commerce and Trade. Members will receive a response in due course to the whole of government issues raised by PAERC in accordance with normal practice.

Much of what appears in the PAERC report has already been dealt with some time ago. Members will recall the report of the Auditor General on this matter and my response to his report 16 months ago. At that time I undertook to table details of all assistance packages over $250 000. As the agreements have been signed and an annual list of all packages that were less than that amount has been tabled, that undertaking has been honoured.

The PAERC report adds little to the issue of industry assistance. Its recommendations that relate to the Department of Commerce and Trade are simply reworkings of information given to the committee by the department in the first instance. As the recommendations are to do what is already being done, the PAERC report can be seen as a backhanded compliment.

I am keen for members to consider this issue of industry assistance and will continue to provide full information so that they can do so in a meaningful way. To that extent, I table a report by Deloitte Touche Tohmatsu on the industry incentive program. This report was instigated by the chief executive officer of the Department of Commerce and Trade, with my approval. It analyses the effect of the IIP on industrial development and job creation in this State. I am confident members will find it informative.

I also table a written response by the Department of Commerce and Trade to each of the PAERC recommendations that relate directly to the various programs the department administers. If members require further information on any of the issues in that response or the Deloitte report, I will be pleased to provide it.

[See papers Nos 705 and 706.]

MINISTERIAL STATEMENT - MINISTER FOR LOCAL GOVERNMENT

Commission on Government Report, Local Government Response

MR OMODEI (Warren - Minister for Local Government) [10.11 am]: The Commission on Government made a number of recommendations relating to local government. I wish to advise the House of the ways in which these recommendations have been addressed.

Annual reports: Recommendation 26 deals with the auditing of local authorities and calls for the Minister to table an annual report on the audit and performance of local governments. The Local Government Act 1995 commenced on 1 July 1996. The Government is monitoring the operation of the Act, including the revised audit provisions, and will review this recommendation in the monitoring process.

Political finance: Recommendation 142 calls for legislative regulation of political finance in local government. The Local Government Act provides for regulations to require the disclosure of donations or gifts to candidates. I am having proposals developed for my consideration for possible future legislation.

Codes of conduct: Recommendation 160 calls for codes of conduct for elected local government members. The Local Government Act requires every local government to prepare or adopt a code of conduct to be observed by council members, committee members and employees. The Western Australian Municipal Association has prepared draft codes of conduct, which local governments may consult in the process of formulating the codes. At this stage

it is not intended to prepare regulations on this issue unless it is deemed necessary after local governments have had an opportunity to design and implement their own codes.

Disclosure of interests: Report No 4 contains five recommendations relating to pecuniary and other interests. Recommendations 236 and 237 endorse provisions already contained in the Local Government Act. Recommendation 238 calls for the Local Government Act to be amended to require persons desiring to inspect the register of financial interests to make a written application which would also be publicly available. The Government does not support this recommendation. The primary intention of the Local Government Act is to achieve openness of administration in local government. This recommendation of the Commission on Government could inhibit access and legitimate inquiries.

Recommendation 239 endorses provisions of the Local Government Act and calls for an auditor to be appointed by the Department of Local Government to conduct a periodic examination of the register of financial interests. This recommendation has been noted by the department, which currently is considering monitoring processes to support the proper implementation of the new Local Government Act.

Recommendation 240 also endorses provisions of the Local Government Act and calls for the Department of Local Government to develop a program to assist elected members with proper use of the remote and trivial interest provisions of the Act. Through a number of programs, the department has provided information and assistance regarding the financial interests provisions to both elected members and officers.

In conclusion, the Local Government Act has heralded a new era in local government by enabling local governments to be more responsive to the needs of their communities, while at the same time holding them firmly to account for their actions and decisions. The Government looks forward to future bipartisan support in the area of local government.

MINISTERIAL STATEMENT - MINISTER FOR EDUCATION

Early Childhood Education Changes

MR C.J. BARNETT (Cottesloe - Minister for Education) [10.15 am] - by leave: I wish to outline the State Government's changes to early childhood education in Western Australia.

Early childhood education is a vitally important stage of a child's education. It is in the kindergarten, preprimary and first years of primary school that the fundamentals of literacy and numeracy are established, talents are enhanced, difficulties which might impede learning are identified, and children learn how to succeed at school.

Recognising that the foundations of success at school are laid in a child's early years, this Government has focused on introducing innovative changes in early childhood education and has made a huge investment in young Western Australian children since coming to office in 1993.

The first step in the Government's major push to improve the provision of early childhood education in this State was the establishment in 1993 of a task force inquiring into early childhood education, chaired by Hon Barbara Scott. I would like particularly to commend her role in preparing what has become known as the Scott report and her ongoing commitment to early childhood education. The recommendations of the Scott report formed the basis for the introduction of the early childhood education program - under the name of Good Start - in mid-1995.

Since the introduction of the early childhood education program, and despite some public confusion and uncertainty about the issues, substantial gains have been made, particularly in the provision of improved early childhood education programs, especially preprimary and kindergarten programs. Credit for those gains must be paid to Hon Norman Moore who, in his capacity as then Minister for Education, steered these major changes in this critical area of education.

Today I would like to inform the House of further initiatives in early childhood education which consolidate our achievements, remove any lingering uncertainly about early childhood education and bring us a step closer to national consistency in early childhood education. These initiatives are based on sound educational thinking and consultation with the public of Western Australia.
By the end of 1999 the Government will have spent $122m on new buildings, modifications, equipment and staffing for implementation of the previously announced initiatives in the preprimary, or five year olds, program and the kindergarten, or four year olds, program.

First, the preprimary program: As a result of this Government's initiatives in the early childhood program, children will have access to a four day a week preprimary program. This year 55 per cent of eligible children - those aged five or turning five years - have access to a four day a week preprimary program through their local school. In 1997

a further 162 schools will offer the program, so that more than 80 per cent of children who are eligible will be able to take part. This will require an estimated additional 151 full time teachers and 136 teacher aides. In 1998 a further 3 500 places will be made available so that all eligible children will have access to the program. Most of the preprimary programs operate on site at the local school, either in a purpose-built preprimary classroom or in existing refurbished classrooms. A small number of the programs are held off site, but in close proximity to the school.

I wish to announce that from 2002 the preprimary program in government schools will increase from four days a week to five days a week. Effectively this offers a further year of full time schooling to a child's education. Instead of 12 years of five-day-a-week schooling, children entering the education system early in the twenty-first century will have the opportunity of having 13 years of full time education. This additional year will not be at the end of schooling, but at the beginning, where it will make the greatest difference. Preprimary will become the first year of full time school, just as it is in most other States. Although it will not be compulsory for children to attend a preprimary program, the Government expects most parents to take up this opportunity to give their children this additional year of quality education.

The implementation of the early childhood education program has seen the provision of quality kindergarten, or four year olds, programs run by the Education Department and at numerous non-government schools. The kindergarten program focuses on informal, play-based, individualised activities that develop language, literacy, early mathematical concepts and creativity, and strengthen social skills as a foundation for learning. This approach provides a sound basis for a continuing development of skills and concepts across the curriculum, into preprimary and beyond.

This year about 8 500 children are enrolled in Education Department kindergarten programs, which run for two half-day sessions a week. About 9 000 children are enrolled in Family and Children's Services programs. A further 1 000 are enrolled in kindergarten programs at non-government schools in government subsidised places. From 1997 the responsibility for the kindergarten programs operated by Family and Children's Services will progressively transfer to the Education Department. This will have the effect of streamlining the provision of government education from kindergarten to year 12 so that responsibility rests with one Minister and one department - the Minister for Education and the Education Department - to ensure that all young Western Australians can access programs of the same quality.

By 1999 all four year old children or children turning four will be able to take part in two half-day sessions of kindergarten a week in an Education Department program in a variety of settings. However - this is the second part of the Government's announcement today - from 2001, the Government will expand the government kindergarten program from two half-day sessions to four half-day sessions a week. This change will be implemented in one step in 2001. It will be available for all eligible children from the beginning of the 2001 school year. The program will remain voluntary.

Kindergarten will be available at a range of places, including community preschools, family centres, the local primary school and, possibly, following a trial next year, also in long day care centres. The Government will, where possible, utilise existing government and community facilities. The Government is committed to keeping community-based preschools operating. The Government has offered those preschools whose viability would have been threatened by the introduction of the preprimary program the option of entering into contractual arrangements with the Education Department to be providers of the preprimary program from next year until 2000. It is expected that five preschools will take up this offer for next year. This will ensure their viability and allow them to continue to offer a kindergarten program for two half days a week. The expansion of the kindergarten program from 2001 will allow community-based preschools to focus on the provision of four half day session kindergarten programs. Next year, most of those preschools whose enrolments have fallen will continue to be staffed at 1996 levels, allowing them greater flexibility in the number of sessions provided for kindergarten and preprimary programs.

The Government is also looking at the implementation of a common funding model so that kindergarten programs will cost parents the same low fee, regardless of whether their child is enrolled in a government school or a community-based preschool. As mentioned, responsibility for all kindergarten programs operated by Family and Children's Services will, from 1997, progressively transfer to the Education Department. With the support of my colleague the Minister for Family and Children's Services, Hon Cheryl Edwardes, and cooperation between Family and Children's Services and the Education Department, I am extremely pleased to inform the House that it has been decided that programs transferred to the Education Department will continue to be run in family centres, where appropriate.

In 1997 the Government will also trial the kindergarten program at four community-based long day care centres. The Government's aim is to provide twice as many kindergarten sessions at a range of sites for children entering the education system early next century. This will more closely meet the needs of children and their parents.

With the expansion of the kindergarten and preprimary programs, and preprimary becoming the first year of full time schooling, the curriculum will be further enhanced. Next year legislation will be introduced into this House to enable the establishment of the curriculum council. The curriculum council will ratify a curriculum framework for the whole continuum of education from kindergarten to year 12, across both the government and non-government school sectors. The interim curriculum council has already begun this work. By the time the changes to kindergarten and preprimary have taken place, Western Australia will have a curriculum that emphasises learning based on children's development, flowing from one year to the next. The Government's initiatives in this area will see a vastly expanded and improved early childhood education system for the twenty-first century.

In this context, the Government recognised that a change to the age at which a child enters the education system required consideration. Members will be aware that the issue of changing the school starting age has been in the public arena for some time and requires resolution. At present, the entry age cut-off date in this State is 31 December. This means that some children with birthdays late in the year can enrol in the kindergarten program as long as they turn four by 31 December. These children can complete most or all of their kindergarten year as three year olds, their preprimary year aged four, and year 1 not yet six. For some, this is too early, particularly in the kindergarten year.

As an example, members must question the educational benefits of a three year old child in a country area having to go on a long bus journey to attend a kindergarten program. That child may not be emotionally or physically ready to take full advantage of the educational elements of the programs offered.

Western Australian children are among the youngest in the country when they start year 1. Children in all States and Territories, except Queensland, are five to 12 months older than our children when they start year 1. In July this year at the Ministerial Council on Education, Employment, Training and Youth Affairs, the Ministers for Education around Australia resolved to request the heads of all their education systems to work together to devise ways for Australia to move towards a national school entry age band - a period within which all States' and Territories' entry age cut-off dates would fall - and standard names for the preschool years, which we call kindergarten and preprimary. At that meeting and in the past few months the federal Minister for Schools, Hon David Kemp, has indicated his support for Western Australia making a change to fit in with a national school entry age band, most likely over three to four months in the middle of the year.

Following that meeting, this Government initiated widespread consultation on a possible change to the school starting age in this State. Four thousand letters from me as Minister for Education and Ms Cheryl Vardon, Director General of the Education Department, were sent to all schools - both government and non-government - community preschools, P & C associations, play groups and professional organisations, requesting their input into the debate. This was followed by the distribution of 17 000 information booklets setting out the background, highlighting the issues, and containing a response sheet. As Minister, I also raised the issue with the Western Australian Council of State School Organisations on several occasions this year.

The response to this comprehensive consultation process was overwhelming. More than 1 000 responses were received from across the State. With respect to the specific issue of the starting age, 43 per cent of all submissions expressing an opinion on specific cut-off dates indicated that 30 June should be the new date; 24 per cent of submissions nominated either 31 December or no change as their preferred date; and 9 per cent of respondents indicated a preference for a 30 April cut-off date. The Catholic school sector has expressed its support of a change to a 30 June cut-off date.

Although it is not mandatory for the non-government school sector to implement a change to the entry age cut-off date commensurate with the implementation of a change in the government system, indications are that Catholic and other non-government schools would consider the change. The timing and rate of implementation would be at their discretion.

Based on what the public has indicated it wants and on sound educational theory, the Government has decided that in 2001 the cut-off date for entry into the education system will change from 31 December to 30 June. This will be implemented in a single step in 2001 with only children turning four between 1 January and 30 June in that year being eligible to enter the Government's kindergarten program. I make it clear that the change to the entry age cut-off date will not affect any child already born or currently in the education system. Also, the change will have no effect on the age at which any child born today and up until 30 June next year enters the education system. The first group of children to be affected by a change to the age at which they enter the education system are those who are born in the second half of next year, from 1 July to 31 December 1997.

I emphasise also that the change will not affect the current practice of having all children begin schooling at the end of the summer holidays, usually the last week in January or first week in February. Bringing the entry age cut-off date back six months from 31 December to 30 June will ensure that all children either turn four in the first half of their kindergarten year or are four when they start kindergarten; either turn five in the first half of their preprimary

year or are five when they start preprimary; and either turn six in the first half of year 1 or are six when they start year 1. In 2001, the year the change will be introduced, about half the usual number of children will enter kindergarten and the numbers in this group will remain at about half the usual number for the whole of their schooling. The Government will use this opportunity to reduce class sizes in years 1 and 2, when smaller classes have the greatest educational benefit. The implementation of reduced class sizes in these years will begin in 2003 when the reduced cohort of children moves into year 1. Class sizes in the kindergarten and preprimary years are already small, with maximum student numbers of 20 for kindergarten and 25 to 27 for preprimary. Prior to 2003, the Government will adopt a more flexible approach to class size. The possibility of reducing class sizes in the early primary years in individual schools with particular educational requirements or problems; for example, a high population of students at risk, will be examined. This will be done on a case by case basis.

It should be pointed out that those children who make up that smaller group of students beginning kindergarten in the year the change to the entry age cut-off date is introduced, will enjoy substantial educational benefits. This will be the first group to benefit from the expansion of the kindergarten program from two half day sessions to four half day sessions per week. The following year - in 2002 - they will be the first group to benefit from the expansion of the preprimary program from four full days to five full days per week. In the early years of primary school, they will be the first group to enjoy class sizes smaller than we have now.

As well as supporting the 30 June date, the public consultation revealed strong support for greater flexibility - 85 per cent of all submissions wanted greater flexibility. People wrote about the need for children to be ready for school and for parents, teachers and others to be involved in assessing whether children are ready. The Government has taken these responses into consideration. All children are different and mature at different rates. Physical and emotional maturity rarely reflect intellectual ability. Sufficient flexibility will be built into government schooling to allow for a wide range of levels of development of our children. A set of procedures will be developed to allow for -

an optional delayed entry for those less mature children with birthdays falling in May or June;

acceleration from kindergarten programs into preprimary programs and from preprimary into year 1 for advanced children; and

the possibility for advanced children to complete a four-year early childhood program - kindergarten, preprimary, year 1 and year 2 - in less than four years and for less advanced children to have extra help in early childhood for up to five years.

The exact processes will be developed over the next 18 months and will involve extensive consultation with parents and teachers, and discussions with other education systems around Australia. In summary, the Government is today committing itself to -

all eligible children having access to four days a week of preprimary by 1998;

all eligible children having access to two half day sessions a week of kindergarten by 1999;

increasing preprimary programs from four to five days a week from 2002, thereby providing 13 years of full time schooling;

doubling the number of kindergarten sessions from two to four half-day sessions a week from 2001;

ensuring the viability of community based preschools;

transferring responsibility for kindergarten programs from Family and Children's Services to the Education Department, but allowing kindergarten programs to continue to be offered in family centres, where appropriate;

bringing all early childhood education programs under the responsibility of one Minister and one department - the Minister for Education and the Education Department - ensuring equality and equity of access for all Western Australian children to an early childhood education program;

continuing to enhance the quality of early childhood education programs;

changing the entry age cutoff date from 31 December to 30 June, beginning with kindergarten in 2001;

reducing class sizes in the early years of primary school from 2003 and, prior to 2003, implementing a more flexible approach to reducing class sizes in the early primary years in individual schools; and

developing flexible entry and progression procedures for children from kindergarten to preprimary and onwards through the early childhood education years.

This package represents a substantial financial commitment. It is a demonstration of this Government's commitment to the young children of Western Australia in their most critical years of education.

MR KOBELKE (Nollamara) [10.33 am]: The statement just delivered by the Minister for Education contains a range of excellent ideas. Education is a very complex issue. When we have good ideas we should seek to implement them. However, if they are implemented without understanding the connection between the various factors, what seemed like a good idea could lead to a reduction in the quality of education. It is most important that the whole program be thought out, planned and implemented in an integrated way. It is even more important that resources be committed to ensuring that it will work.

The Minister's statement is simply not believable, but he will do his best to sell it in a pre-election climate. It is just a lot of good ideas thrown together for the sake of an election. I will show that what the Minister proposes is really a fraud. He started out as the Minister for Education by trying to delay the school starting age. He did that from a basis of not knowing what he was talking about. The consultation to which he alludes was based on that misinformation. It was a biased presentation. For the Minister to claim that he received support from the people who responded to his options paper is to be quite misleading.

That options paper was roundly criticised by many people who contacted my office. They did not believe fair and open consultation had taken place. In fact, consultation took place only after I started hammering the Minister about his refusal to listen to people and after I had done a survey of schools that proved extremely popular. The Minister then jumped on the bandwagon and concocted his own survey from which he could achieve the results he wanted. His survey did nothing more than that. It was totally biased towards the answers he wanted in support of his move to delay the school starting age. Although the Minister was clearly wrong, we have heard no apology. At page 4 of his speech the Minister said -

> Preprimary will become the first year of full time schooling just as it is in most other States.

I raised that issue with the Minister on several occasions and pointed out that he was wrong with his comparison of the starting age between here and other States. In other States the preprimary year, or whatever name they give it, is the first year of schooling. Although the Minister did not apologise, I appreciate that he has come up to speed on that important issue with the changes he proposes.

He now has the dates right. However, can the Minister give us the costings on this promise?

Mr C.J. Barnett: If you read the speech, you will see -

Mr KOBELKE: I have, several times.

Mr C.J. Barnett: The cost of the program to 1999 in the forward estimates is $122m, some of which has been spent. It is all fully budgeted. The cost of reducing class sizes and the like will be largely funded from the savings from that reduced cohort going through the system.

Mr KOBELKE: The figure referred to in the Minister's statement must be explained in more detail. I will refer later to the items to see whether the Minister is being genuine with his full and accurate costing.

I refer briefly to the history of this Government on education. The Minister claims that the Government is focused on introducing innovative changes. What innovative changes?

Mr C.J. Barnett: Twenty pages of them.

Mr KOBELKE: The Minister is a joke. The Government's only innovative change is the Labor Party's program to introduce a four day week, five year old program. The Government has delayed that program by four years. It would have been fully implemented in 1994; the Minister proposes to do it by 1998. The previous Minister for Education said we could not fund it because it was a Rolls Royce system and backed off from it. The Government has suddenly found the money to do what Labor started and would have completed by 1994.

The Government intends to do it on the cheap by using transportable rooms which are smaller than previously required. This proposal does not even include age appropriate toilets. It will be done on the cheap.

Total disruption occurred in the education system for 12 months while this Government lost control trying to save money by not providing adequate remuneration to teachers. School rationalisation, which cost nearly $2m, did not produce any demonstrated net savings. Again the Government's key initiative was to save money by selling school land and reducing cleaning. It is now acceptable to the Minister for our children to be taught in dirty, filthy schools in an effort to save money.

Yesterday the Auditor General's report pointed out the major problems with the financial administration in schools, owing to this Government's continuing with devolving financial responsibility to schools. The report points out that it is because the Government has not put in the necessary resources. We have a major crisis in the financial management of our schools, because the Government has failed to provide the necessary resources. Today the Government has offered some very good ideas prior to an election. It states that it will commit itself to hundreds of millions of dollars in expenditure. The Minister did not point to an exact amount, but we know what will happen. How can we believe the Minister, when the Government's approach has been to cut funding from education; when it has delayed the implementation of programs, which the Government now claims to be innovative; and when the Minister now says that he can find such a huge amount of money to improve our education system? If that can be achieved, it will be great. We will certainly attempt to find that money for education, because education will be one of our priorities.

This package does not sit with the approach taken by the Government: With one hand it offers money, and with the other it takes it away. That has been the constant approach by this Government, and the turmoil created by that change has reduced the quality of the service. That has happened in education and in other areas administered by this Government.

I turn now to the areas in which I would like the Minister to provide some detailed costings - if he is committed to the contents of his ministerial statement. The four year old program will change from two half days to four half days a week. Will the Minister provide the costing on that? I hope that the Minister can provide the costings relating to the next four or five years. The preprimary or five year old program will move from four days to five days a week, and it will be universally available.

Mr C.J. Barnett: It will be universally available for four days at the beginning of 1998, and in the year 2003 when the cohort reaches that stage, it will be five full days.

Mr KOBELKE: I thank the Minister. I do not need an explanation of the details. I have limited time. Will the Minister provide the costings for the various years as the system is phased in, when it becomes five days instead of four, and is regarded as being universally available? I thank the Minister for nodding. I expect the cost of the program will be increased by between 30 per cent and 40 per cent. The increase will not be insignificant. The Minister will have problems with duties other than teaching time, and faces a huge cost with the program being made universally available unless, of course, as part of a reduction in quality and standards - which we have witnessed under this Government over the past four years - the Minister will require the four or five year olds to be transported around. If the increased school time is genuinely to be universally available in the school closest to where a child resides, the infrastructure will add a huge cost. If the Minister can make these changes, it will be a tremendous advantage, but the Minister should provide the costings so that we know he is really committed to the changes.

Mr C.J. Barnett: The infrastructure will be in place by the beginning of 1998. That is fully costed in the forward estimates.

Mr KOBELKE: I understand the Minister's undertaking. Will the Minister be able to convince his Cabinet colleagues to provide the funding?

I turn to the additional costs which the Minister has not addressed. If the program were implemented, children would undertake eight years of primary schooling and five years of secondary schooling. That is completely out of step with other States, which have seven years of primary schooling and six years of secondary schooling. Also it would not be sustainable, because children in the eighth year of primary school - that is year 7 - would not be able to undertake the current curriculum. They would need to move to the high school curriculum, and the cost of the transfer will be huge. I cannot put a figure on it but I would not be surprised if it were well above $100m, and it could be $200m or $300m. I have not found the papers but I have been told that Sir Charles Court promised that change during an election, which he won. He did not fulfil that promise, because the cost would have been astronomical. However, this Minister is inadvertently - because, I suspect, he does not understand the situation, given his mistakes so far - committing us to a structure which will inevitably lead to moving the final year of primary school into the high school. The cost is not outlined in the Minister's statement.

Mr C.J. Barnett: You are talking about the year 2010. No decision has been made on that, and it will not be made for several years -

Mr KOBELKE: That is nonsense. Our education system is well established and it produces a quality product. The Minister cannot tinker with that and put in place changes which will have consequences which cannot be costed. Even if this happens in 10 years, the Government of that day must find the money or reduce the quality of education. The Minister and his Government have implemented changes that will reduce the quality of education. The evidence is on the record. Our fear is that these changes - with intentions that sound good, and include items that we would

support - have not been thought through or funded as a package. In the long term, that will reduce the quality of education.

Mr C.J. Barnett: Do you support this package?

Mr KOBELKE: If the Minister can provide the costings, I will support it!

Mr C.J. Barnett: It will be $122m in 1999; it is all in the budget papers.

Mr KOBELKE: If the Minister provides the detailed costings and indicates the source of the money, which will probably mean an Education budget of $1 200m increasing by 20 per cent or 30 per cent over the next few years, it will be an excellent result. I would certainly argue with my colleagues to see if we could increase the Education budget by 20 or 30 per cent!

Mr C. Barnett: You did not do it when in government!

Mr KOBELKE: The Minister is making promises: He will do all these marvellous things, but we must trust him on the money!

Mr C.J. Barnett: People will trust me.

Mr KOBELKE: If the Minister can be trusted, will he guarantee that the teachers' salary increase of 7.5 per cent due on 1 January 1997 will be paid?

Mr C.J. Barnett: Yes.

Mr KOBELKE: Great! We will not see that increase cut. The rumour is that the Minister will use the excuse that certain conditions have not been fulfilled.

Mr C.J. Barnett: They will be paid, but the teachers must, of course, honour their part of the enterprise agreement - which they are doing; so they will be paid.

[Quorum formed.]

Mr KOBELKE: The Minister has not provided the detailed costings. He has promised to do so, on one item. I hope that a schedule of costs for each part of the program, over the years of implementation, will be provided so that we can see whether the program will be done on the cheap or will be a quality program. These initiatives should be taken. However, given the record of the Government, we are not confident that the money will be forthcoming.

How much will the Government need to give to the non-government sector? The Minister alluded to the fact that the non-government sector was aware of the issues. According to the Minister's speech, the non-government sector has not come on board and accepted the changes. That sector will place conditions on any agreement, and they will be largely financial conditions. How much will the Government put into the non-government sector to ensure it complies with the change in the starting age? It would not be sustainable to have government schools and non-government schools applying different starting ages. That would lead to complete turmoil in the education system. To convince the non-government schools to agree to the same starting age, their costs will need to be met. How much will the Government pay non-government schools in order to proceed with these changes?

MOTION - STANDING ORDERS SUSPENSION

Information Commissioner and Minister for Planning's Behaviour

DR GALLOP (Victoria Park - Leader of the Opposition) [10.52 am]: I move, without notice -

> That so much of the standing orders be suspended as is necessary to enable me to move forthwith a motion relating to the behaviour of the Minister for Planning in his relationship with the Information Commissioner.

MR C.J. BARNETT (Cottesloe - Leader of the House) [10.53 am]: The Government will agree to the suspension of standing orders to debate that motion, but does so on the understanding that the debate will last for not longer than one hour.

Question put and passed with an absolute majority.

MOTION - SELECT COMMITTEE ON INFORMATION COMMISSIONER AND MINISTER FOR PLANNING'S BEHAVIOUR

DR GALLOP (Victoria Park - Leader of the Opposition) [10.54 am]: I move -

(1) That a select committee be appointed to inquire into and report on the statements in the annual report of the Information Commissioner accusing the Minister for Planning of aggressive and abusive behaviour and ministerial interference and, in particular, to determine whether the Minister for Planning -

(a) has behaved either improperly or unethically; or

(b) has breached any ministerial code of conduct.

(2) That the committee have power to call for persons and papers, to sit on days over which the House stands adjourned, to move from place to place and to report from time to time.

(3) That unless the committee otherwise orders, no evidence which has been received by the committee at a public hearing may be published before the committee reports to the House.

(4) If the House is not sitting when the committee is ready to report, the report may be forwarded to the Clerk of the House who shall take such action as is necessary to publish the report, and when the House next sits, shall cause the report to be presented to the House.

(5) That the committee finally report on 14 November 1996.

This issue is very important. It goes to the heart of the conduct of government in Western Australia. That must be explained very clearly. It relates to the position that is held by the Information Commissioner under legislation passed by this Parliament. Section 55 of the Freedom of Information Act states -

(1) An office of Information Commissioner is created.

(2) The office is not an office in the Public Service.

Therefore, the position of Information Commissioner is unique and different from a normal Public Service position. In our understanding of contemporary Western Australian politics, the office of the Information Commissioner is similar to the office of the Electoral Commissioner, the office of the Auditor General, and the office of the Ombudsman. It is an important position that lies between the Executive and the Parliament. The commissioner has to discharge his or her duties - in this case, her duties - in a way that confirms the spirit and the intent of the freedom of information legislation, which is to make it clear to the executive arm of government that what goes on in the Executive should be disclosed to the public unless special circumstances prevail. One of the problems with the office of the Information Commissioner is that under section 56 of the legislation, the Government of the day appoints the person to that office and lays down the terms and conditions of that appointment. However, that appointment is subject to the requirement that the remuneration is not to be reduced during a term of office without the commissioner's consent. The commissioner is not a public servant; he or she is an independent officer of the Parliament. However, the terms and conditions and the appointment are subject to the Government of the day. In his letter to the Parliament today, the Ombudsman said that we should strengthen the relationship between the Parliament and these officers by changes to the appointment and accountability processes. That is another debate we should have. In the circumstances that prevail, it is extremely important that the Government of the day respects the position of Information Commissioner and that it does not bring undue pressure on the person in that position.

Mr Court: What about the Opposition? Do you think that is okay?

Dr GALLOP: The member for Nollamara raised this matter openly in the Parliament. Of course, there will be discussion about these issues.

Mr Court: One set of standards for the Government and one set of standards for you!

Dr GALLOP: There have been no double standards. The Premier's standards are at stake in this issue and his standards are deficient. We will show that in the course of this debate. The issue at stake is the relationship between the Government, which is the employer of this position, and the independent commissioner. The way the Government has handled that relationship provides us with an indication of the extent of government support and commitment to proper process in government today. The Premier's actions in this regard have been a complete denial of proper process.

The Minister for Planning has one of two options open to him. He can resign from his position or the Premier can tell him to resign for not upholding standards of proper ministerial behaviour, or, if the Minister does not resign, we can put his performance to the test in a parliamentary committee. That is the motion before the Parliament today:

Let us set up a parliamentary committee to test the performance of the Minister. What is wrong with that option? I will be interested to hear what the Minister for Planning has to say about that when he has heard my speech.

The Government has no choice but to take one of those two options if government in Western Australia is to be held in high repute. If it does not agree, we will infer from that the Government has no concern about ministerial standards. We can also infer that the Government of Western Australia has no respect for the current Information Commissioner. That would be a damning indictment of this Government.

The Information Commissioner has made two fundamental points in her annual report and in her letter to the Premier, which we will table in the Parliament today. I will table the letter from the Information Commissioner to the Acting Director General of the Ministry of the Premier and Cabinet. The two points are, first, that an inappropriate approach was made to her by the Minister for Planning - that is the first claim - and, second, that the Minister for Planning acted in an extremely rude and bullying manner in his relationship with her. Those two claims should be treated separately. They are both part of one package, but they are separate claims. Unless this Parliament deals with those claims properly, a cloud will hang over the head of the Information Commissioner, and over the performance of the Government of Western Australia in the discharge of its duties.

I will go through those two issues, one at a time. As I said, the first claim is that an inappropriate approach was made to the Information Commissioner by the Minister for Planning. The Minister for Planning contacted the Information Commissioner and told her that he wanted to discuss matters relating to the town planning appeals process. The Information Commissioner made it absolutely clear that it would not be appropriate to discuss the issue currently the subject of Supreme Court appeal proceedings. I quote from the letter to the Acting Director General of the Ministry of the Premier and Cabinet -

> As I informed you, I agreed to the Minister's request to meet with me in order to discuss issues relating to the Town Planning appeal process. It was made clear to the Minister's office at the time that the meeting was arranged that, if the purpose of the meeting was to discuss a recent decision by this Office, upon a complaint to me under the *Freedom of Information Act 1992* concerning a decision of the Minister, which is presently the subject of appeal proceedings in the Supreme Court of Western Australia, or to discuss a complaint with which I am presently dealing concerning a decision by the Minister, then a meeting would not be appropriate and I would not agree to it.

They were the terms under which she agreed to meet the Minister. However, the Minister came to that meeting with that issue still in his mind. He came to the meeting to discuss the issue the commissioner had said it would be inappropriate to discuss with him. He came with the Director of Town Planning Appeals, raised the question of the appeals process and said it should not be the subject of publicity through disclosure. He raised the very issue which is the subject of the appeal and tried to convince the Information Commissioner that she should adopt a more flexible approach to her duties. Evidence for the claim I am putting to the Parliament is contained within the annual report. In that report the Information Commissioner repeats her argument that it would not have been appropriate to discuss the matter that is the subject of the Supreme Court appeal. She then states -

> However, -

We all know the meaning of that word. She continues -

> - although he did not specifically refer to the appeal before the Supreme Court, nor to the then current complaint before me, the Minister commenced, in an aggressive and offensive manner, to endeavour to persuade me to change my view in respect of the issue that was central to both those matters.

Let us consider the letter the Information Commissioner wrote to the Acting Director General of the Ministry of the Premier and Cabinet. She states that her office was assured by the Minister's office that the Minister would not raise those issues, and continues -

> In the event, the Minister attended at my office, together with the "Director of Town Planning Appeals", formally known as the Chairman of the Town Planning Appeal Committee. Although he did not specifically refer to a particular complaint either now or previously before me, the Minister proceeded in what can only be described as an extremely rude and bullying manner to verbally attack me in respect of formal decisions that I have made under the Act concerning decisions of the Minister regarding access to documents, and to attempt to persuade me to change my view in respect of a particular issue the subject of the Supreme Court proceedings previously referred to.

That is in the annual report and in the letter to the Ministry of the Premier and Cabinet. When the Minister visited the Information Commissioner he raised the issue that she had told him should not be the subject of the meeting. Not only did he break an agreement he had with the commissioner, but also he tried to change her view about the issue

before the courts. He tried to get her to adopt a flexible attitude to that issue. The Information Commissioner is most concerned about that issue, and it is not dealt with by the inquiry carried out by the Ministry of the Premier and Cabinet. The spirit and intention of the freedom of information legislation is that the Information Commissioner should be independent of the Government of the day, but the Premier, whose Cabinet has power over that officer, thinks it is perfectly satisfactory for one of his Ministers to try to persuade her to change her mind about an issue before the courts in this State.

Mr Lewis: Not true.

Dr GALLOP: Is the Minister saying that she is telling an untruth?

Mr Lewis: What you are saying is untrue, it is your interpretation.

Dr GALLOP: It is not my interpretation. I am quoting from her report and her letter. The Information Commissioner takes her job very seriously, and her reports are very well written. She obviously has worked extremely hard in her position.

Mr Court: Would you ever criticise her?

Dr GALLOP: That is a different issue, my friend. Members opposite are in the Ministry, the Executive and the Government.

Mr Court: So it is all right for you to criticise her?

Dr GALLOP: The Premier is missing the point. The executive arm of government is the group that does not want to disclose information, and the Information Commissioner is obliged to disclose that information in accordance with the Act. It is trying to influence her, when it is her employer. I know the Premier is a little deficient in the intellect department but if he cannot work that out, there is something wrong with him. A member of the Executive told the Information Commissioner she should be more flexible in conducting her duties.

Point of Order

Mr C.J. BARNETT: I refer to the member for Eyre who is apparently using a mobile telephone in the House. I think it is highly disorderly.

The ACTING SPEAKER (Mr Ainsworth): Although the standing orders have no specific reference to the use of mobile telephones in the Chamber, it is the convention of this House - it is strongly supported by the Speaker - that the use of such devices is not appropriate in the Chamber. I ask the member for Eyre to conduct his business outside the Chamber.

Mr Grill: I take the point, Mr Acting Speaker, although it is somewhat petty.

The ACTING SPEAKER: I remind the member for Eyre, and I hope I will not be seen by others as being petty on this matter, that responses from the position in which he is standing are not appropriate either. His response would have been appropriate had he been seated, but even then it would not have been the right thing to do. I hope he will take that reminder on board in the spirit in which it is given.

Debate Resumed

Dr GALLOP: Naturally, the Information Commissioner was offended by the suggestion that she should be more flexible in her interpretation of her statutory duties. That she was offended by such a statement is an indication of her integrity in the matter. The Minister for Planning behaved in an extremely rude and bullying manner. It was not just that his approach was improper, but also the way in which he handled his intervention was improper. This is outlined in the commissioner's report to the Parliament and her letter to the Ministry of the Premier and Cabinet. The Premier thinks he has dealt with this issue through the internal inquiry conducted by the Acting Director General of the Ministry of the Premier and Cabinet. That inquiry concluded that there was a misunderstanding. The Premier has used that conclusion to defend his Minister. One aspect lacking in that defence of the Minister is consideration of the annual report of the Information Commissioner. In that report she makes a very significant statement which, if left hanging, will be an indictment of the Government of Western Australia. If left hanging by this Parliament, it will be a matter of grave concern for the position of this commissioner. On page 16 of the report she states -

> I reported my concerns to the Premier, through the Ministry of the Premier and Cabinet, and informed both the Minister for Planning and the Premier in writing of my intention to report my concerns about the Minister's approach in this report to Parliament. I was assured by the Director General of the Ministry of the Premier and Cabinet that the matter had been brought to the attention of the Premier who had raised it with the Minister. However, I subsequently received from the Director General of the Ministry of the

> Premier and Cabinet a letter once again repeating the Minister's view in respect of the issue central to the two matters dealt with by me, but not addressing the inappropriateness of the Minister's approach to me in the circumstances.

The Information Commissioner was not satisfied that the review that was undertaken by the director general dealt with the concerns that she raised. Will the Premier of Western Australia leave that comment hanging without any inquiry?

Mr Court: I will speak later.

Dr GALLOP: That is what the Premer says every time an interjection is made, but he never responds. As the member for Nollamara says, the Premier promises to deliver, but when he gets up, he never does. The member for Nollamara is absolutely correct in that judgment about the Premier's performances in this Parliament.

Mr Blaikie: Stop clutching at straws.

Dr GALLOP: Does the member for Vasse want me to repeat what the Information Commissioner stated in her report? The Information Commissioner said that the Ministry of the Premier and Cabinet had not addressed the inappropriateness of the Minister's approach to her. Is the member for Vasse clear on what she said? Does the Premier think her comments should be left hanging? The Premier wants to leave them hanging. That is a crucial quotation. That is the situation in Western Australia today. The Information Commissioner has expressed serious concerns about the performance of a Minister in his dealings with her. She said that the Minister inappropriately raised a matter with her, and it was done in a rude, bullying and highly offensive way. She has made substantial claims about a Minister.

It is interesting the Premier said yesterday that the matter had been dealt with. I have quoted from both the letter that the Information Commissioner wrote to the director general, which I will seek the permission of this House to table when I complete my speech, and the commissioner's annual report, where she indicates that the matter has not been dealt with adequately. That situation cannot be left.

I will summarise the situation that we face. The Government of the day says that there has been a misunderstanding, and the Information Commissioner says that she is not satisfied with the review that has been conducted. In the course of this debate the Minister for Planning has implied that she has been untruthful in the comments that she made in her report. That is what the Minister said by interjection.

Mr Lewis: I said you were untruthful.

Dr GALLOP: I quoted the Information Commissioner. Does the Minister think the Information Commissioner was untruthful in what she said in her report?

Mr Lewis: I will speak when it is my turn.

Dr GALLOP: Members opposite say that when we ask them a question, but they never respond. The Information Commissioner said that this matter has not been dealt with. I want a response from the Government on how it will deal with that issue. The proper way to deal with it, because we are the Parliament, would be to set up a select committee of inquiry. It is easy; it is proper, and it is the right way to do it. I would be interested to know why it is that the Government of the day might think that is not the proper way to go. We cannot leave this matter hanging as it is. We cannot leave the reputation of the Information Commissioner in doubt. We cannot leave the independence of the office of Information Commissioner in doubt. We must subject this matter to a proper parliamentary inquiry. That is the proper way to deal with an issue of this sort.

MR COURT (Nedlands - Premier) [11.14 am]: I found the Leader of the Opposition's comments very interesting, apart from the personal abuse that he slipped in.

Dr Gallop: It was not personal abuse; it was no different from what the Premier says of members on this side of the Chamber.

Mr COURT: The Leader of the Opposition accused me of being intellectually deficient. I readily admit I do not have his academic qualifications. I come from the same school as the Deputy Premier; that is, the school of hard knocks.

Dr Gallop: I want you to talk about the relationship between the Cabinet and the commission.

Mr COURT: I will raise some issues about which the Leader of the Opposition has some explaining to do. In his speech the Leader of the Opposition stated that it is not acceptable for the Government to criticise the Information Commissioner or to raise issues with the Information Commissioner, but it is okay for the Opposition to do so. A minority report in the fifth report of the Joint Standing Committee on the Commission on Government states -

> The Minority views with grave disquiet the advice of the Information Commissioner to the Attorney General to the effect that " . . . any formal public reviews should only be necessary at intervals of five to seven years, but then only if deemed to be necessary by the Minister on the advice of the Information Commissioner".

Who were the minority who viewed with grave disquiet the advice of the Information Commissioner? They were Geoff Gallop, Larry Graham, John Cowdell and Mark Nevill.

Dr Gallop: It has nothing to do with the issue.

Mr COURT: The Leader of the Opposition made accusations against the Information Commissioner in this Parliament

Dr Gallop: He has bullied her and he is her employer.

Mr COURT: The Leader of the Opposition has double standards. He viewed the advice of the Information Commissioner with grave disquiet.

Dr Gallop: There is no problem.

Mr COURT: So that is not a problem?

Dr Gallop: My friend, you are not listening to the argument, and you do not want to, because you are defending your Minister no matter what.

Mr COURT: I listened to the argument of the Leader of the Opposition. It has one fundamental flaw. On a number of occasions the Opposition has strongly criticised the Information Commissioner. The Leader of the Opposition viewed the commissioner's advice with grave disquiet. I will give the Leader of the Opposition another example.

Mrs Roberts: It was intimidation.

Mr COURT: We will talk about intimidation. Another example in the Information Commissioner's report relates to comments made by Mr Kobelke in the Legislative Assembly concerning freedom of information. The Information Commissioner states -

> The Hansard transcript of proceedings in the Legislative Assembly . . . on 30 March 1996 -

It was 20 March -

> - records various comments made by the Member for Nollamara, Mr Kobelke, MLA . . . I was concerned that the comments made by the Member for Nollamara did not accurately reflect the processes adopted in dealing with both the particular access application and the subsequent complaint to me and, accordingly, the processes and procedures generally under the FOI Act.

This was not a general complaint, but a specific complaint about a particular case. The Minister went out of his way to ensure there was an agreement that they would not discuss the matters surrounding a particular case. Let us look at what the member for Nollamara does. We should have a select committee into the member for Nollamara, not the Minister. Another example is recorded in *Hansard*, where Mr Kobelke stated-

> In late October, Mrs Ashton wrote to the Freedom of Information Commissioner, Ms Keighley-Gerardy, asking whether she could have an external review of her application to the Attorney General. That was followed by a range of correspondence, until Mrs Ashton received a letter from the information commissioner on 21 December giving her preliminary view that she would not accept Mrs Ashton's application for an external review. The Act clearly gives the commissioner that power. However, the commissioner could have said, "You are out of time, but I am happy to take it up because there was a bit of a mix-up; you sent your application for review to the wrong body. However, you were within time, and if it had come to me, I would have initiated it." The commissioner did not do that.

He went on to say -

> The information commissioner said, "Bad luck, you are out of time because you referred it to the wrong agency."

The member for Nollamara had directly criticised the commissioner over a particular case, saying that the commissioner had got it wrong and she should have given a different decision.

Mr Kobelke: In this Parliament!

Mr COURT: Oh, look!

Dr Gallop interjected.

The ACTING SPEAKER (Mr Ainsworth): Order!

Mr COURT: All we have been told today is that it is okay for the members of the Opposition to view the advice of the Information Commissioner with grave disquiet or to come to this Parliament and, when it suits them, to say that she should have changed her decision, but when a Minister who is quite properly carrying out his responsibilities -

Dr Gallop: She did not think so.

Mr COURT: We will come to that.

Several members interjected.

The ACTING SPEAKER: Order!

Mr COURT: One of the responsibilities of the Information Commissioner is to provide assistance to members of the public and agencies on matters relevant to the Act. Therefore, it is quite appropriate for any of us to ask for advice from the Information Commissioner and to work these matters through.

Dr Gallop: Is it okay to bully her?

Mr COURT: Bullying? The member for Nollamara came into the Parliament and said she should change a decision.

Mr Kobelke: I did not ask her to change a decision. I pointed out how unsympathetic that decision was to Mrs Ashton, who was treated very poorly by your Minister.

Several members interjected.

The ACTING SPEAKER: Order!

Mr COURT: I will say it again -

Dr Gallop interjected.

The ACTING SPEAKER: Order!

Mr COURT: The Information Commissioner said, "However, you were within time, and if it had come to me, I would have initiated it." The member said she should have made a different decision. He should not twist words around.

Mr Kobelke interjected.

Mr COURT: The member is sitting there squirming.

Several members interjected.

The ACTING SPEAKER: Order!

Mr COURT: The member does not mind reading a report which makes comments about a Minister, and I will get onto that in a minute, but when it comes -

Mr Kobelke: Did she use the word "improper"?

Mr COURT: I was concerned -

Several members interjected.

The ACTING SPEAKER (Mr Ainsworth): Order! The level of interjections is getting to the point where the Premier cannot hear the voice of the Acting Speaker calling order. That is a clear indication that there is far too much noise in this place. I know this subject is fairly dear to the hearts of members on both sides of the House, but we are getting to the pre-election silly season, which exacerbates the problems in this place. I ask members to bear in mind that they must give the Premier some chance of being heard. I am having great difficulty myself.

Mr COURT: The member for Nollamara tried to get the Information Commissioner to change her decision - nothing is clearer. Let us get back to the heart of the issue. The Leader of the Opposition has said quite rightly that there are two questions: Did the Minister make an inappropriate approach and did he act inappropriately at the meeting? Addressing the first question, as I have said, it is the responsibility of the Information Commissioner to provide

assistance to members of the public and agencies on matters relevant to the Act. It is quite appropriate for the Minister to meet her. It was agreed that the subject matter of a particular case was not the subject of discussion. In answer to the first part of the question, it was certainly an appropriate meeting. There is no reason at all why such matters could not be discussed. The Minister has said in this Parliament many times that he has been concerned about the effect of the Act on the ministerial appeals process. The Information Commissioner agreed to meet him, and they agreed not to discuss a particular case. I have already given an example of a member who was quite prepared to discuss a particular case and try to have a different decision -

Mr Kobelke: That is not true. Tell the truth!

The ACTING SPEAKER: Order!

Mr COURT: I am simply quoting from *Hansard* and the commissioner's report.

Mr Kobelke: You are not.

The ACTING SPEAKER: Order!

Mr COURT: As regards the second issue, the Information Commissioner has taken offence and has written. As I said yesterday in the Parliament, I had the director general -

Dr Gallop: She is not satisfied; in other words, you will leave the matter hanging.

Mr COURT: If I may be allowed to finish -

Dr Gallop: You always say that. You never answer the questions.

Mr COURT: I did not interject.

Dr Gallop interjected.

The ACTING SPEAKER: Order! The Leader of the Opposition will come to order.

Mr COURT: The Information Commissioner did take offence. As I said yesterday, I quite properly asked the Director General of the Ministry of the Premier and Cabinet to investigate the matter further. Yesterday we tabled in the House a letter from him in which he wrote that there had been a misunderstanding. We also tabled the notes from Gordon Smith, who, as the Opposition has agreed, is a reputable public servant.

Mr Kobelke: He backs up the Information Commissioner, not your Minister for Planning.

Mr COURT: Let me finish.

Mr Kobelke interjected.

The ACTING SPEAKER: Order!

Mr COURT: Does the member want me to read what was in the minute?

Mr Kobelke: In his minute Gordon Smith quite accurately reflected that the Minister was asking her to bend the law. That is what he said.

Mr COURT: He wrote that the commissioner -

Mr Kobelke interjected.

The ACTING SPEAKER: Order!

Mr COURT: He wrote -

> . . . the Commissioner took a very legalistic and somewhat aggressive tone seemingly not wishing to accept that the appeals process was any different to any other public documents and referred to the way the legislation was framed both in this and in other States to justify her position.

I think that quite clearly spells out the position.

Mr Kobelke: You are misleading the House. Read the first part of the sentence. You are being quite dishonest.

Several members interjected.

The ACTING SPEAKER: Order! The member for Nollamara.

Mr COURT: He continued -

> The Minister commented on aggression and some claims and counter claims about their respective positions were made.

Obviously they had a bit of a heated meeting. It has been good enough for the Leader of the Opposition to view with grave disquiet advice from the Information Commissioner. That is okay for him, but it cannot happen on this side of the House. The Leader of the Opposition has forgotten about that.

Dr Gallop: The report states that she is not satisfied with your little inquiry.

Mr COURT: His comment is also in a report in this Parliament. Secondly, the member for Nollamara criticised the Information Commissioner in regard to a particular case. The Information Commissioner was not happy about it and criticised the member in her annual report. If one were to say that each side had a criticism, one would be fair. The Opposition is saying that the big difference is that the position of the Government is different from that of the Opposition. The Opposition can criticise the commissioner and has done so in a minority report to the Parliament. It has said that it views with "grave disquiet" her advice to the opposition member.
Dr Gallop interjected.

The ACTING SPEAKER: Order!

Mr COURT: I said in the Parliament yesterday that I certainly regret any meetings that take place at which people believe that behaviour has been offensive. Meetings should not take place in that way. In view of the reports coming out about it, obviously this meeting was a reasonably heated one. It would appear that members opposite have had the same concerns over other issues. All they have achieved is to say that a report has criticised a Minister. I have outlined to the Parliament that I had the Director General of the Ministry of the Premier and Cabinet try to resolve that issue. His report has been tabled in the Parliament, as were the notes of another person present. At the same time, the member for Nollamara was also criticised in a report because he wanted a particular decision on a case changed.

Mr Kobelke interjected.

Mr COURT: I do not have any difficulty if the member for Nollamara is not happy with a particular decision or ruling, because it is quite appropriate that he raise those criticisms. However, he cannot come into the Parliament and try to ignore one part of a report and home in on another part. The Leader of the Opposition has tabled a report in this Parliament in which he views with grave disquiet the advice of the Information Commissioner. Before members opposite start calling for a select committee, they should consider that they have just put forward a good case for disciplining one of their own members.

MR LEWIS (Applecross - Minister for Planning) [11.30 am]: If one has a concern with a situation, it is proper to endeavour to speak one on one with the person involved to try to resolve the differences.

Mr Graham: Can I ask you a question?

Mr LEWIS: No, the member cannot.

The Opposition comes into this place, where it has the protection of privilege, and criticises a person who has no right of response. I thought fair-minded people believe that if one has a problem, the proper way to deal with it is to discuss it one on one with the person involved. That is exactly what I did.

The freedom of information Statute has the peculiar clause 4(2) in the second schedule, which provides that the office of a Minister is not deemed to be an agency unless papers or matters of other agencies are referred to it; in that regard, the papers referred to that office have an exemption. One must ask why that clause was included when the FOI legislation was drafted by the current Opposition when it was the Government of the day. That legislation, as clearly enunciated to me by an eminent Queen's Counsel, states that private internal papers in a Minister's office are privy to the Minister and certain other people. The provision was included in the legislation by the Government of the day because it would be an absolute nonsense if all advice, political and otherwise, given by term-of-government advisers to Ministers was open to the scrutiny of freedom of information. That point must be understood as it is the matter before the Supreme Court of Western Australia.

I have spoken to the Information Commissioner on two occasions about this clause, which she interprets in a different way from me. That is fine - it is her decision and we all interpret things differently. When I spoke to the Information Commissioner, I referred to the principle of the clause, not the specifics of the case before her. She has clearly indicated that I was talking about the general principle and the interpretation of that clause, not the specifics of the case.

I scratch my head a little when the Opposition suggests that it is not appropriate for me, as a Minister having difficulty understanding her determination, to discuss the matter with her. As Mr Smith's report of the meeting clearly shows, the Information Commissioner got quite aggressive to me.

Mr Kobelke: And quite rightly so.

Mr LEWIS: Oh, yes - the member was there!

In fact, when I raised this principle with her and suggested that eminent legal opinion suggested that her interpretation was not right, she became quite aggressive to me. Being a person who does not shrink from a position I hold, and a person who holds opinions rather strongly until I am convinced that I am not right, I took offence at that aggression from the commissioner. Members of this House have heard a one-sided commentary. There is an old saying that it takes two to tango. Certainly, no voices were raised, but opinions were very strongly expressed. I made the comment to the Information Commissioner that I believed she was getting aggressive to me and, with that, she got a little further annoyed.

Frankly, as I said yesterday, I did not attend to have an acrimonious meeting; I went to discuss a matter of principle on which I had a very eminent legal opinion, not matters she had determined or matters before her. That is a proper course of action, rather than, like the member for Nollamara, publicly abusing her in this House. Who is the coward? Why not speak to the person one on one, eyeball to eyeball, if the member has a difference with that person? Obviously, the member for Nollamara cannot do that as he does not have the guts!

How ridiculous has this House become? How ridiculous in the eyes of the public must the Opposition be when it calls for a select committee on a matter of such small moment as a disagreement between two mature people. It is nonsense. Have members ever heard of anything so jolly ridiculous?

Several members interjected.

The ACTING SPEAKER (Mr Ainsworth): Order! The member for Glendalough will come to order.

Mr LEWIS: The member for Nollamara has double standards. In one of the Information Commissioner's findings some documents from a planning appeal file were made available to the member.

Several members interjected.

The ACTING SPEAKER: Order! The member for Pilbara will come to order.

Mr Graham interjected.

The ACTING SPEAKER: Order! I formally call to order the member for Pilbara.

Mr LEWIS: Her instruction to the member for Nollamara was that the files were not to be published - they were for his eyes only. Do members know what he did? Contemptuously, and in indecent haste, he published the documents. There is the contempt! The member for Nollamara is the contemptuous person taking such action in this Parliament. He does not have the guts and gall to speak one on one with a mature person to try to resolve differences of opinion.

Mr Kobelke: You can't get your facts straight.

Mr LEWIS: The debate on this motion really focuses on the Opposition's dearth of vision, dearth of policy and dearth of issue. This nonsense motion, which seeks to appoint a select committee to inquire into an argument between two mature people, reveals the absolute bankruptcy of the Opposition. Are members opposite after a political hit? Do they not know that I will not be renominating at the next election? It is like firing arrows at the drawbridge when the bridge is up.

Mr Court: You told me you were going to nominate for Armadale!

Mr LEWIS: Did I? This is a nonsense motion and it should be despatched to the garbage bin which is where it came from.

MR KOBELKE (Nollamara) [11.41 am]: The Premier and the Minister for Planning made some interesting comments, but it is a pity they did not address the real issue and were not, in some instances, willing to speak the truth.

When the Information Commissioner is required to consider an appeal, she must receive submissions, listen to the various points of view and the advice which is given to her and be fair to all parties. She must weigh up the information she is given and make a decision. The decision is then included in a report. I have read many of her reports and, while I sometimes take issue with her judgment with respect to the finer detail, they are excellent reports.

They illustrate that the Information Commissioner has a very keen mind and is able to absorb the facts in the evidence presented to her, weigh up that evidence and make a very clear decision. No-one is prevented from criticising a certain element of one of her decisions. Generally, I accept her point of view and, if I disagree with her, I do not meet her behind closed doors to persuade her, in a heavy-handed manner, to change her mind.

I will outline to the House the appropriate course of action that should be adopted when one questions a decision made by somebody like the Information Commissioner. What the Government has dragged into this debate is a red herring. Following the meeting which obviously disturbed the Information Commissioner, she tried to speak to the Premier by phone and then wrote to the Acting Director General of the Ministry of the Premier and Cabinet. I am aware of the action she has taken in other circumstances and I assume the action she took on this occasion was no different. She would have reconsidered what occurred at the meeting with the Minister for Planning and considered her options. Subsequently she wrote a letter, a copy of which I obtained only today - the Premier did not table it yesterday. She said in her letter -

> . . . the Minister proceeded in what can only be described as an extremely rude and bullying manner to verbally attack me in respect of formal decisions that I have made under the Act . . . and to attempt to persuade me to change my view in respect of a particular issue the subject of the Supreme Court proceedings previously referred to.

Further on the letter reads -

> . . . I consider the Minister's approach to me in that matter to have been an entirely inappropriate attempt to influence and interfere with the decision-making processes of an independent statutory officer of the Parliament.

That was the Information Commissioner's advice to the Premier. The Premier simply cannot push that letter aside by saying that the people who attended the meeting had different views on what actually took place.

Mr Court: Quote from the other letter.

Mr KOBELKE: I will come to it and the Premier has been dishonest about it.

It is a fact that four people attended the meeting. I assume they were in the same room. It is possible that they were talking across each other and that the discussion became heated. There may have been room for misunderstanding. I understand a Ms Darryl Wookey, who is from the Office of the Information Commissioner, was at the meeting and I assume the Information Commissioner would have spoken to her to ascertain whether her perception of what took place at the meeting was correct. On that basis, the Information Commissioner wrote the letter from which I quoted. In the Information Commissioner's view, the Minister acted inappropriately, quite improperly and totally contrary to what is acceptable behaviour.

What did the Premier do? He tried to change tack because he could not defend the Minister by discounting what the Information Commissioner said. The Premier wrote a letter, which he was hesitant to table in this place, in which he said that Mr Gordon Smith, the officer who assisted with planning appeals, was in attendance at that meeting. I am not questioning that.

Mr Lewis: Is he an honest person?

Mr KOBELKE: I said yesterday that I do not know him well, but I have no reason to doubt that he is a very capable and honest man. The Premier suggested that his comments, which were outlined in the letter, supported the Minister. They do not - no mention is made of Mr Smith's views. The Premier tried to mislead this House. I accept that Mr Smith was at the meeting and that he is a man beyond reproach, but there was no reference to his views in the letter the Premier waved around. He may or may not support the Minister. The letter did not give that information, in spite of what the Premier suggested to the House. The Premier then suggested that the Minister for Planning had further correspondence which would support the Minister's view. The minutes which were taken by Mr Smith, and which have been tabled in the Parliament, do not say that. Instead, they further incriminate the Minister and uphold the Information Commissioner's point of view. The minutes reflect that the Information Commissioner became angry. She had every right to be angry because, as the Minister said, it takes two to tango. The tango in this instance was between the Minister trying to transgress the laws and proper procedures of this State and an independent officer of the Parliament trying to uphold the laws and proper procedures of this State.

The Information Commissioner takes her duties very seriously and, at a small meeting, she felt her position was compromised by the improper actions of the Minister. It is no wonder she expressed her anger. The Minister's behaviour was improper and my comments are supported in the minutes which were prepared by Mr Smith. The minutes said -

> In response to a request by the Minister that a more flexible interpretation of the legislation . . .

In other words, the Minister was asking the Information Commissioner to bend the law.

Mr Court: No, you were. You have got it back to front. You wanted her to change her decision.

Mr KOBELKE: The Information Commissioner was not prepared to allow this incompetent, heavy-handed Minister compromise her position. It is appropriate to take issue with people who hold office in this State, but what is critical is the way in which one takes issue. It is quite appropriate for the Leader of the Opposition, as a member of a parliamentary committee, to write a report stating the issue that he contests, and he did that. That in no way compares with going into a secret meeting with the Information Commissioner and trying to get her to change the way in which she believes the law should be applied.

Similarly, I raised in this place the case of Mrs Ashton, who has been treated very shoddily by the Minister for Family and Children's Services and other Ministers of this Government. She has sought through freedom of information applications to obtain details about what has happened with her case. The Information Commissioner would not allow an extension of time for the consideration of her appeal - and she is not required to do that. I was not suggesting that the decision be undone; she simply could not undo it. I was pointing out a whole range of issues where this Government has treated Mrs Ashton very shabbily. I said in that debate that I thought the Information Commissioner was less than generous with Mrs Ashton. I hoped that she would have allowed Mrs Ashton to have her appeal considered - that was all - but the decision could not be undone. She had rejected her opportunity to appeal. The avenue was open to Mrs Ashton to make another application, which she did.

I simply put on the record of the Parliament a whole range of issues relating to the poor actions of Ministers of this Government, and I criticised the Information Commissioner. I have every right to do that, and the criticism clearly related to my perception that her judgment could have been more generous in respect of Mrs Ashton.

The Minister also alluded to the fact that I disclosed information. However, it was not as the Minister said; it was not any part of a planning appeal file. It related to the cases being put to the Information Commissioner about the information that was there. My letter to the commissioner is not at issue. The issue is the fact that I released the letter too early. In explaining why planning appeals should not be made public, the Minister said -

> It could be reasonably expected, that disclosure of the document could put in disrepute the standing of the Minister.

His own letter indicated that he did not want it released because he would fall into disrepute! I put that in a letter to the Information Commission; I released that information too early. The Information Commissioner criticised me for that. I accept that criticism and I apologise.

I will give the Government a chance. If members opposite believe that the criticism of me in the Information Commissioner's report is in any way comparable to the criticism of the Minister - and to suggest that would be stupid - they should amend the motion. The Government should have the committee investigate what I did, which was criticised and for which I have apologised, and what the Minister has done. The Minister has behaved improperly and that goes to the heart of the functioning of government. I am happy to defend what I did, to admit that I should have released the information at a later date - after the proceedings had been completed - and to apologise to the House, which I have done. The Government can try to drag up whatever it likes. Members opposite should include in the terms of reference an investigation of what I did.

Let us see the Premier being open and accountable. If he does not follow that path, we will see him for what he is: Someone who does not address the issues but a very good public relations man who runs away from the hard decisions. The hard decision here is whether he will support the Information Commissioner and ensure that we have proper process in respect of the Freedom of Information Act and other legal proceedings in this State. On the other hand, he might simply put up the shutters and see if he can wait this out until the election. The Minister will go away and it will not be a problem. The Premier thinks he can skirt the fact that he has attacked the foundations of proper management of freedom of information legislation.

Mr Court: You would not even proclaim the legislation. Don't you talk about freedom of information!

Mr KOBELKE: The challenge is the Premier's: He should be accountable and include my name in the motion by amendment or be shown for what he is.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl	Mr Grill	Mr Ripper
Mr M. Barnett	Mr Kobelke	Mrs Roberts
Mr Catania	Mr Leahy	Mr D.L. Smith
Dr Constable	Mr McGinty	Mr Thomas
Mr Cunningham	Mr Pendal	Dr Watson
Dr Edwards	Mr Riebeling	Ms Warnock *(Teller)*
Dr Gallop		

Noes (24)

Mr C.J. Barnett	Mr House	Mrs Parker
Mr Blaikie	Mr Kierath	Mr Shave
Mr Board	Mr Lewis	Mr W. Smith
Mr Bradshaw	Mr Marshall	Mr Trenorden
Mr Court	Mr McNee	Mr Tubby
Mr Cowan	Mr Nicholls	Mrs van de Klashorst
Mrs Edwardes	Mr Omodei	Mr Wiese
Dr Hames	Mr Osborne	Mr Bloffwitch *(Teller)*

Pairs

Mr Marlborough	Mr Day
Mrs Henderson	Mr Johnson
Mrs Hallahan	Mr Prince
Mr Graham	Mr Minson
Mr Brown	Mr Strickland

Question thus negatived.

SELECT COMMITTEE ON ROAD SAFETY

Eighth Report Tabling

MR AINSWORTH (Roe) [12 noon]: I present for tabling the eighth and final report of the Select Committee on Road Safety, entitled "Road Design, Pedestrian and School Children Safety Issues", and also the minutes, transcripts of evidence and submissions of the Select Committee on Road Safety. I move -

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

This report of the Select Committee on Road Safety deals with aspects of road design and road safety which have a bearing on cyclists and pedestrians and the special requirements of school children. The report brings together some of the loose threads from the seven previous reports, where items were not dealt with in total because the boundaries between subject matters was somewhat blurred. I will touch on some of the previous reports for the interest and benefit of the House. When the Select Committee on Road Safety was established three or four years ago, we were given fairly comprehensive terms of reference, some of which were specific and others of which were more general. They included one term of reference which virtually said that the committee could inquire into and report on any matters regarding road safety which it thought appropriate.

This committee, rather than being a select committee of fairly short duration, like most select committees of the House, has had its life extended virtually for the full life of this Parliament. The committee commenced by reporting on bicycle safety, which was a very topical matter at the time, and considered a range of other subject matters, including the effect of drugs on drivers, excessive speed -

The ACTING SPEAKER (Dr Hames): Order! Members, I can count nine conversations going on in this Chamber at one time. That is excessive.

Mr AINSWORTH: The most significant matter on which the committee has reported, and which is in the process of being taken up by the Government, is the change to the administration and coordination of road safety. The committee made 132 recommendations prior to the tabling of this report, and this report contains a further 31 recommendations. A number of the recommendations that were made up to the date of this report have been taken up. The most important recommendation is with regard to the administration and coordination of road safety. Licensing has been transferred from the Police Department to the Transport Department; the Traffic Board is in the process of being replaced by a Road Safety Board; the Minister for Transport has become the Minister solely responsible for road safety - he is responsible for the Road Safety Board and also the Traffic Act and regulations;

and we now also have a council of Ministers to consider road safety. All of those Ministers on whose portfolios road safety has an impact, such as the Minister for Health, the Minister for Education, the Minister for Police and the Minister for Transport, form a ministerial council which further assists the coordination effort.
In addition, the Office of Road Safety, which has been established within the Department of Transport, will be the coordinating body for the entire road safety effort. It is important to mention that the Road Traffic Amendment Bill, which has been passed in the other place and which puts in place the official legislative framework to allow the Office of Road Safety to be properly incorporated, must still be passed by this Chamber. At the moment, the Traffic Board is still operating, even though the members of that board know that their life tenure in that position is limited and that ultimately that board will be replaced by the Road Safety Board. However, until that Bill, which is item No 17 on the Notice Paper, is passed by this House, we cannot put into total effect the major and important recommendations that have been made by the select committee.

I commend the Government for what it has done with road safety and the recommendations of the committee, but some areas still must be addressed as a matter of urgency. To deal with the positives first, including the key recommendation that I have mentioned, the Government has adopted 47 recommendations outright, another 70 recommendations are with five task forces, which are looking at the practical implementation of those recommendations, and only 15 of those 132 recommendations have not gained acceptance or are not being looked at. While we still have some doubts and do not know what will happen with the 70 recommendations that are being considered by the task forces, at least they have not been rejected, and I know that the attitude of the Minister for Transport is that road safety is an extremely important community issue and that he has supported strongly such things as improved driver training and education of the public generally about road safety, and making road safety the number one priority of this Government.
It is important that I make some comment about the workings of this fairly long running select committee. As with virtually every select committee of this Chamber, the committee comprises representatives from each of the political parties in this House. The committee has spent significant time in the past four years dealing with some very important road safety issues. I have been extremely pleased with the attitude of all the members concerned, because the approach they have taken to these issues has not been one of partisan politics but of seeking to improve the road safety effort of this State for the benefit of the community at large. All the recommendations have had the unanimous support of the committee members. That unanimous support has not been gained by watering down some of the recommendations so that they suit the political perspective of individual members. The recommendations have been supported wholeheartedly, without amendment, on the basis that they will benefit the whole community and that road safety should be well above party politics.

One of the advantages of having a bipartisan or tripartisan committee dealing with this subject matter is that when these issues have come before the Parliament, although some members have, on occasions, had a difference of opinion about the recommendations of the committee, and that is their right, it has been much easier for the Government to take up these recommendations because it has known that it has the support, in general, of both sides of the House. That is perhaps a way to ensure that, in future, matters like this, which are of such great importance to the community, are not bogged down in party politics within the House but are dealt with in a way that gets rid of most of the party political side of the argument and gets down to the business of doing what this House is meant to do; that is, provide good government for the community, because the Parliament represents all parts of the community and it should act in that way.

This committee has been probably the longest running select committee of this House, certainly in my memory, and over that time we have had a couple of changes of staff. I want to acknowledge in particular the dedication of Peter Frantom, our clerk for the last year or two; Cliff Arndt, who has been seconded to work with the committee for the preparation of this last report; Gerda Slany, who has been with us for the duration of the committee's life and its eight reports, and who has done sterling work as secretary-stenographer for the committee; and Peter Metropolis, the research officer for the bulk of these reports. The previous reports were also supported by work by Keith Kendrick, the original clerk to the committee. All of those people in their various ways have been a huge support to me as chairman and to the other committee members. They worked hard to produce eight significant reports and the fact that a large percentage of our recommendations have been taken up and acted upon by the Government indicates the quality of the work put in by those people. I thank each of the other committee members for their contributions. There has not been a change in membership on this committee during the three and a half years since its inception. We have worked as a team and I believe we have achieved some results for the benefit of Western Australia. I seek the support of the House for this eighth report of the committee.

MR CATANIA (Balcatta) [12.10 pm]: I will comment, firstly, on the content of this report and, secondly, on the other seven reports of the committee generally. This final report of the Select Committee on Road Safety makes recommendations on road design, the role of the pedestrian in road safety and the important part that safety issues

should play in the lives of schoolchildren. These issues should be uppermost in the minds of legislators, the community and schools.

This is a report of final housekeeping. Over the past couple of months there has been an increased incidence of pedestrian deaths. This report contains recommendations on road design, and provisions for cyclists and road signals, and other safety issues that affect, in particular, the pedestrians, cyclists and schoolchildren who use our roads.

The report refers to the use of red light cameras and suggests there should be better coordination of the location of these devices. It was found that there was no correlation between red light camera use and crash spots. Cameras were being rotated, without any evaluation of the crash or infringement data for each location. This reflects the findings of the Auditor General in his examination of the use of Multanovas and red light cameras. This report recommends that the Office of Road Safety should have central control of placement of these installations, to the exclusion of local authorities. The report also talks about street lighting. Information from around the world suggests that if proper street lighting is in place, the incidence of crashes and road deaths will decrease by 30 per cent.

The report suggests that the speed limit of 110 kilometres an hour be retained in this State. As we know, the speed limit in built up areas is 60 km and in and around schools it is 40 km. This is contrary to the views of the Minister for Transport who believes we should have an open speed limit. He should read the front page of the *Sunday Times* every week which reports the road toll. Last week it stated that so far this year, 205 people had been killed in road accidents, of whom 89 were killed in the metropolitan area and 116 in the country; yet the Minister for Transport suggests we should have an open speed limit on our roads. The best we can do is make sure the limits are not increased, and that we protect those who travel on the roads, especially in the vicinity of our schools.

The report also states that the commitment of the Federal Government of $36m over the next three years should be matched by a contribution from this State Government which has not happened yet. The report deals with road safety as it relates to children and suggests the necessity to educate them, and the expansion of the programs targeted at children, not only those promoted by the Education Department but also programs, such as Constable Care and PC Cops, run by the Police Service. Education in this area is very important, as is signage directed at motorists around schools and safety paths on which children can walk and ride to school. In its messages on road safety, the Government should promote all of these things.

In its seven previous reports, this committee made 132 recommendations. This report makes a further 30; that is, 162 recommendations have been put to this Government. Yesterday I received a report that only 47 of those recommendations have been accepted by the Government; 70 are with the task force; and 15 have not gained acceptance. That is a disgrace. This committee has been in place for nearly four years. All of the reports are excellent. The indication is that at the end of this year the number of deaths on our roads will reach a 10 year high; yet the Government has accepted only 47 of the 162 recommendations that have been made in the eight reports of this committee. The Government should ashamed of itself.

The committee has worked long and hard and has taken the very best of advice from around the world, and it has spent a lot of taxpayers' money; however, this Government has taken little notice of the recommendations put forward by this committee. It is a pity that this Government's commitment to road safety is not as great as that of the members of the committee. Members of the committee worked very well together, on a bipartisan basis. We felt that road safety was an extremely important issue for not only Western Australia but also the rest of the country.

If 250 people were to die from contracting one disease, people would be up in arms. Millions of dollars would be thrown at endeavouring to find a cure for it. We have a disease of that proportion in Western Australia - road deaths. Why are we not devoting more time, energy and money to ensuring that 250 people are not killed on our roads every year? I condemn the Government. I urge it immediately to adopt the recommendations set out in the eight reports of this committee. It must ensure the proper processes are put in place in Western Australia so that children as well as adults are protected in our road safety environment.

Road accidents impact not only on families who may lose loved ones or whose members may become disabled or crippled, but also on business and our economy because very often road accident victims can no longer make a contribution in those areas. Road trauma is a disease and should be tackled with the same fervour with which we would tackle a disease that took the lives of 250 Western Australians. It is a pity this Government has not taken up the recommendations contained in all of the reports of the committee to address road safety. Those recommendations were put forward based on the best information obtained from around the world and on the views of members from both parties.

The committee has had the help of the clerk to the committee, Peter Frantom, and the research officer, Cliff Arndt. Peter Metropolis made an outstanding contribution to the preparation of these reports. I also acknowledge the efforts of our former committee clerk, Keith Kendrick, as well as all of the other staff who have contributed to these reports.

It has been an excellent committee. It has run for a long time. Very few committees bring to this Chamber such a high standard of report and such an important report. The report addresses one of the biggest diseases in Western Australia; that is, the high fatality rate of people on the roads and the huge number of people who are hospitalised and crippled through road accidents. I also commend the report to the House.

Question put and passed.

[See papers Nos 707A-J.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Reports Nos 33 and 34 Tabling

MR TRENORDEN (Avon) [12.21 pm]: I present the Public Accounts and Expenditure Review Committee report No 33 on minimum independence requirements for the Auditor General, and report No 34 on the activities of the committee from 1 February 1995 to 31 October 1996. I move -

That the reports do lie upon the Table and be printed.

I will take a few moments on the first report because the history of that report is worth noting and is of substantial interest in not only this Chamber, but throughout Australia. Some years ago the Western Australian Public Accounts and Expenditure Review Committee attended an Australasian meeting of public accounts committees and raised the issue of the independence of the Auditor General. Considerable debate occurred at that meeting. Auditors General attend these functions and they raised the issue also of the independence of Auditors General and debated it for some period. The Western Australian Auditor General gave a commitment to that group that his office would put together a paper on the Auditor General, and the Western Australian Public Accounts and Expenditure Review Committee put together a paper for the Australasian region on the minimum requirements for the Auditor General.

I make it clear that this report is for the minimum requirements, although obviously the requirements above the minimum are important. The public accounts committee will present that paper to a meeting of the Australasian group of public accounts committees and Auditors General in February and a decision will be made on it. Every public accounts committee that attends that function will also make a comment on the minimum requirements for the independence of the Auditor General. The intention is that that group of people will then decide whether the minimum requirements put forward by the Western Australian public accounts committee are appropriate.

Only five points in this report refer to the Auditor General. The first point refers to the independence and effectiveness of the Auditor General. The public accounts committee says in general terms that the Auditor General should be independent. I do not want to go into the detail of the report. I suggest that members read it. The second issue, the personal independence of the Auditor General, relates to appointment, salary and remuneration. The committee gives a response of several paragraphs on that. The third issue is the operational independence of the Auditor General. The fourth issue is the oversight by the Parliament of the Auditor General, and the fifth is a new audit Act which has been debated within the jurisdiction of Western Australia.

One of the fundamental unresolved issues in Australian politics is the role and independence of the Auditor General. As I said last week - I do not want to go back over old ground, but I do not want to be too brief - famous events have occurred in Australia when the Auditor General and people holding high office have been in severe conflict. Probably the most famous involves former Prime Minister Paul Keating and Auditor General Taylor in the federal arena. That was an open, hostile debate. It did not get the coverage it deserved throughout Australia. The Prime Minister of the day was in conflict with the accountability officer of the Parliament over fundamental issues. The commonwealth Auditor General was put under enormous pressure. Cases have also arisen in Victoria and New South Wales, and the future will bring more conflict between the Executive and the Auditor General. The only real safety net the Auditor General has is the Parliament itself. The Parliament must be the champion of the accountability process. If the Executive is too strong in the Parliament, a question mark is placed over the Parliament.

Last week a statement of understanding was put forward between the Auditor General and the Western Australian Public Accounts and Expenditure Review Committee to express that concern and to indicate that the public accounts committee would take an interest in that area as a representative group of this Parliament. There are times when these issues may arise. I have great hopes that all Australasian public accounts committees in their different formats will agree to this process. I think that will occur. I hope I can get over the line in the forthcoming election and be there on that day.

Mr Bloffwitch: So say all of us.

Mr TRENORDEN: I would really like to be there; however, that is in the hands of thousands of others.

I recommend that members look at this report. It gives comparisons of four reports that have been before the Western Australian public. Members will see the reports the committee examined to arrive at its conclusions. I recognise the efforts of particularly Andrew Young and Amanda Millsom, who did a great deal of work on this report.

The other report I present is the activities report for nearly two years of the public accounts committee. That document outlines the expenses of the committee, who has been involved in the committee, and its investigations and unfinished investigations. Report No 28 on the Totalisator Agency Board was a substantial report and it is still alive today. Although it has been in the community for some time, people who have an interest in the racing codes call me and refer to it. It resulted in the Minister for Racing and Gaming changing the role of the TAB from a code nominated agency to a professional, management focused group which I believe is benefiting the industry. I am aware that from time to time people still request a copy of that report because it refers to many of the structural issues that are being debated.

Mr Board: We should have sold it.

Mr TRENORDEN: The member for Jandakot is right. It is still in reasonable demand and is as alive today as when we tabled it some years ago.

The public accounts committee investigation into the Western Australian Government corporate card is unfinished. The committee will continue its investigations, but for how long will depend on when the Premier decides to wind up this Parliament. Some interesting issues surround the corporate card such as potential savings to government by using technology for payment rather than the hard copy system.

MR BROWN (Morley) [12.31 pm]: I will confine my remarks to the report of activities of the Public Accounts and Expenditure Review Committee for 1 February 1995 to 31 October 1996, particularly to page 20 of the report wherein is the decision of the committee on competitive contracting and tendering. I draw the attention of the Parliament to the extract in the report indicating that on 12 April 1995 the committee resolved that staff of the committee would develop draft methodology for a tendering inquiry. In November 1995 an attempt was made to push that inquiry behind another inquiry the committee was considering.

On 30 November 1995 a motion to undertake an inquiry into competitive contracting and tendering by government agencies was defeated by a majority of 3:2. I and my colleague the member for Pilbara voted for it and the three government members voted against it. Members may ask why it is so important that the public accounts committee should undertake an inquiry into competitive tendering and contracting.

The Public Accounts and Expenditure Review Committee is the premium committee of this Parliament for examining financial transactions of government. Nonetheless, government members on the committee decided to use their majority to prevent it from examining government contracting and competitive tendering. That is extraordinary considering the amount of state government funds directed into competitive contracting and tendering. I refer to the report from the Office of the Auditor General on contracting of services dated November 1995. At page 2 of the report he says -

> In March 1994, an independent survey estimated that public sector agencies had let, or were planning to let in the following 12 months, service contracts worth $415m with the private sector. Preliminary findings from a similar, but more comprehensive, survey in April 1995 estimate the figure to be over $1.1 billion, a significant increase in contracting for services with the private sector.

The Auditor General of this State has said that $1.1b - one-seventh of the State's Budget - is now going out to competitive tendering and contracting; yet the majority of the public accounts committee decided not to investigate that matter. Is an investigation necessary?

The Auditor General's overall conclusions on three contracts he investigated are at page 6, where he says -

> Given the time period over which the contract benefits are expected to be realised, it is too soon to reach firm conclusions regarding value for money obtained, particularly regarding the quality of service provided.

The Auditor General said that the jury was out on the benefits of contracting out, particularly on quality outcomes. Yet the majority of government members on the PAC decided not to hold an inquiry into that matter. I quote further from the Auditor General's report at page 6 -

> Each agency's evaluation of financial savings had not included the costs of the tendering exercise itself nor, where appropriate, the transition costs (such as redundancy costs) which were associated with transferring the operation to the private sector. In the two exercises where a private operator was selected as the preferred tenderer, the price evaluation of tenders also excluded these transition costs.

The Auditor General said that when figures were presented as alleged cost savings from contracting, assessments had not been properly carried out. Essential costs involved in the contracting out exercise had been missed.

Mr Bloffwitch: It surprises me that they did not.

Mr BROWN: It is only the Auditor General who is making these observations! The Auditor General recommended that agencies should ensure that -

> the deliberations and decisions of the tender evaluation panel are adequately documented and provide sufficient information to enable independent review and inspection; . . .
>
> establish comprehensive monitoring and reporting mechanisms early in the process;

Faced with that report, in November 1995 the majority of the public accounts committee decided not to investigate the value of competitive tendering and contracting in the public sector, despite the Auditor General's estimating that $1.1b worth of taxpayers' funds are directed in this area. Why was this a bad decision by the majority of the committee? This Parliament cannot get information on contracts let by the Government. There are hosts of examples in the *Hansard*. In question 2181 to the Premier on 24 October 1996 I asked -

> In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?

In response, the Premier provided me with a copy of the policy document. It was a straightforward question but not one detail was provided to this Parliament. In another question to the Premier recorded in *Hansard* of 24 September 1996 I asked about the activities of the strategic management and evaluation branch of the Public Sector Management Office. In reply the Premier indicated that that office is involved with monitoring agencies and in participating with agencies on the tender evaluation panels and the proper applications of the Government's tendering and contracting out policy and the State Supply Commission's purchasing policy.

The Premier and other Ministers blatantly refuse to provide financial details to this Parliament. The Ministry of Premier and Cabinet is funded from the Budget with $1.3m and has the resources to provide all this information, but when we ask that it be tabled in this Parliament, what happens? The Premier refuses to provide it. The Parliament cannot get that information. The Premier is not the only person at fault. I asked the Minister for Water Resources question on notice 4363 in 1995 which reads -

> (1) Further to question on notice 3540 of 1995, what is the nature of the evaluation that is made of tenders from the private sector to conclude that savings can be made by letting the work out to tender?
>
> (2) Are the evaluations publicly available?
>
> (3) If not, why not?

The Minister answered -

> (1) The tender price plus any contract costs are compared with the estimatable "avoidable" cost if the work were to be performed on an internal basis.
>
> (2) No.

The answer to the third part was that the information was commercially confidential. This House cannot get financial information. Ministers refuse to provide it. They have the information but they blatantly and cold-bloodedly decide not to give the House financial information on contracting out. When the Parliament's premium committee on financial accountability - the Public Accounts and Expenditure Review Committee - is asked to undertake an inquiry into contracting out, government members vote it down. What is the Government hiding? This is a disgraceful and abysmal performance by a committee that should be examining the financial accountability of the Government. The government members on that committee have abrogated their responsibilities, because they have not supported an in-depth inquiry by a committee that can go to the detail and provide real answers for the public of Western Australia regarding the benefits or lack of benefits flowing from the contracting out of government services.

MR BOARD (Jandakot) [12.42 pm]: In speaking to the two Public Accounts and Expenditure Review Committee reports, I hope to be more gracious than the member for Morley. He has seized the opportunity to discuss an issue which was never placed before that committee. An inquiry on contracting out was undertaken by the Auditor General. However, the Auditor General indicated that it was too early in the process to make any recommendations in that regard. From that point of view, the PAC did not think it would be in its interests to spend valuable time pursuing an issue which was political and which had been raised by an opposition member in an attempt to score political points. The committee's role is to remain apolitical in such issues. Many matters submitted to the committee are raised by people in the community, opposition members or even government members, and the committee needs

to be very genuine in the way it pursues those issues. Each issue must be considered on its merits. The committee should not pursue individual inquiries, which can be expensive, and which may be brought to the committee for the sole purpose of scoring a few political points.

I support the committee's decision. The committee has nothing to hide in regard to any inquiry into contracting out of government services. At this stage, it is too early to pursue an inquiry into the value of contracting out. That issue may be left to another committee at another time.

As these two reports are the last to be tabled by the Public Accounts and Expenditure Review Committee in this House during the life of this Parliament, I appreciate this opportunity to place on the record the achievements of the committee during the life of this Parliament. Contrary to the comments made by the member for Morley, the committee has acted in a united way. It has pursued long and deliberate consultation in many of its inquiries. In the main, it has handed down reports without the need for minority reports. We have been able to achieve that situation because we have considered each other's points of view. In the main, we have pursued non-political issues, unless requested to do otherwise by a Minister of the Crown or by the Auditor General on a matter of considerable importance.

The committee has handed down two major reports - firstly, on the Totalisator Agency Board and, secondly and more recently, on Western Australian Government financial assistance to industry. Those reports took more than 12 months of deliberation and a great deal of consultation between members of the committee and between the committee and members of the community with a particular interest. The committee has been proactive in its endeavours this year to bring about major reform in some areas.

I commend the Deputy Premier for his response today to our report on state support to industry, which was tabled only two weeks ago. The Deputy Premier has indicated that many of our recommendations have already been acted on or are about to be. That demonstrates the importance of the work of the PAC, and the importance of committees generally. I endorse the work of all committees. They are the backbone of the Parliament. The Deputy Premier's comments demonstrate the importance of the work of this committee. He outlined how he would work towards achieving our recommendations. If all Ministers took the same line, committee work would gain some prestige, which would encourage members to pursue it in future.

I will not dwell on the contents of the reports, because they can be read by all members. As this is my last opportunity this year, I thank the members for Avon, Pilbara, Vasse and Morley, the committee members with whom I have spent much time during the past four years.

Mr Thomas: You are a pessimist. Don't you think you will have another opportunity?

Mr BOARD: I do not think I will have the opportunity to speak to any other PAC reports, because we do not intend to table any more reports during the remainder of the life of this Parliament. I take this opportunity to thank the committee staff, including Andrew Young, Amanda Millsom and, particularly, Patricia Roach who has undertaken a great deal of typing to support the work of the committee.

The Public Accounts and Expenditure Review Committee has a continuing role. The chairman referred to our many discussions and the Commission on Government’s recommendations regarding the role of the committee, where it should sit in the parliamentary process, and in which House it should sit. There is a requirement for a committee which supports an independent Auditor General, but some difficulties have been faced, particularly over the past couple of years, regarding that role. I commend the chairman for addressing the issues, particularly our role and relationship with the Auditor General. His efforts will cement some good relationships and establish some benchmarks for future committees. As our time is limited, and other members wish to speak, I will conclude my remarks at this point.

MR BLAIKIE (Vasse) [12.49 pm]: I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Debate thus adjourned.

[Continued on page 7670 .]

STATEMENT - MEMBER FOR COCKBURN

Sewerage Pumping Station; Jandakot Wool Scouring Co Pty Ltd

MR THOMAS (Cockburn) [12.50 pm]: I draw the Government's attention to two problems in my electorate. The first is a sewerage pumping station that is breaking down frequently. In answer to a question in the other place, it was revealed that the sewerage pumping station had broken down 10 times in the past 12 months. On three occasions of those 10 occasions raw sewage has spilled over into a holding pond adjoining the pumping station. It is in the

middle of a residential area. In fact, residential blocks adjoin the lot on which the pumping station is located. That should be fixed as a matter of urgency because it is unacceptable in this day and age.

The second problem is the existence of Jandakot Wool Scouring Co Pty Ltd in my electorate. It has been there for many years. When it was established, it was in a rural area. However, it is now in a residential area and should be relocated. The Department of Commerce and Trade has had plans for some years to relocate it with new technology to a site in the electorate of Peel where it would be most welcome. However, I understand the company is now seeking to build a new waste disposal system so that it can remain on the site. It adjoins Lake Yangebup and is an important part of the Beeliar Regional Park. However, it is also in close proximity to residential areas. It is an inappropriate place to have a wool scouring firm and I hope that the department and the Minister will pursue its relocation.

STATEMENT - MEMBER FOR GERALDTON

Crayfishing Industry

MR BLOFFWITCH (Geraldton) [12.51 pm]: I congratulate the crayfishing industry, which, on 15 November, will be starting another season. I bring to the attention of the House that crayfish prices per kilogram increase from approximately $25 to $30, $40, $50 and even $60 towards the end of the season, in May, June and July. Because of that, the industry is considering more and more the live market. A flurry of building is going on in Geraldton to expand the live tanks to promote this product. The idea is to have a reasonably large stockpile of lobsters. The industry also has the ingenious idea of using crayfish traps like fish traps. In that way over the next two or three months it will be able to provide live lobsters for the market and enjoy the premium markets which will pay up to $60 a kilo. That would mean that the catch would probably be worth double today's prices on the world market. I compliment the industry. It should pursue the idea, and I hope it will be very successful.

STATEMENT - MEMBER FOR GLENDALOUGH

CAT System, Complaints; Daley Case

MRS ROBERTS (Glendalough) [12.53 pm]: My statement is a story about Mr Daley, an old soldier, as related to me by his wife. Mr Daley is 80 years of age. His two main outings are his visits to Royal Perth Hospital and his monthly meetings at Anzac House. Because of changes to the Central Area Transit bus system, this has become nearly impossible for him. Previously he and his wife caught bus 400 to the bus station, got onto a clipper and went to RPH with no hassles, and then down St George's Terrace, alighting at Anzac House. That was great. They complain about the seating capacity on the CAT system, which is only 19. However, it does drop them outside Royal Perth Hospital in Victoria Square. On their return journey they must catch the CAT in Victoria Square and 50 minutes later they arrive back at the bus station to catch their bus home. The CAT stops outside Myer and it is too far for her husband to walk to the bus station. They have to cross the intersection of Wellington Street and William Street, go up the escalator and walk to the bus station. The CAT goes up William Street to West Perth and eventually comes down approximately 50 minutes later. My constituent points out in her letter that no bus goes into the bus station, and no bus goes along the Terrace. She asks why. She says it is a disgrace and thoughtless, and it does not cater for tourists and other people. She writes that other people on the bus were complaining and grumbling, and the tourists were irate. The driver was getting short tempered. She believes her husband deserves better than this, because he fought in the war for six and a half years and ended up in the Belsen prison camp. She wants the Parliament to give some consideration to the matter.

STATEMENT - MEMBER FOR HELENA

Breast Cancer

MRS PARKER (Helena - Parliamentary Secretary) [12.55 pm]: I raise the issue of breast cancer. Following national breast cancer awareness day a couple of weeks ago, I, along with other members, particularly the member for Swan Hills, presented petitions to this Parliament, and to date more than 27 000 people have signed those petitions. To my knowledge that is the highest number of people to have signed the same petition presented during the life of this Parliament, although I understand that larger petitions may have been presented to previous Parliaments.

Breast cancer is one of the biggest killers of women in our community between the ages of 35 and 60 years. In 1960 breast cancer took the life of one in 20 women in that age group, and in 1995-96 one in 13 women died of breast cancer. It is anticipated that the number may be as high as one in 10 women between the ages of 35 and 60 years in the not too distant future. It is a very significant health risk and problem for women, which is not lifestyle induced. The treatment of breast cancer has improved dramatically but a commitment is needed for more research to prevent it.

STATEMENT - MEMBER FOR BALCATTA

Police Stations, North Perth, Mt Hawthorn, Closure Concerns

MR CATANIA (Balcatta) [12.57 pm]: It has been suggested by you, Mr Acting Speaker (Dr Hames), that the North Perth and Mt Hawthorn police stations should be closed. The suggestion has frightened senior citizens in that area. Police stations should be open more hours because the presence of police will deter criminals. There should be more foot patrols and more mounted police because the area has a number of back lanes. As the incidence of serious crime in Western Australia has increased in the past four years by 66 per cent, the suggestion is bizarre, inconsiderate and callous. It does not take into account the obvious advantages of suburban police stations. Last year 210 000 crimes were reported. There were 9 831 drug offences, 53 866 burglaries, 5 637 assaults, 67 467 thefts and 931 rapes. More police and more police stations are needed, and the stations should be open for longer periods. The citizens of North Perth and Mt Hawthorn, especially the senior citizens, have contacted my office because they are most concerned about the suggestion. The police stations provide them with some comfort, and the hours of opening should be extended rather than the stations being closed. The number of police officers should be increased to cater for the needs of the community.

STATEMENT - MEMBER FOR SWAN HILLS

Bullsbrook School Celebration

MRS van de KLASHORST (Swan Hills) [12.58 pm]: I take this opportunity to commend and salute the school community and the wider community in the Bullsbrook area and place this matter on the record of this place. Last Friday I attended a celebration - it was certainly a celebration and not just a ceremony - of a wonderful concept whereby the whole school community got together to solve a problem. It is an old school with covered verandahs around the building. The playground area was a hot spot because it was covered in bitumen, and there was nowhere else for the children to play. The school community, led by the parents and citizens association and the children, arranged for someone to look at this area, and they approached people in the community. People in the community, including the children, have set out a wonderful garden and grassed area, which is pretty and exciting to look at. The heat is reduced in that area and children can sit there. They funded a verandah, in the style of a pergola, where children can sit and eat their lunch. Woodchips, lawn, trees, shrubs, soil fill and other material were donated. They have created an oasis in what was once a bitumen area that could not be used. It was a community effort by volunteers and I salute them. It is wonderful when people get together in that way to complete such a task.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Reports Nos 33 and 34 Tabling

Resumed from an earlier stage of the sitting.

MR BLAIKIE (Vasse) [2.33 pm]: I will comment on the two reports that have been tabled and refer to what I see as the future role of the Public Accounts and Expenditure Review Committee, and its importance to the Parliament. These are the final reports of this committee to be tabled during this parliamentary session. They represent the culmination of the extensive workload taken on by the committee during the sitting.

Future public accounts committees should look, first of all, at extending its membership from five to seven. By so doing, it would enable a larger quorum. Second, consideration should be given to conducting the meetings of the committee weekly. As a corollary to that, although the staff members on this committee have been excellent, it is important to increase not only the level of staff but also their proficiency. Notwithstanding that, I make a very special commendation of our two staff members, Andrew Young and Amanda Millsom, who have served the committee very well, and in conditions that, from time to time, would have made it difficult for them.

I believe the public accounts committee should remain a full standing committee of the Parliament. It is the only committee that has the ability to assess, investigate and make recommendations on budgetary papers, and to carry out the scrutiny in that area that is required on behalf of the Parliament. I was here when the first public accounts committee was established under the chairmanship of Arthur Bickerton. Since then, the very nature of the role of the committee has meant that it has expanded. It has probably matured to a degree; however, in 1997 I see that it will have an even far greater degree of maturity.

If the committee meets on a weekly basis, as I have suggested, of necessity its members should receive a sitting payment. Members of the committee could provide a focus point for other members of Parliament, in relation to the

issues which were before the committee, rather than simply being an extension of their electorate offices. As I said, the role of the public accounts committee is to increase the scrutiny of the Parliament over the budgetary papers. The public accounts committee is the only committee that can undertake an assessment of the budgetary role of the Executive. That, in itself, is very important.

The member for Morley expressed disappointment about some matters into which the committee did not inquire. No doubt all members of the committee will also have disappointments about items that may, or may not, have been investigated. The member for Morley was concerned about investigating contracting out. This committee simply would not have had enough time to consider this matter fully. I had a specific interest in looking into the use of credit cards within Government, and I was very disappointed that an inquiry was not held into that matter. Given the workload of the committee and the fact that it concluded so many reports, time simply did not prevail.

Comments are sometimes made that matters are considered in a political way. In fact, in a previous Parliament, I was very critical of a former public accounts committee that I believe acted politically when, following a series of requests by me, it refused to look at government action regarding the location of a power line.

Mr Trenorden: It affected your electorate in the south west.

Mr BLAIKIE: It affected not only my area, but also was to affect substantially the full rating of people involved with the former State Energy Commission of Western Australia. That would have cost the State millions of dollars. The decision was subsequently changed by the Government. Having been a member of the public accounts committee I now understand the extent of the committee's parameters and its limitations. I strongly urge that future Parliaments consider the possibility of the public accounts committee sitting weekly and being given a much higher profile, as occurs in other States. Consideration should also be given to members serving on only that one committee so that they can give it their full attention. The Public Accounts and Expenditure Review Committee is probably the most important financial scrutiny committee of this Parliament. It should be given full time responsibility by members and be funded and equipped accordingly.

It has been a privilege and an eye opener to serve on that committee and I wish its deliberations great success in future years. I will be one of the few people who will read its reports with interest.

Question put and passed.

[See papers Nos 708 and 709.]

STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS

Reports Tabling

DR CONSTABLE (Floreat) [2.42 pm]: I am directed to present for tabling two reports of the Standing Committee on Uniform Legislation and Intergovernmental Agreements: The report on trustees laws, the response to the final report of the Select Committee on Procedure, and transcripts of evidence taken by the committee over the past three years or so.

I move -

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

The sixteenth report of the committee is the report on trustee laws, and the seventeenth report is the uniform legislation committee's response to the final report of the Select Committee on Procedure.

In Victoria and South Australia changes have been recently made to trustee laws relating to trustee investments. The committee examined those changes in light of our own legislation in order to prepare this report and to give advice to the House on changes that we propose be made to the trustee laws in this State. At page 1 of the report the committee refers to the current Western Australian legislation -

> Any appointed trustees may only invest in authorised trustee investments unless authority is given to do otherwise in the instrument creating the trust. The Committee was advised that the majority of trust instruments, prepared by professional trustees, give trustees the authority to invest in other than authorised trustee investments.

One of the problems with the Western Australian legislation is that it affects trustees who are not professional trustees but lay trustees. The law now allows for trustees to invest only in companies and securities in companies which have an unbroken seven year dividend payment. This is very restrictive considering the types of companies floated on the stock exchanges in Australia over the past few years, particularly those privatised by various Governments, such as Qantas Airways Ltd, BankWest and Challenge Bank Ltd, and the semi-privatised Commonwealth Bank with its share float. Trustee investors are precluded from investing in those blue chip companies.

Victoria and South Australia have changed their legislation to include a "prudent person" clause, which in effect allows for investments that a prudent person would undertake. The committee made two recommendations to adopt proposals which embrace what has happened in Victoria and South Australia, but go a little further to give extra guidance to lay trustees who may not have the expertise to invest in the same way as a professional trustee.

The first recommendation states -

> That the prescribed list of investments and/or current authorised trustee investments and/or the prudent person principle be applied by lay or professional trustees.

The committee recommends the continuation of a prescribed list and that a "prudent person" principle be adopted. Either or both could be adopted by a trustee. The recommendation provides for a fair amount of flexibility. The second recommendation states -

> That the prescribed list of investments should include ordinary shares in companies with an AA-credit rating.

Although we are giving flexibility to trustee investors we are also putting some conditions on the investments that may continue in the list.

I particularly thank Keith Kendrick for his assistance in preparing this report because he did quite a lot of research on it for the committee, and Melina Newnan who also assisted with the report.

I turn now to the seventeenth report of the committee which is entitled "The Committee's Response to the Final Report of the Select Committee on Procedure". I also refer to the response made to this report by the Joint Standing Committee on Delegated Legislation. In its review of the committee system in the Assembly the select committee recommended that the functions of the Standing Committee on Uniform Legislation and Intergovernmental Agreements be amalgamated with and come under the umbrella of the Joint Standing Committee on Delegated Legislation.

The Joint Standing Committee on Delegated Legislation formally rejected that recommendation as did the Standing Committee on Uniform Legislation. We agree wholeheartedly with the delegated legislation committee that to combine the two committees would be quite inappropriate. The notion of combining them lacks a conceptual basis. I find that quite extraordinary and that assumptions were made without very careful examination of the work of both committees.

The uniform legislation committee reported that the Select Committee on Procedure failed to substantially understand the different roles and functions of the two committees. To combine the workload of the two would be almost impossible. The Standing Committee on Uniform Legislation examines constitutional issues and other matters related to commonwealth-state relations. We are not a legislation review committee, which is more the role of the delegated legislation committee. It examines delegated legislation after primary legislation has been passed. It is our role to consider legislation and intergovernmental agreements as much as possible, long before that legislation or those agreements reach the Parliament, to inform members of various schemes for uniform legislation that have been prepared and are in the pipeline. The two are conceptually quite different.

The Commission on Government in one of its reports recognised the role of this committee and, although it recommended that the committee in its current form be discontinued, it also recommended that a committee of the upper House continue to look at the issues this committee has been looking at in commonwealth-state matters. I have already mentioned the heavy workload of both the delegated legislation committee and the uniform legislation committee. Over the past three years we have worked extremely hard to produce 17 reports. One or two reports are still in preparation. We have had a key role in preparing the “Position Paper on Scrutiny of Uniform Legislation”. It is an historic document, prepared by scrutiny of legislation and delegated legislation committees from all jurisdictions in Australia. It was two years in the making and I hope this document will be considered at the level of the Council of Australian Governments, and that the recommendations will be acted on by the various jurisdictions.

We have found an ever increasing volume of uniform legislative schemes and intergovernmental agreements. There is now a more formalised system of ministerial councils - more than 20 now meet - which are an arm of executive Government. These ministerial councils have been formalised in recent years, which has meant the generation of much work in the area of uniform legislation and intergovernmental agreements. That is another reason the current Standing Committee on Uniform Legislation and Intergovernmental Agreements should be enhanced rather than discontinued.

It is worth reflecting once again on the reason the committee was set up in the first place. Without spending too much time on that subject, I remind the House that it goes back to 1992 and the fiasco when the non-bank financial institutions legislation was passed by this Parliament without its having seen the legislation. The legislation was

passed by this Parliament simply adopting the legislation that had passed through the Queensland Parliament. It was an appalling day in the history of this Parliament, and the Parliament decided that it should never be repeated. The upshot of that debacle was the establishment of the Select Committee on Parliamentary Procedures for Uniform Legislation Agreements, which was chaired by the member for Kingsley. One of the prime recommendations of that committee was to set up a standing committee. It is extraordinary that it has been forgotten in this recommendation of the Select Committee on Procedure.

It is also worth reminding ourselves that the Western Australian Standing Committee on Uniform Legislation and Intergovernmental Agreements has been at the forefront of discussion in this area around the country. Ours was the first committee of its type, and it is heartening that other jurisdictions have watched the work of our committee and in some senses have followed it. In Victoria the Intergovernmental Relations Committee has been established because of the need demonstrated in recent years to scrutinise intergovernmental relationships, not only commonwealth-state relations, but also relations between States and Territories. The committee was invited to attend a national conference and present its work on the Hilmer report and uniform legislation relating to it. The committee has developed strong relationships with a number of academic sources, notably Professor Cheryl Saunders from the University of Melbourne. Its work has been closely scrutinised in a number of forums around the country. The committee made three recommendations in its response to the report of the Select Committee on Procedure. Those recommendations are -

> Recommendation One: The Committee recommends that the Select Committee on Procedure's *Recommendation 18* is not proceeded with.
>
> Recommendation Two: That the role of SCULIA be maintained in its present form as a specialist Committee.

The work done by the committee has demonstrated that need. The third recommendation is -

> That the role of SCULIA be expanded to include Federal/State affairs and legal and constitutional issues.

That third recommendation is in line with the developments in Queensland and Victoria.

In conclusion, I thank Keith Kendrick for his work as clerk to the committee. He has worked extremely hard in the few months he has been with the committee, and I know all members have a high regard for the quality of his work and his enthusiasm. At times he has pushed the committee members along to ensure that work was completed on time. Before Keith came on board, Tamara Fischer was clerk to the committee and I repeat the committee's thanks to her from previous occasions. Melina Newnan has been with the committee for a couple of years as its legal research officer. She has worked untiringly to support its work. I especially thank Pat Roach for the enormous amount of work she has done assisting with the preparation of this report, particularly in the last week or so when the computer was giving some trouble. I know she worked well beyond the bounds of what would normally be required to ensure that the reports were completed.

I thank other members of the committee. It has been a most enjoyable three years working with them, and I feel that between the five of us we have achieved a great deal in assisting the work of this Parliament.

MR BLOFFWITCH (Geraldton) [2.56 pm]: In my contribution to this debate on the tabling of the sixteenth and seventeenth reports, I begin by referring to the report on trustee laws. I am rather sceptical about what the Government is trying to achieve by changing the Act in this State with regard to trustees and how they are governed. The member for Floreat illustrated that probably 95 per cent of the deeds that govern these trusts provide the flexibility that is necessary, under the proper person test that is so readily being accepted by other Australian States. The Western Australian Act contains the interesting phrase "notwithstanding what is in the trust deed, this Act will apply". However, none of the trustees seems to take the time to read the trust deed to find out whether they have the power to carry out the investments they would like to pursue under the new Bill.

One of the recommendations with regard to the trustees legislation is that the "prudent person" test should be available as an avenue under the Trustees Act, but also a list of certified investments should be supplied to the lay person. The Minister has quite rightly said that under the current scheme that is not done, but there is a test of seven years and various other matters must be considered. Lay people may not want to pay for legal advice before making an investment, but would like a list of nominated investments to be provided. It would be beneficial to both parties and the inexperienced trustee would have more security and would not be forced to pay professional advisers. The effective lobbying of those professional advisers has brought us to this point with the Bill.

Mr Thomas: Self-serving.

Mr BLOFFWITCH: There is some of that. The argument always put forward is that anyone can use a prudent person. However, my Aunt Jane, who I loved dearly and who was a dear old soul, was a trustee and she would have

been terrified at the thought of making a decision on a prudent person. However, if she had been given a list which indicated she could invest in Westpac Banking Corporation or Home Building Society, for example, she would have felt much more at ease. As the legislation is being considered, it is a small enough measure to introduce in this area. The committee was lobbied by people who form trusts and who would like some uniformity. The committee sees some advantage, particularly for people who move from State to State, in such things as power of attorney. It is ridiculous that if someone goes on holidays in Queensland that power of attorney does not apply. A mutual recognition arrangement would be the ideal way to go. I am pleased that the committee has put recommendations forward that will go some way towards achieving that.

I have a slightly different view from the member for Floreat about the recommendation that the committee be disbanded and amalgamated with another committee such as the delegated legislation committee for the scrutiny of Bills. I believe the majority of the committee's work has been accomplished. I again ask the Minister to consider amending the standing orders, so the committee has the opportunity to look at uniform legislation before the second reading stage in this House. That will enable the Parliament to scrutinise legislation and not be placed in the position that it was with the financial institutions legislation. A parliamentary committee should scrutinise not only uniform legislation but also state and federal affairs, which is already in place in the other States. We need sound advice on the direction we will take in the next 10 years. The States cannot continue with the existing system of financial distribution, because all we can do is impose onerous taxes on our constituents that make them uncompetitive on the national and international markets. We need to revise these things. There will be a role for this committee in the new committee system that the member for Scarborough has proposed. It should be incorporated into one of those four committees.

The committee has been useful. It has done some extremely good work, which has been recognised by the other States, particularly its draft recommendations on the uniformity of delegated legislation and uniform terms of reference so there would be a fair chance that legislation in the different jurisdictions remained uniform over the long term. The member for South Perth was successful in convincing every other State, the Senate and the ACT Legislature to agree to that. With that sort of start the committee system that is proposed for the next Parliament will go a long way to ensuring it will be successful.

I put on record my appreciation for the work provided by Melina Newnan who has been seconded to the Anti-Corruption Commission. I thank her for the work, which she performed well. It is pleasing when one is able to work with someone with a law degree who is capable. She had a background in trade practices law and that helped the committee with mutual recognition legislation. I compliment Keith Kendrick for his work. His energy and enthusiasm become apparent when he joined the committee. He put the procedure report together pretty much on his own. That is a very good report. I commend both reports to members and give them my support.

Question put and passed.
[See papers Nos 710, 711 and 716.]

ELECTRICITY AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

MR C.J. BARNETT (Cottesloe - Minister for Energy) [3.05 pm]: I move -

That the Bill be now read a third time.

MR THOMAS (Cockburn) [3.06 pm]: When I was speaking in the second reading debate some members might recall that my voice gave out and I was unable to complete my speech; I can see the disappointment on the Minister's face. He will be pleased to know I am now able to use the third reading of the debate to complete the speech I was going to make then. Before I make those comments, I thank the Minister for deferring the consideration of the third reading because I was indisposed on the following day. I am also grateful for his assistance in accepting the Opposition's amendment.

From that happy note I will pass to a sour note. I am particularly concerned about the lack of an informed domestic energy market and the fact that the energy utilities are not committed to an informed energy market. In some senses I suggest they actively discourage an informed energy market, and that is contrary to the public interest. The Bill makes provision, which is most desirable, for compulsory rating of appliances as to their energy efficiency, so that people who are purchasing an appliance can make a judgment about its energy efficiency. That has implications for

the economy of the household making that purchase. It also has significant environmental implications in reducing energy costs and meeting greenhouse targets. The Minister said in his second reading speech, and I believe he is correct, that people want to do the right thing environmentally and those who have more disposable income and can afford to do so are often prepared to alter their consumer choices if it has desirable environmental implications. That should be encouraged and facilitated.

When the State Energy Commission was the sole energy agency it operated an energy advisory service. That service had a lot of credibility. It was used by many people and performed a useful function. The abandonment of that function is one of the losses that has come about through the split of SECWA into AlintaGas and Western Power. The State Energy Commission had a broad function and that included administration, regulation, education of the public and its main core business, the operation of electricity and gas utilities. With the split into two utilities some of those services that might be described as peripheral or incidental functions have had to be taken up to the extent they have not necessarily been performed well and consistently with the services that they inherited. An example of that is the Gas Marketing Alliance Program, which was implemented by AlintaGas. I submit it is a program which sets out to deliberately deceive members of the public and maximise the commercial interests of AlintaGas. I guess that is what one would expect it to do, but AlintaGas is publicly owned and it should be - but it is not because of the way the Minister conducts its affairs - accountable to the Western Australian public and operate in accordance with good public policy. So far as I am concerned, good public policy means that there should be a clearly defined energy policy and an informed market. We must all participate in that market at one stage or another when we buy electrical or gas appliances and we should be able to make an informed choice. In order to have that, there must be comparable standards. It is all very well to have a fridge which carries a three star rating - we know it is better than one with a two star rating - but what do the stars mean? How can a potential consumer make a choice between a gas or electric stove? Most people have to make that choice at some stage in their lives either when they are replacing their stove or purchasing a stove for their new home. If a person wants to do the right thing environmentally, how on earth, unless he has a degree in electrical engineering, can he work out which stove is, firstly, most efficient, and secondly, environmentally friendly. This information is not currently available because the energy utilities report the energy consumption in different units.

I suggested to an officer of AlintaGas that it should give consideration to publishing its data in units which are comparable with electricity when it is addressing the public. People would then be in a position to know what amount of energy would be consumed and whether the appliance would be efficient. I was told that AlintaGas did not want to do that because, as a commercial organisation, it is in the business of selling as much gas as it can to make a quid and it was not its job to inform the public. I do not accept that. The person who conveyed that information to me was reflecting the corporate objectives of that organisation. However, the objectives do not coincide with the public interest. When there is a conflict between the corporate objectives of one of the energy utilities and the public interest, it should be the public interest which prevails.

I will refer to one of AlintaGas's operations to illustrate my point. When the Energy Information Centre, an initiative of the old State Energy Commission, was operating it had an enormous degree of credibility. People would ring that centre and ask for advice if they had to purchase an appliance. They would be given objective information. The State Energy Commission was not concerned about whether people used electricity or gas. One would expect it would not have the same concern as the two competing facilities which are currently operating. When the State Energy Commission ceased to exist and the two energy utilities were created, there was a vacuum. AlintaGas decided to take advantage of the vacuum by introducing GasMAP. The documents which AlintaGas hawked to retailers of gas appliances indicated quite clearly that it had market testaments that there was a vacuum. People rang AlintaGas asking for advice and naturally the advice they were given was to buy gas appliances and they would become committed customers of AlintaGas. I guess that is what one would expect it to do.

AlintaGas reached an arrangement which I consider is contrary to the trade practices legislation. It went to certain gas retailers and said that it would make them GasMAP retailers and provided them with all sorts of promotional material for display in their shops. They were told there would be a joint advertising campaign between them and AlintaGas and that, if people contacted AlintaGas seeking advice as to where they should buy gas appliances, they would be referred to them. AlintaGas set up a network of retailers throughout the metropolitan area who had the privilege of having consumer inquiries referred to them if it appeared that they were about to buy gas appliances. Not all gas retailers were involved in this scheme.

Mr Deputy Speaker, if you decided to set up a gas retail outlet tomorrow, you would not be able to become a GasMAP retailer because somebody probably would already have the franchise in your area. It is a practice which is in restraint of trade and, in a policy sense, it is an undesirable activity for a publicly owned energy utility to be engaged in. I say that for two reasons: Firstly, it is selective and not everybody has the opportunity to be a GasMAP retailer. Secondly, it deceives and misleads the public. A person who rings AlintaGas does so because he believes it has credibility and he will be given reliable information. In essence, he believes it can be trusted. However, that

trust is being betrayed because, as soon as he is told to go to, for example, the Perth Gas Centre, he might not necessarily get the best or cheapest appliances. One reason for that is the retailer has paid AlintaGas to join GasMAP and there is an arrangement between AlintaGas and the retailer. I do not know whether it is paid a spotter's fee or a weekly, monthly or annual fee. When I asked the Minister what were the financial arrangements between the participants of GasMAP and AlintaGas, he would not tell me because there was a clause in the contract which said that information was commercially confidential. In the industry the Minister is known as "commercially confidential Colin" because almost $1b worth of contracts have been signed by the energy utilities and private corporations since he has been Minister and they are commercially confidential. It has gone from massive contracts worth hundreds of millions of dollars, to the trivial - to how much has been spent to sponsor the football team. However, all these things are commercially confidential. It is wrong for a publicly owned utility to have sweetheart arrangements with selected retailers, to be sending members of the public who make innocent inquiries as to the best thing to do, to selected retailers who will probably charge more than other retailers, if for no other reason than they must pay AlintaGas for the privilege.

I said that there should be an open, user-friendly energy market. This Bill goes some way towards achieving that by providing for mandatory labelling of energy appliances.

Mr C.J. Barnett: Perhaps the more important aspect is the consistency of testing. You can make an appliance do anything depending on how you run it. Consistency in testing is as important as the labelling.

Mr THOMAS: I agree completely. It is also important that we develop a system of comparability between gas and electricity. If a consumer is making a choice, for example, between gas and electricity for space heating or hot water, which is very competitive, at the moment that divide cannot be crossed. It is also important that the utilities be detached from the retailers of appliances. There is too much scope for unfortunate practices. We have seen that with GasMAP. I hope that, when the current arrangement expires, AlintaGas will let that go.

To have a user-friendly energy market - one that is oriented towards customers rather than utilities - one should have an energy information centre. The Opposition will address that issue in the election campaign. The establishment of such a centre has been a Labor Party policy for some time. We believe that people should be able to get objective information about different classes of appliances, the differences within classes of appliances, and about housing design. Between the two utilities we have the Office of Energy. It would be the appropriate agency to establish and oversee the operations of an energy information centre to provide objective advice in displays and in response to telephone and written inquiries. As part of its responsibility to promote energy conservation and to protect the interests of consumers in this State, the Government should provide reliable, objective data to the public .

The other characteristic of an open, informed energy market is the existence of utilities that convey accurate information to the public. I have been very concerned, and I have raised my concerns on a number of occasions in this House, about the advertising policies of the utilities. Those advertising policies should be directed for the most part towards providing sensible, understandable information. The utilities should inform the public, not mislead or promote their own corporate interests without regard for the interests of the public. The example I gave earlier of GasMAP is appropriate. I do not want to be seen to be picking on AlintaGas, because Western Power engages in the same type of behaviour.

I would like the Minister to provide details of the advertising budgets for Western Power and AlintaGas. If he is not able to provide that information now, perhaps it can be provided in the other place in response to a question I believe will be asked this afternoon. I would be very interested to have those figures.

I am an avid fan of Australian Rules football. It is interesting to see both AlintaGas, in its capacity as a sponsor of the Dockers, and Western Power advertising - presumably at substantial cost - during the replays of football matches. The AlintaGas slogan used to fire up the Dockers was simply corporate promotion. It did not provide any useful information, other than the fact that it sells gas and would like to sell more. What useful purpose does that serve? Obviously it is good for the Dockers football team because it gets money from AlintaGas. However, we have two government owned utilities, both advertising on the same show. I understand that Channel 7 football replays of the Dockers' and the Eagles' home games are among the most expensive advertising time in the State.

Mr Board: Especially the Eagles.

Mr THOMAS: Possibly. In any event, those shows are very high rating and advertisers are charged the highest rate in Australia. It serves no useful purpose.

When I have spoken to officials of both utilities about those activities and indicated that I do not believe it is an appropriate activity for a utility to be engaged in, they have said that it is corporate identification.

Mr Board: You have already said that it is a very high rating period. If you want to get a message across it is appropriate.

Mr THOMAS: I do not mind the utilities wanting to convey useful information.

Mr Board interjected.

Mr THOMAS: The member for Jandakot and I approach this differently. The utilities should serve the public. If they are advertising, they should be conveying useful information. There is no useful information in glitzy, corporate self promotion. It is self aggrandisement; no-one is better informed or better off as a result of that advertising. In fact, they are worse off because the cost is added to their bills.

Mr Board: You would agree that if more people buy gas appliances and use gas that is better for consumers and investors in the gas industry. That is what it is all about. Not everyone uses gas.

Mr THOMAS: I am fully aware of that. However, they are not conveying useful information about gas. It is glitzy, corporate self aggrandisement. It puts up the price of the product and probably misleads. I would like to see the utilities' advertising reined in. Obviously there must be some degree of advertising, apart from promoting the sale of the product, to inform the public that they exist, where they are, what their phone numbers are, and what people must do to utilise their products; however, that advertising could be minimal. It does not need to be on the scale of full page newspaper advertising and television advertising to the extent that is occurring now. I return to the point I made earlier: I want an open, informed energy market that relates to the needs of the customers rather than the utilities.

That brings me to the last element of that changed requirement for the domestic energy market; that is, a common billing service. Of all the calls I receive at my office - I get many calls from people concerned about the energy utilities - the most frequent complaint is about the gas supply charge, the fine, that the Minister for Energy imposed on gas consumers who were prudent and did not use a lot of gas. When they get their account - it is itemised so they know precisely what the fine is - they resent the fact that it is a separate bill. It is only two years since we had the Western Australian State Energy Commission. People can readily recall that they used to receive one bill. The gas bills always seem to be high because they do not come often. If people use gas for space heating, it can be a substantial amount of money, particularly at the end of winter. It hurts many people when they get bills for hundreds of dollars. Apart from complaining about the fact that they have a high bill and that they have been fined if they are prudent consumers, they ask why it is a separate bill.

If the Government needs to reduce the cost of energy, the most simple step would be to have a common billing service. People see the diseconomy of two sets of meter readers from two organisations wandering around the suburbs; two administrative outfits to send out the bills; two stamps; and two lots of inconvenience to the customers when they must pay. They recall that when the Labor Government reduced the period between bills from three months to two, the bills came in smaller amounts and, therefore, were easier to manage; and when gas was included in the energy bill the whole system was much better. When people come out of a phase they can lose a substantial amount of money.

When I have suggested to the Minister that the utilities would save themselves some money and improve the convenience to the customers by using a common billing service, his response has been that the utilities do not want to: They see it as a marketing tool to raise their profile with the public and also as a way of gleaning market information to which they would not want their competitors to have access. I do not accept those arguments. I am confident that the Government can ring fence the finances of these organisations and that the spread of information from one to the other could be prevented if that were necessary. The utilities would then be much more user friendly.

At present the attitude of the Government seems to be that what is good for the utilities is good for Western Australia. There is a saying that what is good for General Motors is good for America. The attitude of the Minister seems to be that what is good for Western Power or AlintaGas, as they define good, is good for Western Australia, and he will not interfere in it.

Mr C.J. Barnett: I don't think they would say that about the eastern goldfields. It is always a foolish type of argument to try to put words in the mouth of the person you are supposed to be debating with. It is a most anti-intellectual form of argument.

Mr THOMAS: I do not want to end on a particularly sour note. I have a different view from the Minister on these matters. The Opposition agrees with the substance of the legislation before the House. It is pleased the Government adopted the opposition amendment on the labelling and energy efficiency rating of appliances. That is a good step. I am sure the Minister for Energy will acknowledge that it is a Labor Party initiative. It was first raised at a meeting of the council of Energy Ministers - which I attended in, I think, 1985 - by David White, who was the Minister for

Minerals and Energy in the Cain Government in Victoria. It was a matter that needed to have nationwide acceptance to work properly. I am pleased that has been achieved and is reflected in the legislation before the House.

Question put and passed.

Bill read a third time and transmitted to the Council.

IRON ORE (YANDICOOGINA) AGREEMENT BILL

Second Reading

Resumed from 24 October.

MR RIPPER (Belmont) [3.36 pm]: The Opposition is pleased to indicate that it will support this agreement Bill. It is not often that members of Parliament have an opportunity to visit a site that will be the subject of an agreement Act shortly before the debate comes on in Parliament. However, yesterday a number of us were able to visit the general area that is the subject of this agreement.

Mr C.J. Barnett: It was very pleasant, too.

Mr RIPPER: Yes, it was an informative and enjoyable trip. The party of members of Parliament accompanied the Minister for Resources Development on his trip to open BHP's Yandi II mine in the same general area as this Hamersley Iron Pty Ltd project is to be located. It is interesting to consider some of the figures that relate to that BHP mine. It is proposed that 30 million tonnes per annum will be produced out of Yandi I and Yandi II mines. According to the Department of Resources Development's "Prospect" magazine, the work force there is 150. The value of the iron ore produced will be about $600m a year. We are looking at the phenomenal figure of about $4m worth of iron ore being produced for every worker on site.

The figures for the Hamersley Iron project are not quite as spectacular as that at the proposed rate of construction, but they are still of the same magnitude. I understand that the Hamersley Iron project will involve an investment of $400m; that about 120 people will operate the mine; and that it will produce iron ore valued at about $300m a year. I will comment on those employment figures a little later.

The Hamersley Iron and BHP mines are adjacent to each other. They are located on a huge ore body that runs for 70 kms or 80 kms. I understand that BHP has reserves of about 1.8 billion tonnes of iron ore and that when Hamersley Iron finishes its work, it will have a reserve of an equivalent size. There is an enormous amount of iron ore in this central Hamersley region. It represents a significant part of the State's iron ore mining future. It is interesting that two large mines operated by two competing companies will be located so close to each other. It raises in my mind the question of whether there could have been some cooperation between these two competitors.

Mr C.J. Barnett: Even fewer jobs.

Mr RIPPER: Sometimes the more efficient the economic operation, the fewer number of people are employed. However, it does not stop us in any part of the economy from promoting that efficiency. Two mines will be operating very close to each other, and two railway lines will be running 450 kilometres to those mines from two different ports. There obviously was potential for a unified development.

Mr C.J. Barnett: Of more importance is the use of infrastructure by third parties and there may be some cooperation between the existing three iron ore producers as they develop these satellite bodies.

Mr RIPPER: Clearly, there is potential for some third party access to the infrastructure, and I note that this agreement Bill contains clauses which allow the State to insist on that access being available. I make those comments because I understand the economics of this Hamersley Yandicoogina project are affected to some extent by the need to construct an additional railway line to the mine. I understand that a rail reserve or foundation already exists for part of the way but the total additional railway line to be constructed covers a distance of 147 kilometres, 87 kilometres of which involves completely new work on the foundations as well as on the line itself. It impacts on the economics of the project and I query whether at some stage there could have been some cooperation between the two parties, or whether there was some other way of providing a unified development of these deposits. Nevertheless, that has not happened and while cooperation has its benefits, so does competition. No doubt Hamersley wants to make full and efficient use of the capital it has already invested in railway lines and port facilities.

There are huge reserves of iron ore in this area which are relatively easily mined. The waste to ore ratio is very attractive, and there is good demand for the ore from this region. It has low alumina and phosphorus impurities, of 1.3 per cent and 0.05 per cent respectively. It might have that advantage, but in the past the ore was not in high demand because of its relatively low iron content - expressed in Hamersley's pamphlet as 58.5 per cent - and because it was entirely fines and not lump ore. Times change, and it now seems that the low percentage of impurities is the

guiding factor. Not only is the ore easily mined, but also it is in high demand. That is one example of how times change.

At the BHP opening ceremony the manager of BHP Iron Ore told a story which indicated another way in which things change. He said originally there was resistance from BHP's head office in Melbourne to BHP holding on to all the exploration areas it had in this region because the head office thought it was too far from the coast. In fact, BHP gave up some of its exploration areas in that region, and they were taken up by CSR and eventually by Hamersley. Decisions and assumptions made at one period of resources development can prove quite wrong and inappropriate further down the track.

I understand that at 15 million tonnes per annum, because of the extra rail and port costs involved in this project, it will not be as profitable as might have been expected, given the demand for the ore and the ease with which it can be mined. Therefore, there will be pressure from Hamersley to increase production. I note that the Government and the Minister have provided for that, and have given themselves some leverage by retaining control over the ultimate tonnages that may be mined and the ability to impose conditions on that. Bearing in mind the amount of iron ore that this mine will produce, the employment figure is comparatively low. In advocating its own case, the mining industry stresses the multiplier effect of mining industry employment. The industry will argue, on the basis of research at the University of Western Australia, that for every job created in the mining industry in Western Australia, three jobs are created in other sectors. That is not a bad multiplier, but the problem is that the base is low. Because the base is low, even with a good multiplier, the overall impact is not that high. It is difficult to complain about that; it is a function of the efficiency and international competitiveness of the Western Australian mining industry. However, it indicates that, if this State wants to get as much as it can from this industry, it must take steps to ensure that two developments are started; that is, the downstream processing of mineral resources, and efforts to ensure that as much as possible of the investment in resource development projects flows to Western Australian companies and workers.

I turn to downstream processing. BHP is constructing a hot briquette iron plant at Port Hedland, which involves an investment of approximately $1.5b. It is sufficiently confident about the future of downstream processing of iron ore in Western Australia to make an investment of that size. To a certain extent BHP is taking a risk and embarking on a relatively new technology which I understand has been tried in an earlier form at only one other location in the world. BHP is also producing a product for which the market has not yet been fully developed. I do not think the market risk will be that great, but it is taking a processing and marketing risk and making a significant investment. Other proposals are on the drawing board for that downstream processing of iron ore resources, and I hope that one or more agreement Bills for these proposals will come to the Parliament before it rises for the state election. Judging by some of the speculation in the newspapers, the agreements are not far from being concluded in certain cases. It would be good for this Parliament to be made aware of those agreements and to have an opportunity to ratify them rather than for members of Parliament to learn in the heat of an election campaign that the Government has reached agreement with one of those groups of proponents for further processing of this State's iron ore resources.

Mr Prince: You know we cannot do that. We are in caretaker mode.

Mr RIPPER: I am interested that the Minister for Health said that the Government is in caretaker mode and it cannot reach an agreement with proponents for the downstream processing of our mineral resources. That does not stop the Government reaching an agreement now, holding it back, and two weeks out from the election having a glitzy announcement, hoping it will be re-elected, and then presenting the agreement to the Parliament after the election.

Mr Prince: That sort of deviousness is unlikely to be found in this Government.

Mr RIPPER: The Minister for Health has much more confidence in the lack of deviousness within his Government than I do. The Minister for Resources Development was quite indignant when the previous Labor Government announced the Pilbara energy project during the election campaign in 1993. I remember seeing him on television saying the deal was off.

Mr C.J. Barnett: I said all bets were off.

Mr RIPPER: That is the quote I was looking for. I raised this issue because if the Government has or is about to reach agreement with other people interested in further processing of our iron ore resources, I hope those agreements will be presented to the Parliament rather than revealed when Parliament is up and during the election campaign. The Minister for Health pointed out that, in caretaker mode, the Government should not be reaching agreements with the proponents of major developments.

Mr C.J. Barnett: I agree.

Mr RIPPER: However, last time the Minister did not complain about that. He complained about the fact that we announced it in the election campaign although we had reached agreement before the caretaker period began.

Mr Prince: I said that sort of deviousness does not exist on this side of the House.

Mr RIPPER: I hope the Minister for Resources Development will confirm that.

Mr C.J. Barnett: What I disagreed with in that instance was not the announcement of the Pilbara energy project as such, but that the Labor Government, in the context of an election campaign, relinquished BHP from its further processing obligations. That is what I objected to.

Mr RIPPER: What happened was that negotiation had been concluded before the caretaker period began. I am pointing out there is a prospect such negotiations are proceeding now, with the results not being made known to members of Parliament or to the public until the election campaign has begun. I hope the Government is not intending to embark on that course of action, which the Minister opposed when in opposition.

We have a possibility of projects coming from the AUSI group, the Australian United Steel Industry group, the Mineralogy group and the Kingstream An Feng joint venture. Absent from that list is a major iron ore producer, Hamersley, an agreement Bill for which we are debating now. I have noted some speculation in the financial Press that the Government is not entirely happy with Hamersley's approach to downstream processing. There has been some media speculation that the Government has been critical of Hamersley behind the scenes for not showing the same enthusiasm for downstream processing in the iron ore industry as are other commercial groups. Hamersley has invested at least a couple of hundred million dollars on research into its hismelt process and has much more faith in the future of hismelt as a commercial operation than it does in the future of direct reduced iron processes.

It is noteworthy that, while those other three groups are in the field and BHP has already made a commitment, Hamersley has not yet shown willingness to embark on significant investments of the same size. That makes the processing obligation in this agreement Bill quite important. The processing obligation provides that Hamersley must give to the Minister, after seven years of production or a hundred million tonnes of iron ore, a plan by which it will develop proposals for further processing of iron ore. After 10 years of production or 150 million tonnes, whichever is sooner, it must submit those proposals to the Minister, and after another three years, it must be producing metallised agglomerates which could include direct reduced iron at a rate of two million tonnes per annum. After another five years - that is, eight years after it begins its further processing - it is required to be processing at a rate of three million tonnes per annum.

All of that is well and good. However, it is subject to an economic viability test. Under this agreement the Minister is empowered to postpone these obligations for three years and then for subsequent three year periods if he is convinced that it is not economically viable for the company to proceed to downstream processing. If the Minister disagrees, the matter can be referred to a tribunal for arbitration. I know we have some of these arbitration clauses in other agreement Acts. However, to the best of my knowledge, I do not think the arbitration clauses have ever been invoked. Fundamentally, it is extremely difficult to force a company to make an investment if it does not believe that the investment will be commercially viable.

There is also a provision for the company to present an alternative project for downstream processing to the Minister and have him accept it. I imagine that might be a project in any area of mineral processing; it would not necessarily be in iron ore projects.

Mr C.J. Barnett: I think we can say it would be in iron ore. It might be another infrastructure project. One of the problems that Hamersley has is that it is not a steel maker. It is a giant step to go from iron ore mining to steel DRI production. Of course, BHP has that expertise and background. An alternative investment may well be a third party developing DRI or a steel works in which Hamersley is somehow a partner. That may qualify.

Mr RIPPER: I see. So Hamersley may be let off some of the investment. Is that the inference I can draw from that?

Mr C.J. Barnett: That would be possible. It may present a proposal whereby it was involved perhaps as a supplier of iron ore. In other words, it could be an investor in a project put in place by a steel maker, whoever that might be, which would need to bring in that technical skill to Hamersley which it does not have in the steel making side. I have an open mind; it would depend on the deal. However, some scenario like that would be possible.

Mr RIPPER: It is true that BHP has an advantage in this area. There is also the potential for BHP to become involved in vertical integration. It already has an electric arc furnace. However, it can develop more electric arc furnaces - mini mills - and supply them with the hot briquetted iron from its own plant; whereas, if Hamersley were to become involved in the downstream processing of iron ore and in direct reduced iron production, it would have to do so on a merchant basis; that is, selling into a market where it was not also a purchaser.

This whole area of downstream process is very important because of the relatively low employment levels generated directly by the mining industry. As I said, while the multiplier for mining industry employment looks good, the base is very low. If we are to get the maximum employment possible out of this industry, we will have to look at the two

issues - downstream processing and local content. They are the only ways that we might get the employment effects we are looking for as a community.

I have indicated that other iron ore reserves exist in this area. One interesting aspect of this agreement is the overall development clause, clause 8. It provides that if the company wants to proceed beyond 15 million tonnes of iron ore per annum, it must present proposals to the Minister which will take into account the economic and orderly overall development of the lands subject to this agreement and those other iron ore deposits; appropriate infrastructure development in the central Hamersley Range area; and an open town or other appropriate housing and accommodation arrangements to service the iron ore mines and other developments in the central Hamersley Range area. That is a very good clause to put into this agreement. Possibly, in future, we might be able to move from the fly in, fly out labour arrangements which apply to this project and which already occur with the BHP Yandi project, to a township in this area which would service those two developments and other likely developments.

That overall development clause needs to be read in conjunction with clause 10 of the agreement which provides for limits on mining. Under this clause the company is not allowed to produce more than 15 million tonnes per annum or employ a work force at the mine exceeding 150 people without the prior consent of the Minister. Under the agreement the Minister can place conditions on this consent, which may relate to overall development or other matters which would advance the central Hamersley region. The company also is not allowed to produce more than 30 million tonnes per annum without having presented proposals for further processing which have been approved by the Minister. That is an additional incentive for the company to embark on further processing, because I am sure the economics of this mine will be greatly enhanced if the company can first proceed from a planned production level of 15 million tonnes per annum and then beyond a production level of 30 million tonnes per annum.

It is also interesting to look at the royalty provisions. Under clause 12 of this agreement the royalties which the company will pay are set out. The company has been given some certainty on the royalty question because until the year 2010 the royalty rates specified in this agreement cannot be altered. It restricts the ability of future Governments to reduce royalty rates but, on the other hand, it provides the necessary certainty for this sort of investment.

Mr C.J. Barnett: The price of iron ore might go up, in which case we would collect more royalties.

Mr RIPPER: Yes. I approve of the latter part of the clause which provides royalty concessions for further processing at the rate of 0.5 per cent for pellets or sinter, 1 per cent for metallised agglomerates, and 2 per cent for iron ore processed into steel. I will be interested to hear the Minister comment in his second reading reply on the likely impact of such royalty concessions. I understand that royalty concessions were not particularly significant in BHP's decision to embark on the direct reduced iron plant at Port Hedland. Nevertheless, I support the principle of providing such royalty concessions to encourage processing; they are a commendable part of the agreement.

Mr Prince: I understand that economics have played a part, but it was minor.

Mr RIPPER: That is my understanding as well. Representatives from Hamersley Iron came to see the Opposition to brief us on this proposed project and the agreement. In the briefing they indicated to the Opposition that they were particularly anxious that the agreement Act go through the Parliament this year because Native Title Act processes could not be triggered until the agreement was ratified by an Act of Parliament. I find that fairly disturbing because we all know how matters can be delayed in the Parliament. For example, if this Bill had not been presented to the Parliament for another two or three weeks, it would not have gone through before the Parliament rose for Christmas and the election period. Of course, after an election the Parliament does not resume as early as it normally would. Had the company taken a little longer to negotiate the agreement, there could have been a very long period during which it would have had to mark time. There would have been a long delay before it could have finalised the process under the Native Title Act. That is a matter of concern. The company is fortunate that the Bill got into the House before the deadline for all practical purposes. The company would have been greatly disadvantaged had it had to wait four to six months before the agreement Bill could have been dealt with. The agreement Bill must be through the Parliament and receive assent before the future Act notification procedures in the Native Title Act are triggered. They need to be triggered to flush out all potential native title claims on the project land. It is not as if Hamersley has not been negotiating with people that it would regard as native title claimants. I imagine that has been going on for some time. It is difficult for mining companies to reach agreements with claimants if they do not have some certainty that other claimants will not come in later. The process does not work well for Aboriginal people either because the more generous the settlements that companies make the more likely that other claimants will be encouraged to come out of the woodwork.

Mr Prince: That is a very succinct summary of the problems with the Native Title Act which we hope the new Federal Government will fix with the assistance of the Senate.

Mr RIPPER: Our side of politics would also like to see remedied some of the native title processes which unnecessarily inhibit development. We do not want to see anything that compromises the principle of native title, recognition of which was long overdue. This is one stark example of the problems that can arise. I hope we reach a point where the processing and parliamentary ratification of agreements can proceed in tandem with the native title processes. Once an agreement has been reached between the Government and the company, all that is required is parliamentary ratification. I do not think that parliamentary ratification has ever been denied. It ought to be possible for future Act notifications to occur under the Native Title Act.

Mr Prince: You're saying that all that is required is parliamentary approval - it is a fairly significant "all". It is not a lawful agreement until Parliament ratifies it. Until it is a lawful agreement, you do not trigger the future Act process under the Native Title Act

Mr RIPPER: I think the Minister for Health is offering me free legal advice that there is no remedy to the problem I outlined. I am fairly disappointed with the legal advice and I might seek a second opinion, if I had the cash! Surely, if we had a state native title tribunal, and appropriate amendments at a commonwealth level, we could reach an agreement where some of these matters occurred in tandem.

Mr Prince: You need a pre-emptive process to look at the area to determine any possibility of native title under the principles laid down by the High Court as a pre-determinant before anything is done. That was what we had under the traditional land use Act. The Native Title Act works the other way around. It is a claims based process. One needs a future Act which is impermissible before it is triggered. That is a fundamental difference which will not be resolved without rewriting the Act.

Mr RIPPER: I am not sure that the situation is as clear cut as the Minister indicates. He is saying that one cannot have notification of a future Act until it is 100 per cent certain that it is a future Act because it is ratified by Parliament. It is irreversible. I am sure that legal minds could devise -

Mr Prince: You are imputing deviousness again.

Mr RIPPER: No. I am saying that legal minds could come up with a solution to this embroglio. This company has been fortunate on this occasion, but other companies will finalise an agreement with the Government and find that the agreement cannot be put through Parliament expeditiously. Parliament is in recess for months at a time and the company's development may be put on hold.

Mr Prince: They have to work around the parliamentary calendar; it is fairly well known.

Mr RIPPER: I do not know whether we can proceed further with the argument. I have sympathy with the company's position. I hope there will be a way out of the problem in future.

I now refer to local content. If we are to achieve a satisfactory employment result from our successful mining industry, we must ensure that as much work as possible from these projects flows to Western Australian companies and workers. This agreement Act has the standard local clause - it is clause 14 - regarding the use of local labour, professional services and materials. It provides that, except in cases in which the company demonstrates that it is impractical to do so, it will use labour available in Western Australia and, in particular, it will use reasonable endeavours to ensure that as much of the contract work force as possible is recruited from the Pilbara.

Other clauses relate to the contracts, the design and other professional services which the company will use. My understanding is that the local content which will be achieved from this project should be quite satisfactory. We were advised that almost all the work of the BHP-Yandi project had been performed in Western Australia and Australia. I understand that prospects for high local content with this Hamersley project are quite good. Nevertheless, the local content figure with some projects is not so good.

The local content outcome depends on the vigour with which the Government pursues negotiations and consultation with the company on the issue. It is not possible to legislate that a certain amount of local content be applied in resources projects. These things need to be handled on a case by case basis. The way the Government and the Minister for Resources Development approach the issue is important: The priority they give to local content; the pressure they put on companies to source their work from Western Australia and the rest of Australia; and the overall priority they give to this local content issue.

What is also important is the extent to which the Government is prepared to identify specific obstacles to work flowing to local companies. There are occasions when action must be taken to ensure that Western Australian companies can compete effectively for work flowing from resources development projects. Sometimes Government must be prepared to spend some money to provide infrastructure to assist those Western Australian companies.

The Government receives a substantial revenue flow from resource development projects. The forecast figure for this financial year for revenue from State sources is more than $1 050m above the equivalent figure for 1992-93, the last year of a Labor Budget handed down by the Lawrence Government. Substantial additional revenue is available to the State Government as a result of economic growth, and a lot of that growth has been stimulated by the resources sector. The Government should be prepared to re-invest some of that revenue growth in the infrastructure required by Western Australian companies to tender competitively for the work required to construct these resources development projects.

It is a matter of, firstly, the Government giving the issue some priority and applying some pressure to resource developers, where necessary. The Government should actively work to identify what is stopping Western Australian companies securing work and to overcome the obstacles. The local content situation in the iron ore industry and the gold industry is positive. However, in industries such as oil and gas, the local content is not as satisfactory.

Mr C.J. Barnett: I think you're generalising. Some offshore floating platforms on the North West Shelf in recent developments have had extremely high local content. It varies more in those industries.

Mr RIPPER: There are examples in the oil and gas industry where the local content is not good.

Mr C.J. Barnett: I agree with that.

Mr RIPPER: The local content in gold and iron ore developments seems to be generally good.

Mr C.J. Barnett: They are simpler technologies.

Mr RIPPER: Good results are not always achieved in the oil and gas industries and the Government should apply more pressure on those industries to increase local content. Also, the Government needs to be more active in identifying the obstacles preventing Australian and Western Australian companies acquiring the work. The Government should be prepared to invest revenue from resources projects in infrastructure.

Mr C.J. Barnett: You are aware that most of the oil and gas industry projects are in commonwealth waters. In that case, we have no legal ability to require local content. We certainly deal with and achieve it, but it is done on a cooperative basis. We acquire no royalty revenue at all from many of those fields.

Mr RIPPER: Of course we do benefit from some of the economic activity that occurs, and while we may not have legal authority, I understand that we do act for the Commonwealth Government in administering a number of these issues. We should request the Commonwealth Government to put into its governing legislation local content provisions, and this State should seek to administer those local content provisions of commonwealth legislation just as we administer some other aspects of commonwealth legislation with regard to these offshore oil and gas discoveries.

We are happy to support a Bill which will facilitate investment of $400m and a project that will export $300m worth of iron ore per year. We do think that specific measures should be taken to enhance the employment outcome from mining developments. We support the further processing clause, and the clause which allows the Minister to put conditions on expansion of these projects. Those conditions are somewhat different from those in previous agreement Acts. We regard them as welcome developments and we are happy to support them.

MR THOMAS (Cockburn) [4.21 pm]: I wish to talk about an aspect of the agreement which is of concern to me and which was mentioned by my colleague the member for Belmont; namely, clause 14, local content. The member for Belmont stated that in the iron ore industry, and in other hard rock mining industries such as gold, there is a fairly satisfactory situation with regard to local content. However, that has not always been the case. It is due, in part, to the fact that over the past 30 years there has been an iron ore mining industry in the Pilbara, and elsewhere, and the consulting, engineering and other industries in Western Australia that service the mining industry have developed the capacity to service that industry.

Engineering associated with the goldmining industry is now an export industry. Many of the goldmining operations in the countries to our north are operated by Australians and use Australian technology, and the development of Australian industry around the goldmining industry has matured to the extent that local industry is able to service the goldmining industry, and that is to the common good.

The Minister's second reading speech anticipates local content of about 80 or 90 per cent, and that is most desirable. As the member for Belmont said also, that is not the case in all resource developments. In the main resource industries apart from hard rock mining - oil and gas - the situation is, for the most part, quite unsatisfactory. We cannot afford to sit around and wait, as we have done, for that industry to mature as the onshore industry has matured in order to have local content, because the nature of development in the petroleum industry is quite different. Most of the activity occurs during the exploration phase, and once production commences, there is not a lot of scope for

further utilisation of Western Australian engineering capacity and industry. The nature of those projects at least - I am not sure whether it applies to other projects - is that there seems to be a very short time between the decision to develop and the work being undertaken, so we cannot look forward necessarily to decades of work during which the industry can mature. Therefore, the Government must take industry by the scruff of the neck and ensure that it develops the capacity to service the petroleum industry.

Earlier this year, the Government made much of the concrete gravity structure that had been built in Bunbury, and everyone was pleased that it had been built. However, that was only a small proportion of the total work on that project, because none of the work that will stand on top of that concrete gravity structure is being done in Western Australia, or, indeed, Australia. That is a most unsatisfactory situation. A terrestrial analogy is a building where the local content covers the foundations but not the structure on top of those foundations. Western Australian industry can aspire to having a greater capacity to service those industries, but that will require, or it will certainly be facilitated by, a more pro-active role by government in fostering that capacity.

Earlier this year, the Minister made much of a new local content policy, which is referred to in the second reading speech, and he sought to portray the Government as doing something to promote the use of local industry in the construction and servicing of the mining industry. However, it turned out some months later that the committee which is the centrepiece -

Mr C.J. Barnett: It is not the centrepiece. The centrepiece is the work being done through the Industrial Supplies Office (WA), which has proved to be extremely effective.

Mr THOMAS: Overseen by this committee.

Mr C.J. Barnett: The committee has met.

Mr THOMAS: It has met now, but it had not met for -

Mr C.J. Barnett: That is not the issue,

Mr THOMAS: That illustrates the priority that the Minister has given it. The Minister did a great song and dance, called a press conference and released a statement, and a key part of that statement was that this committee would transform the situation with regard to local content. I and my colleagues in the trade union movement were pleased that at last, in the fourth year of a four-year term, the Minister, who has been running around this State for these past four years talking about the wonderful boom that we are having, had decided to implement a local content policy and form a committee; but, sadly, the committee had not met.

Mr C.J. Barnett: You are totally wrong. The only way in which the State can with any real teeth enforce local content is through state agreement Acts, because there are no local content provisions in the mining legislation, and we have worked with projects and have achieved very much improved rates of local content over the past four years. The new arrangements extend it across all sectors, including non-agreement Act projects, and also projects operating in commonwealth waters. It has been well received by all parties. The proof of the pudding will be in the eating; I concede that. We will have to look back in a couple of years to see how it has worked. It is early days.

Mr THOMAS: I want to make a few suggestions about how the Government can beef it up. The principal means by which the State can enforce local content is though agreement Acts. There should be a local content committee for each significant project. An overall committee is overseeing the administration of the local content policy, and we are told now that it has met; I do not know how many times it has met. I and the union and industry people who have been involved in this area in the past are very concerned that it has tended to be a talkfest and is too general. The feeling is that there should be a local content committee for each significant project which will identify in advance the engineering and consulting work that will be required on that project. There is usually a fairly long lead time on these projects, and assessments can be made for local industry. People who have experience in these matters believe general committees cover matters that are far too general, and it is very difficult for the committee to be little more than a talkfest.

I suggest the Mining Act could be amended. The Minister says that he cannot do much else, because that Act does not have provisions covering local content or there is no way of enforcing local content where a project exists under that Act, rather than under an agreement Act. That includes most of the goldmining industry, which is one of the major parts of industry development in this State at present.

Mr C.J. Barnett: Perhaps if the local content were not high enough, they could pay a gold royalty.

Mr THOMAS: That might encourage these companies. However, as I said earlier - I do not know whether the Minister was in the Chamber at the time - we are doing very well with local content in the gold industry, to the extent that we are exporting our expertise in that industry to other countries and providing work opportunities for

Australians overseas. Gold is doing fairly well, but it is not the only ore mined under the Mining Act. It would be a simple matter to amend that legislation, to give the Minister the capacity to invoke a local content provision, but at the same time putting in place a ceiling. A quantum could be set within that provision. The Minister could be given some capacity to require companies to observe local content clauses.

The Minister also used the excuse for not having a high enough level of local content, particularly in the petroleum industry, that most of it occurs in commonwealth waters and is beyond the State's jurisdiction. My colleague the member for Belmont made it quite clear that perhaps we should approach the Commonwealth about this issue. Because we obviously have a common interest in the prosperity of Australia, we could suggest to the Commonwealth that it legislate to ensure there are provisions for local content in projects that occur in commonwealth waters.

The development of the engineering sector that services the petroleum industry will not necessarily replicate the development of industries that service onshore hard rock, or soft rock for that matter, mining. They are quite discrete. The petroleum industry is an international industry. People tend to follow projects from country to country. Unless the Government takes some concrete steps, it will be very easy for this industry to be serviced completely from outside Australia and for the opportunities that are presented by the development of petroleum in this State to pass us by.

In recognising that it is an international industry, we must accept that work will be done outside this country for projects in Australian waters, or for that matter on land in Australia. A tit for tat approach should be taken. Australia has the capacity to develop export engineering expertise and to do work for projects in other countries.

Mr C.J. Barnett: I agree with what you are saying. One of the biggest problems Australia faces, and I do not have a solution, is for Australian companies to retain equity. Ampolex's exit from the CTS joint venture and other companies that have similarly been taken over are a big problem. International gas and oil companies will pay a premium price for acreage and, therefore, for companies holding acreage often off the west coast of Western Australia.

Mr THOMAS: I am interested to hear the Minister say that.

Mr C.J. Barnett: It concerns me; I am worried about that.

Mr THOMAS: It strengthens the case for representations to be made to the Commonwealth for some sort of concerted national effort on this issue. The negotiations will probably have to be conducted by the Commonwealth, or perhaps jointly.

Mr C.J. Barnett: In the case of Ampolex, I do not think the Commonwealth even realised what the issue was. It is so far from where the action is, it did not even realise; it did not even consult with this State on that.

Mr Ripper: That is very concerning.

Mr THOMAS: I thank the Minister for the information and I agree with my colleague that it is a matter of concern. It further strengthens the argument for representation to be made to the Commonwealth.

We are dealing with companies which have an Australian participant. For the most part they are the oil majors - the seven sisters, as they are known - which operate around the world and have requirements for engineering expertise for their projects. It is time for bargaining and negotiations between Australia and the participants in the development of our resources. If on occasion, for whatever reason, these companies wish to use a preferred supplier that is outside Australia for some aspect of their project, Australia should then bargain to get compensating work elsewhere. For the most part, these structures are floated. It is very easy for this work to be done off shore. These structures can be built in one part of the world and floated to where the project is to take place. Some companies might be competing for work on structures that are closer to the existing projects in Australia's northern waters. I refer, in particular, to the development of projects in the Timor Sea.

A concerted effort will be required by Governments, both Commonwealth and State, to protect and foster Australian industry. There is enormous potential in the petroleum area. It can be compared with the gold industry which, as well as having a very significant engineering industry, has now become an export industry, in that we send our expertise and engineering ability to other countries and also provide work opportunities for Australians in other countries. That should happen in the petroleum industry. It can happen, but it will require a concerted effort by the State Government, much more than we have seen so far.

MR C.J. BARNETT (Cottesloe - Minister for Resources Development) [4.37 pm]: I thank members opposite for their support of this Bill. We have just had a wide ranging debate. I do not mind that because these issues are important. They relate to local content and some of the dilemmas and anomalies that arise because of the dual jurisdiction in offshore waters between the Commonwealth and the State. This is a relatively straightforward

agreement Bill for the development of a very large iron ore resource of two billion tonnes. Indicatively it is a resource that has a value of over $40b during its life.

The critical issues include that the agreement Bill facilitates the development of the project. Hamersley Iron Pty Ltd is keen to get under way by mid-next year. It is a significant project and involves substantial infrastructure, including as the member for Belmont said, the extension of the railway through the Karijini National Park to the minesite. In that sense it opens up other resources in the east Pilbara region.

The major provisions in the Bill worthy of note include the further processing obligations. My view, which has been borne out by recent experience, is that, in terms of encouraging further processing, the most effective obligation has been placing limitations on tonnages. In the BHP agreement Acts and its final decision to go ahead with the hot briquetted iron plant at Port Hedland, the tonnage limitation - although not the dominant consideration - was important; similarly the requirements that the further processing obligations come into play after 10 years of mining, or 150 million tonnes of ore being extracted. That figure will be reached well within the 10 years.

The processing obligation will impact on this company. If further processing is not undertaken, or the Government is not satisfied, the company faces physical limitations on the mine capacity. The Yandi ores, as the relevant opposition spokesman said, are low in alumina. They are attractive and have been extremely sought after within the marketplace, therefore I expect Hamersley Iron will do well in marketing this ore; hence, its desire to bring this mine into production as quickly as is possible.

Tonnage limitations also serve two other roles: First, they are more effective than concessions in iron ore royalty rates; and second, for this and future Governments, it will bring into focus issues such as the optimum long term level of iron ore development from the Pilbara region. It is expected that on current plans of existing producers and perhaps even additional producers, production of iron ore in the region will reach approximately 200 million tonnes by around 2005 from around 140 million tonnes per annum at present. At that stage we will have reached a point where we will be facing issues. Two hundred million tonnes is about the right amount for the long-term viability and continued operation of the industry. The public may reasonably expect that iron ore production at that level should be supported by very substantial iron ore processing and value adding. That is not a public policy that we must face now but it is something that producers, Governments and Oppositions of the day should consider. I do not have a firm view on it; I am sharing one of the things that exercises my mind from time to time.

Mr Ripper: We admire your generosity.

Mr C.J. BARNETT: It is an important issue which the iron ore industry must consider. Valid points were made about local content, perhaps with different emphases, but we share a desire to see local content levels rise and more processing whether it be iron ore, petroleum products or whatever else. Our discussion was useful but the comments made by the member for Cockburn were more general in relation to the mining industry.

I thank members opposite for their support of the Bill. Hamersley Iron Pty Ltd is keen that this agreement Bill progress through both Houses of Parliament. That will trigger some native title processes and allow the company to plan with confidence for a construction start about the middle of next year.

Mr Ripper: You may have been out of the House when I expressed my concern that native title processes were not triggered until a Bill went through Parliament and how difficult that may be given parliamentary schedules from time to time. The company is fortunate that the Bill has gone through now. In a few more weeks there could have been a problem.

Mr C.J. BARNETT: I am not an expert on that matter, but some debate has taken place. I do not think the point at which the native title process is triggered is clear. Perhaps the signing of the agreement or the passage of the legislation through both Houses triggers it - I do not know. Ultimately that will be tested through tribunals and courts. It suits that purpose as a by-product. It is important that the Parliament consider agreement Bills and both Houses agree to them and that the proponents are confident about developing projects.

I congratulate Hamersley Iron on this project. It will be a good further development of its mining operations and a further important step in the iron ore industry in the Pilbara.

Question put and passed.

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

FIREARMS AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

Council's Amendments - In Committee

The Deputy Chairman of Committees (Dr Hames) in the Chair; Mr Wiese (Minister for Police) in charge of the Bill.

The amendments made by the Council were as follows -

No 1

Clause 6

Page 5, line 19 - To insert after "be" the words "an independent Chairman appointed by.

No 2

Clause 6

Page 6, line 10 to page 7, line 29 - To delete the lines.

No 3

Clause 11

Page 15, lines 15 to 21 - To delete the lines.

No 4

Clause 11

Page 15, after line 22 - To insert the following subclause -

(2) The Minister is to ensure that, within 12 months after the commencement of the provisions of this Act other than section 16 -

(a) regulations are made in accordance with section 10A of the principal Act; and

(b) those regulations reflect the spirit of Resolution 5 of the Special Firearms Meeting of the Australasian Police Ministers' Council on 10 May 1996.

No 5

Clause 12

Page 16, line 12 - To delete "public interest" and substitute "interests of public safety" .

No 6

Clause 12

Page 16, after line 19 - To insert the following new subsections -

(3) The Commissioner has a sufficient ground for forming an opinion that a person is not a fit and proper person to hold an approval, permit or licence under this Act if the Commissioner is satisfied that -

(a) at any time within the period of 5 years before the person applies for the approval, permit or licence -

(i) the person was convicted of an offence involving assault with a weapon;

(ii) the person was convicted of an offence involving violence;

(iii) the person was convicted of any offence against this Act; or

(iv) a violence restraining order was made against the person,

whether in this State or in any other place; or

(b) the person fails to meet standards of mental or physical fitness that the Commissioner considers to be necessary for the person to hold the approval, permit or licence.

(4) In subsection (3) -

"violence restraining order" means a judicial order imposing on the person against whom the order is made restraints on the person's lawful activities and behaviour to prevent the person -

(a) committing an offence against the person under Part V of *The Criminal Code*, other than Chapters XXXIV and XXXV; or

(b) behaving in a manner that could reasonably be expected to cause fear that the person will commit such an offence,

or a similar order made under the laws of any place other than this State.

(5) The Commissioner may form an opinion that a person is a fit and proper person to hold an approval, permit or licence under this Act in a case in which the Commissioner has a sufficient ground under subsection (3) for forming the contrary opinion.

(6) Subsection (3) does not limit the Commissioner's ability, when forming an opinion as to whether a person is a fit and proper person to hold an approval, permit or licence under this Act, to take into account -

(a) a conviction or order made outside the period of 5 years referred to in paragraph (a) of that subsection; or

(b) anything else that could have been taken into account if that subsection had not been enacted.

No 7

Clause 18

Page 26, after line 3 - To insert the following new subsections -

(4a) Before granting or issuing a licence, permit, or approval to a person under this Act the Commissioner is to ensure that, for the purpose of forming an opinion as to whether the person is a fit and proper person to hold the licence, permit, or approval -

(a) reference has been made where practicable to relevant criminal records held by the police forces in this State and elsewhere in Australia;

(b) if there is any apparently reliable indication that the person may not meet standards of mental or physical fitness referred to in section 11(3)(b), sufficient evidence has been provided to the Commissioner to satisfy the Commissioner that the person does meet those standards; and

(c) if there is any apparently reliable indication that for any other reason the person may not be a fit and proper person to hold the licence, permit, or approval, sufficient evidence has been provided to the Commissioner to satisfy the Commissioner that the person is a fit and proper person to hold the licence, permit, or approval.

(4b) The evidence that the Commissioner may require before being satisfied that the person meets standards of mental or physical fitness referred to in section 11(3)(b) may include a certificate from a medical practitioner to the effect that the person has been examined and has not been found to have any physical or mental condition that could reasonably result in the person being considered not to be a fit and proper person to hold a licence, permit, or approval under this Act.

(4c) On being provided with a certificate from a medical practitioner as required under subsection (4b), the Commissioner may request from the medical practitioner any further information that the Commissioner considers to be relevant and nothing prevents the medical practitioner from providing the Commissioner in good faith with further information about the person.

(4d) Subsection (4c) has effect despite any duty of confidentiality, and the provision of information in good faith as requested under that subsection does not give rise to a criminal or civil action or remedy.

No 8

Clause 24

Page 39, lines 17 and 18 - To delete "on the grounds that it was made on an improper or irrelevant consideration".

No 9

Clause 24

Page 39, line 17 - To insert after "decision" the words "on the ground that the Commissioner erred in the making of the decision".

No 10

Clause 24

Page 40, line 10 - To insert after "against" the following -

and, if the decision is set aside, may -

(a) make a decision in substitution for the decision set aside; or

(b) remit the matter for reconsideration in accordance with any directions or recommendations that are considered appropriate.

No 11

Clause 26

Page 44, line 23 - To insert after "practitioner" the words "in good faith".

No 12

Clause 26

Page 44, line 26 - To insert after "practitioner" the words "in good faith".

No 13

Clause 37

Page 56, line 19 - To insert after "(3)" the designation "(a),".

No 14

Clause 37

Page 58, lines 5 and 6 - To delete the lines and substitute the following -

(a) the Chairman or, if the Chairman is absent, the Chairman's deputy, is to preside; or

No 15

Clause 37

Page 61, line 27 - To insert after "respondent" the words "and any other person considered by the tribunal to have a sufficient interest in the matter".

No 16

Clause 38

Page 64, lines 23 and 24 - To delete "of category C or D".

No 17

Clause 40

Page 66, line 8 - To insert after "times" the words "except if it is impracticable to do so ".

No 18

Clause 40

Page 66, after line 24 - To insert the following new subsection -

(4) A person does not commit an offence under subsection (2)(b)(i) if the person is not in possession of the Extract of Licence when the request is made and, within 48 hours after being requested to produce the Extract of Licence, the person produces the Extract of Licence for inspection by the officer-in-charge of any police station.

No 19

New clause 29

Page 48, after line 6 - To insert the following new clause to stand as clause 29 -

Section 27A inserted

29. Before section 28 of the principal Act the following section is inserted -

" **Disqualification by court imposing restraining order**

27A. (1) A court making a violence restraining order against a person may order that, for a term set by the court or until a court orders to the contrary, the person be disqualified from holding or obtaining any licence, permit, or approval, or any particular licence, permit, or approval, under this Act.

(2) In subsection (1) -

"violence restraining order" has the same meaning as it has in section 11 (4).

(3) If an order under subsection (1) disqualifies a person from holding any licence, permit, or approval already held by the person when the disqualification order is made, the licence, permit, or approval held is, by force of this section, suspended and has no effect for so long as the disqualification order is in force.

(4) The court is to ensure that details of the restraining order and the disqualification order are made known to the Commissioner as soon as is practicable. ".

No 20

New clause 51

Page 78, after line 9 - To insert the following new clause to stand as clause 51 -

Amendments to the *Sentencing Act 1995*

51. (1) In this section the *Sentencing Act 1995** is referred to as the principal Act.

[* *Act No. 76 of 1995.*
For subsequent amendments see 1995 Index to Legislation of Western Australia, Table 1, p. 201 and Gazette 25 June 1996.]

(2) Section 106 (1) of the principal Act is amended by deleting "a firearms offence" and substituting the following -

"an offence specified in subsection (4a) ".

(3) Section 106 (3) of the principal Act is repealed and the following subsection is substituted -

"(3) When an order is made under subsection (1), by force of this subsection any relevant licence, permit or approval held by the offender under the *Firearms Act 1973* -

(a) is suspended and has no effect for so long as the disqualification order is in force; or

(b) if the order so specifies, is cancelled. ".

(4) Section 106 (4) of the principal Act is amended by deleting "firearms".

(5) After section 106 (4) of the principal Act the following subsection is inserted -

"(4a) This section applies to -

(a) a firearms offence;

(b) an offence involving assault with a weapon;

(c) an offence involving violence. ".

No 21

New clause 78

Page 78, after line 9 - To insert the following new clause to stand as clause 78 -

Minister to report on implementation of APMC Resolutions

52. (1) A reference to a **"Resolution"** in this section is a reference to a resolution of the Australasian Police Ministers' Council meetings on 10 May 1996 and 17 July 1996.

(2) The Minister shall prepare a report on any Resolution that requires for its implementation -

(a) any ministerial direction;

(b) any other executive action;

(c) the enactment of any Act; or

(d) the making of any subsidiary legislation.

(3) The Minister shall cause copies of the report required by this section to be laid before each House of Parliament within 12 months after the commencement of the provisions of this Act other than section 16 or by 31 December 1997, whichever is the later.

(4) Without limiting the matters the subject of the report required by this section, the report must contain advice on the participation by this State in -

(a) an effective nationwide firearms registration system in compliance with Resolution 2;

(b) the development of uniform guidelines by licensing authorities in compliance with the Resolutions;

(c) the development of an accredited course for firearms safety training in compliance with Resolution 5;

(d) the implementation of national uniform standards for when a licence for a firearm is to be refused or cancelled in compliance with Resolution 6 including the development of criteria and systems for determining mental and physical fitness to own, possess or use a firearm;

(e) the development of a national standard approach to the storage of firearms and ammunition in compliance with Resolution 8;

(f) the provision of records to the National Register of Firearms in compliance with Resolution 9; and

(g) the implementation of compensation and incentive issues and other action taken before and after the proposed 12 month national amnesty in compliance with Resolution 11.

No 22

Long Title

Page 1 - To insert after "***Justices Act 1902***" the words "**and the *Sentencing Act 1995***".

Mr WIESE: I move -

That the amendments made by the Council be agreed to.

It is not my intention to delay the Chamber by discussing the amendments in detail. I agreed to a great many of them during the Committee stage of the debate in this Chamber. I put many of the amendments moved by members opposite into an acceptable format and included them in amendments to the Bill in the upper House. Every one of those amendments is contained in this message. Several amendments were moved by other members in the Legislative Council, one or two of which are contained in this message. It is the Government's intention to accept those amendments.

Some of the amendments, especially to the clause covering the appeal process are significant. During debate in this Chamber it became obvious that that amendment should be included in the Bill. After discussion with the various interest groups in the community I have agreed to include the amendments in which I had a role in drafting.

The amendments to the appeal process will widen the scope of the grounds that can be covered in an appeal, be it to the Court of Petty Session or to the Independent Appeals Tribunal for which this legislation provides. It will be greeted with some satisfaction by the members of the firearms owners and users fraternity. That establishment of an appeals tribunal is a significant advance in firearms legislation in Western Australia. It will ensure that decisions of the Police Service, or the Police Commissioner in many cases, will be subject to scrutiny that they may not have been previously. Many people who may have been dissatisfied with the commissioner's decision were not prepared to take an appeal to the Court of Petty Sessions because of the expense involved. It will put some pressure on the Police Service to give those applications a great deal of close scrutiny so that it can justify the grounds on which an application is refused. Those grounds must be given in writing, and they will be subject to scrutiny by the independent appeals tribunal. I indicate considerable satisfaction with the amendments made. I appreciate the support from members of the Opposition and from government members in the other House. It gives me great pleasure to move acceptance of the amendments contained in this message from the other place.

Mr McGINTY: The Minister indicated when this Bill was dealt with in Committee that he would give consideration to a number of suggestions made by the Opposition at that time. The Opposition addressed seven areas in its amendments. Two amendments were accepted, subject to minor variation, and the Minister gave further consideration to the other five. I am pleased he is honouring his undertaking and that the amendments are substantially along the lines of those indicated by the Minister during the second reading and the Committee debate of this Bill in the first instance.

I refer briefly to the amendments. I, and I suspect that the Minister, would prefer that the Legislative Council had not proposed amendment No 5 to prescribe the narrower test of "the interests of public safety" in clause 7 of the Bill. The law passed by this Chamber was that the commissioner had a discretion to refuse to grant an approval or permit or issue a licence under the Act if it were not desirable in the public interest. That is a very broad test, and it is disappointing that the Legislative Council saw fit to prescribe a narrower test of the interests of public safety. There is now internal inconsistency in the legislation because in most respects the test is the public interest and not the interests of public safety. However, that is nothing more than a nettling annoyance and the Bill should not be held up because of it.

I am pleased that amendment No 6 has been made. A criticism was made of the legislation when it came to this Chamber in the first place because it did not refer to the expressed criteria that the Australasian Police Ministers' Council formulated as the basis upon which a firearm licence should be refused. I presume the Minister is responsible for this amendment, which gives the Commissioner of Police the power to refuse a firearm licence if at any time within a period of five years before the person applies for the approval, permit or licence, that person was convicted of an offence involving assault with a weapon, an offence involving violence, or any offence against this Act, a violence restraining order was made against the person, or if the person fails to meet mental and physical fitness standards necessary to hold a licence. It is important that that be included in the legislation for a number of reasons. First, it was agreed by the Police Ministers that these items should be included as expressed criteria. Secondly, it is a useful guide to the Commissioner of Police when exercising his discretion and indicates a measure of seriousness. I consider the section dealing with violence restraining orders to be a significant weakness in the legislation.

Mr RIPPER: I know that my colleague, the Deputy Leader of the Opposition, has more significant comments to make on this Bill. Unfortunately he is bound by the standing orders from resuming his speech until someone intervenes. I have done that.

Mr McGINTY: The definition of violence restraining order refers to the necessity to prescribe in the legislation this extremely vexing area of an expressed power of the police to refuse to grant a firearm licence to a person who is subject to a violence restraining order through the courts. I am pleased that has been spelt out in the legislation. On my reading that was intended by the Police Ministers' council meeting.

I turn briefly to the appeal mechanisms. The Minister has indicated a number of significant changes have been made in this area. I refer to amendments Nos 8, 9 and 10 from the Legislative Council. Clause 24 was a rather peculiarly

worded provision which gave a right of appeal against a decision of the commissioner to refuse a licence on the grounds that it was "made on an improper or irrelevant consideration". I indicated during previous debate that I was not sure what the notion of improper consideration was. I know what an irrelevant consideration is. I am pleased that not only has the phrase been deleted from the legislation, but also it now includes the far wider basis upon which people may appeal against the decision of the Commissioner of Police on the ground that the commissioner erred in making a decision. If the intention is to broaden the basis upon which people can appeal to incorporate all those areas which traditionally are the subject of a right of appeal in administrative decision making, it is a significant step forward to look after the legitimate interests of firearm owners and their right to lodge an appeal and have that appeal heard by an appropriate tribunal.

The DEPUTY CHAIRMAN (Dr Hames): I ask the member to speak a little louder. He is positioned between microphones.

Mr McGINTY: Only if you, Mr Deputy Chairman, will tell everyone around me to quieten down. That is the problem I am drawing your attention to.

The DEPUTY CHAIRMAN: Members are speaking slightly above the acceptable level. However, because the member is between microphones, it makes the situation very difficult. Perhaps the member should move them closer to his microphone.

Mr McGINTY: You do not want to tell them to be quiet, Mr Deputy Chairman?

Amendment No 10 deals with the basis on which the tribunal can set aside a decision of the Police Commissioner and deal with it in an appropriate way. The other amendments will enhance the operation of the legislation and they have the support of the Opposition. This legislation can now complete its passage through the Parliament and come into force. I hope we will see a safer community.

Mr WIESE: I thank the Deputy Leader of the Opposition for supporting the amendments before the Chamber. He commented on the amendment contained in clause 5, and to some degree he was right. I am disappointed that the amendment was included by the Legislative Council. It has the effect of narrowing the scope of the Commissioner of Police in making a decision to refuse or accept an application for a licence. It is something that I, and I hope the Parliament, will watch carefully to see whether in practice it has an adverse effect on the manner in which applications are dealt with. Certainly if experience shows through appeals to either the Court of Petty Sessions or the independent tribunal that there has been a weakening of ability of the commissioner to deal with applications from people he believes are unsuitable, this clause might be revisited. If I were the Minister responsible at that time, that would be my intention. I hope that whoever might be Minister at that time will also take into account how that clause is being interpreted and revisit that in the light of experience.

We need to let the clause run, and to see how it works in practice. The concept of public safety is a new one. As far as I can ascertain we have no experience to enable us to give an indication of how the courts will interpret what is encompassed in that concept of public safety; whereas the clause that I included in the legislation that dealt with public interest was clearly understood within the legal system. There was a great deal of case law and background to indicate how it would be interpreted, and everybody knew the parameters within which we were working in interpreting that clause. I am willing to run with the clause that replaces public interest with the concept of public safety. I am sure that over time we will develop a history of court interpretations on that clause. If it proves that the interpretation is too narrow and people are getting firearm licences which may have been refused using the public interests grounds, we will revisit that clause. I am not willing to jeopardise the significant achievements that have been made in this legislation both within this Chamber and the other place and those achievements have been strengthened by the amendments that have been put in place.

Again I express my appreciation for the support from both sides of the Chamber and in both Chambers - especially the Opposition - to enable this legislation to be dealt with quickly and appropriately. It is good legislation. It strengthens Western Australia's firearms legislation considerably and it will once again ensure that Western Australia is in front with the best firearms legislation anywhere in Australia. We have the added benefit that our legislation will work. We know it works from past experience, whereas the recently introduced changes in the Eastern States will still be subject to seeing how in practice they work. We are a long way in front of the other States with our firearms legislation and firearms regulation and Western Australia can be very proud of that.

Question put and past; the Council's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

MENTAL HEALTH BILL

Second Reading

Resumed from 22 October.

MR PRINCE (Albany - Minister for Health) [5.07 pm]: In replying I first express my gratitude to the members who have spoken for their virtually wholesale support of this legislation, particularly those members from the Opposition. Although there have been a number of speakers they have all raised some queries about particular matters, rather than any opposition to any part of the Bill before the House. It is an excellent piece of legislation, given its genesis over a long period, particularly through the task force last year and the process that has produced the document now.

The member for Cockburn spoke about part 7 of the Bill, particularly clause 156 which in a general sense deals with the protection of patient rights. That part details in length not only with those rights, but also the way in which those rights will be protected, explained and so on. The member raised the issue of how rights in that clause, such as the right to have an explanation given with regard to admission to an authorised hospital, will be administered. Clause 156(2) provides that any explanation is both oral and in writing and in a language understood by the person. A person whose first language is not English or who does not speak English must be communicated with in a language that is readily understood by them. Clause 157 provides that a copy of that explanation must be given to another person, and clause 158 places the responsibility for the explanation firmly on the treating or supervising psychiatrist and in the case of a community treatment order the person in charge of an institution, if the person is in an institution.

The administrative procedures for recording the explanation of a person's rights are clearly outlined in clause 158(2). The regulations will detail the form of both the explanation and the recording of that explanation. Undoubtedly, a code of practice will, insofar as it is necessary, detail anything else that should be good practice in putting into effect and satisfying the provisions of clause 156 to discharge the onerous task of ensuring that a patient's rights are explained.

The member for Kenwick raised a number of matters concerning the rights of a child who has a mental illness and the rights of a child whose parent has a mental illness. In some respects, her queries are difficult to answer in a prescriptive way. A child may or may not have the capacity to give consent. It is a difficult thing to determine and it must be decided on a case by case basis. It will depend very much on the level of maturity, intellectual capacity and understanding of any child, adolescent or adult, and whether they have the intellectual power to be able to consent to treatment. We really cannot stipulate the age a person must be to be able to give consent. If we were to do that, examples of where that prescription would not work would be forthcoming. Therefore, the best outcome would be to leave the matter where it should be fairly and squarely left; that is, with the individuals who are patients and the professionals who are seeking to treat them in a way that will benefit them. It is the only place it can be left. This issue was considered at length by the Mental Health Task Force.

The rights of children whose parents have a mental illness are no greater or lesser than any other child who may or may not have a parent with an illness, irrespective of whether it is physiological or mental. The Child Welfare Act details certain obligations on the part of the State to care for children who would otherwise be at risk, either physically, mentally or emotionally. In the unfortunate event that a parent who is responsible for the care of a child or children suffers a mental illness and must be put into some form of institution, the State is obliged under the Child Welfare Act to intervene and care for the child or children who are adversely affected. In a sense, it is a right, but it has been in the law of this State since 1947.

The member for Kenwick also raised the question of consent to treatment which is covered in part 5, division 2 of the Bill. The provisions in that division of the Bill must be complied with before treatment is administered. Clause 95 is very explicit. It states that a patient gives informed consent to treatment only if the requirements of this clause are complied with and the consent is freely and voluntarily given. The capacity to give informed consent is dealt with in clause 96. It states that a patient is incapable of giving informed consent unless he or she is capable of understanding a number of things. Explanations must be given and sufficient time must be given. For the first time this is a legislative enactment of the widely-held view that treatment should not be administered unless a person can and does give informed consent.

The member for Kenwick also raised the question of transportation by the police of a person with a mental illness. I have discussed this issue with the member. When taking a person into some form of custody, the group in society which has the most experience and which is best able to do that outside the prison system is the police. The police do it as a matter of course all the time. Of course, they deal with people who, in the main, are not suffering from a mental illness. However, they deal with people from all walks of life and while it might be desirable in the future to have some other form of transportation of people with mental illness other than the police, in a State the size of Western Australia, with only 1.8 million people, it is not possible from a resource point of view to set up another service that would be readily available as well trained and as competent as the Western Australia Police Service in

dealing with the relatively small number of citizens of this State who, by reason of mental illness, are in such a state that they have to be transported in a custodial sense. While I appreciate the concern expressed by the member for Kenwick, transportation by the police will have to remain the way in which the small number of people who are stricken in this way are moved from the place where there is some problem to a treatment facility.

The Leader of the Opposition spoke at length on this Bill and raised a number of matters. I acknowledge he gave four substantive reasons for supporting the Bill. He asked why the statement of principles from the United Nations were not incorporated in the legislation. I pointed out to him by way of interjection that the second reading speech refers specifically to the UN principles. It states -

> The objectives reflect the United Nations' principles for the protection of persons with mental illness and the national mental health statement of rights and responsibilities, principles which have informed the Bill generally.

In that sense it would not be necessary to incorporate the UN principles and the national mental health statement in the Bill. It could be done, but the UN principles comprise several pages and it would make the Bill and the subsequent Act a much larger document. I am not sure it would benefit the legislation from a practical point of view, particularly as the second reading speech refers to both the UN principles and the national statement. The principles for statutory interpretation enable courts to refer to second reading speeches in an attempt to extract what they can to determine the meaning of the words in any Act of Parliament.

The Leader of the Opposition also raised the question of ministerial responsibility in the context of the specific responsibilities which are imposed upon the chief psychiatrist. The Leader of the Opposition was referring to part 2 of the Bill which details the functions of the chief psychiatrist and the Minister. The best answer that I can give to the concerns raised by the Leader of the Opposition is that it is clear that the Minister of the day has responsibility for the Act and its administration. There is also a very clear responsibility on the part of the chief psychiatrist. Those responsibilities are listed, laid out and defined. The Minister of the day remains responsible, in an overarching sense, concurrently with the chief psychiatrist. It would never be reasonable to expect a member of Parliament, as Minister for Health from time to time - unless that person were a fully qualified and competent clinical psychiatrist - to be able to carry out the responsibilities of a psychiatrist. There is a clear delineation between the functions and responsibilities of the chief psychiatrist and the Minister. The Minister remains publicly, politically and administratively accountable. He might, to a very limited extent, be medically accountable in the sense that he is partly responsible for the appointment and management of the medical side of the mental health system - he therefore employs the competent and qualified people who run the system. I do not see that there is any absolving of responsibility by the Minister of the day in the legislation. Rather it is a clarification of roles and responsibilities, with the Minister remaining responsible, as he always is.

The Leader of the Opposition asked whether voluntary clients are to be mainstreamed. They are. He also questioned how the chief psychiatrist would be appointed. The usual process set down in the Public Sector Management Act will be followed.

The Leader of the Opposition also referred to clause 26 and the concept of self-inflicted harm and serious damage to property. This clause deals with the criteria that must be established for a person to become an involuntary patient. Among those criteria is reference to an order being made to protect the person from self-inflicted harm or preventing a person from doing serious damage to any property. What is self-inflicted harm or serious damage to property is ultimately determined by the Mental Health Review Board, which is set up elsewhere in the Bill. There is no reasonable justification for trying to define more prescriptively concepts of self-inflicted harm or damage to property. To do so would almost inevitably exclude something that should be covered. The plain meaning of the words should be interpreted by application of commonsense and by dealing with the particular case before the authorities at the time. To try to define in such an exact language as English what the phrase means - it would be better done in Latin - could result in an exclusion of cases, and I would not wish to do that.

When referring to a person's becoming an involuntary patient, the whole of clause 26 must be read. A very prescriptive set of criteria that will apply only in extreme cases where, should an involuntary -

[Quorum formed.]

Mr PRINCE: A number of quite strict criteria must be satisfied in relation to a person's becoming an involuntary patient. To attempt an even more prescriptive definition could result in a negation of the terms of the clause when it should be used in certain cases.

Mr Thomas: It leaves it to a matter of judgment.

Mr PRINCE: It does.

Mr Thomas interjected.

Mr PRINCE: I accept the member's interjection. If the community and the State do not have confidence in the judgment of the people who make orders for involuntary detention we do not have a lot of confidence in any form of mental health treatment.

The Leader of the Opposition also raised the issue of electroconvulsive therapy and psychosurgery. The leader asked whether I was satisfied that the use of these forms of electroconvulsive therapy in an emergency would not open the possibility of misuse. Again, one must have some degree of confidence in the people administering this form of therapy. I refer members to clause 104, which clearly states that a person is not to perform electroconvulsive therapy on an involuntary patient or a mentally impaired patient unless it has been recommended and that recommendation has been approved by another psychiatrist. The penalty for breach of that provision is a maximum fine of $10 000 or imprisonment for two years. It is a significant criminal sanction upon this form of therapy being used where it is not appropriate. The matters that should be considered by the psychiatrist are defined in clause 105, and under clause 106 reference must be made to the Mental Health Review Board. The structure of the clauses in that part of the Bill is such that the public should have confidence that even in an emergency it is not likely to be misused. The checks and balances in the Bill are sufficient.

The Mental Health Review Board is established under part 6 of the Bill in clause 125 and thereafter. A couple of points were put to me by the Leader of the Opposition that consumers should be explicitly on the Mental Health Review Board. Under clause 126(2) the membership is to comprise the number of persons that the Minister of the day thinks is appropriate, but will include one psychiatrist, one legal practitioner, and at least one person who is neither of the two. There could be a Mental Health Review Board of three, but it is likely that it would be more than that. It may be desirable to have a consumer representative on it. As Minister responsible for the administration of this Bill if it becomes an Act, I will give favourable consideration to that proposition. However, whether that is appropriate will depend on who the individual or individuals are from time to time. To write it in as a prescriptive requirement is not warranted, given that Ministers are subject to being on the receiving end of advocacy from various bodies and from time to time it may be desirable that there be consumers on it. I think I have already dealt with the other matters the Leader of the Opposition raised.

The member for Kalgoorlie made interesting observations about stress and grief not being an illness as defined under clause 26. I note what she says. Clause 26 deals with involuntary patients. It is appropriate that there be a community response to those conditions that we might otherwise say were a form of mental disturbance rather than mental illness. I am talking about a disturbance that follows the grief as a result of the death of a spouse after a long marriage, for example.

Ms Anwyl: You have misconstrued me. I said that you need to recognise that there does not need to be a clause 4 definition of mental illness in order for a person to have a mental health problem.

Mr PRINCE: Yes, I am trying to point out that it is not a mental illness when people have those sorts of stimuli that cause a mental disturbance, but is something that, it is hoped, is a transitory exercise. It may last for some time, but it is transitional and is part of the human experience as opposed to being that extreme step that is mental illness. I accept what the member says, but as a definition, stress and grief and so on are not matters that should ever be considered as a mental illness.

The member for Kalgoorlie raised the issue of community treatment resources. From memory, the budget for mental health is $126m in this current financial year and an additional $40m is committed over three years. I have made the point on a number of occasions that to commit more resources to mental health would not be a useful use of the resources at present, simply because of the shortage of psychiatrists, suitably qualified mental health nurses and other allied health professionals. While those shortages are recognised not only in this State, but Australia-wide and in the western world, there is reason for optimism in this State in that all the training programs are full and we are beginning to attract a significant number of mental health workers. The number of psychiatrists in the State has been increased in the past 12 to 18 months by 13 or 14 practitioners, which takes the number to 115 or 116 practitioners. On the normal ratios, about 190 are required.

I was privileged last Friday to open a centre for neuropsychiatry research at Graylands Hospital, which is a joint exercise between Graylands, the University of Western Australia and the State Government. That has attracted some extraordinarily eminent people from America and Europe to work in the area. Having a centre of excellence of that nature that is recognised by the World Health Organisation, which went to the trouble of sending a long message of congratulations, is already attracting researchers - young graduates who want to study and be involved in research - to this State. That raises the intellectual stature of psychiatry in a research sense and is therefore more likely to attract more people. The domino effect of simply having that centre is likely to be significant. That is not a view expressed just by me; I am repeating the views of eminent people in psychiatry in this State who have said that from their point of view this will be the effect.

The Deputy Leader of the Opposition gave a speech of support, for which I am grateful. He pointed out that about two-thirds of people with mental illness were women, but the majority of involuntary patients were men. That is an interesting observation. No doubt with more and better research and tracking in the future we will be able to work out why that is the case. The Deputy Leader of the Opposition, in much the same way as the Leader of the Opposition, made a number of remarks of support and gave a good deal of the origin and genesis of the Bill. The member for Maylands spoke in favour of the Bill and gave some personal anecdotes. She expressed support for the Bill, as did the member for Perth.

Without wishing to prolong the matter any further, I think I have answered all the matters of substance that were raised by members who spoke in support of the Bill. I reiterate my thanks for the support of the House for this most important Bill.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Ms Warnock) in the Chair; Mr Prince (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Dr WATSON: The Opposition intends that the Committee proceed with harmony and goodwill. However, we have a number of questions pertinent to a range of clauses. We bear in mind the extensive community consultation that has been done and know that this reflects the will of that community of interest. Can this legislation be proclaimed without the passage and proclamation of the two sister Bills? When does the Minister intend to debate those two Bills in this place?

Mr PRINCE: The legislation cannot be proclaimed without the Mental Health (Consequential Provisions) Bill, or the Criminal Law (Mentally Impaired Defendants) Bill. It is my earnest hope that these matters will be dealt with tonight.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Meaning of "mental illness" -

Dr WATSON: The Minister made reference to the way in which this definition was referred to during the second reading debate by a number of members. For my part, I welcome the fact that the clause provides a definition of what mental illness is not. Many people who did not have a mental illness have been confined to mental institutions - certainly in Western Australia, New South Wales and the United Kingdom. From that perspective, and from the perspective of protecting the rights of people who are ill it is very important to define what is not a mental illness. However, it appears that subclause (1) is a rather subjective definition of what is a mental illness - although I can understand that the qualification is that a significant impairment of judgment or behaviour would qualify those disturbances. Would it be helpful if an amendment were made to the subclause, adding the words "and is diagnosed by an authorised medical practitioner"? When we get into the definitions related to mood disturbances, or orientations of people perhaps from other cultures, considering some of the African or Aboriginal anthropology, some of the disturbances might be appropriate for people from such traditional cultures. It may be helpful to further qualify the definition by adding the words I have suggested.

Mr PRINCE: I have some qualms about that suggestion, although I accept the initial comments concerning definition by inclusion. The definition of mental illness was used by the United Nations Commission on Human Rights Working Group on the rights of the mentally ill and was adopted by the Health Department working group many years ago as the appropriate definition of mental illness. It is subjective only in the sense that it requires the person who makes the diagnosis to come to a judgment. The judgment is based upon that which is objectively observed, viewed, and to some extent experienced by communication with the individual. I take issue with the description of its simpliciter as subjective. I thought it was an objective view because it is a judgment of a person who is suitably qualified to make a judgment of that nature. The other point is that, for example, one cannot be confined in an institution without a competent, qualified psychiatrist, as defined in the Bill, suitably diagnosing and saying that one should be admitted. Judgments of that nature, with respect to disturbances of thought, mood, perception and so on, are capable of being made only by a suitably qualified expert - that is, a medical practitioner with psychiatric training - when talking about an involuntary patient.

Mr THOMAS: I do not wish to speak to any proposed amendment or to oppose the definition of mental illness. It must be conceded that this remains very much a matter of judgment when talking about involuntary committal. The definition provides that a person is mentally ill when that person has certain perceptions, thoughts or processes within his or her mind. It goes on to refer to behavioural qualities. The fact that a person is engaged in immoral or indecent conduct, or all those other things, does not constitute mental illness. The psychiatrist making the diagnosis can only look at behavioural evidence; he cannot read someone's mind.

Mr Prince: With a few exceptions, where there might be something physiological in the brain that can be seen, it will almost always be as a result of behavioural communication.

Mr THOMAS: Behavioural evidence is considered, but behaviour itself does not constitute mental illness. I cannot think of a better way to do it, and we must rely on the judgment of experienced people.

Ms ANWYL: Is it anticipated that reactive types of depression, such as grief, may be included under the provisions of this clause? It is hard to talk about generalities, but given that many people suffer from mental illness as a "one-off", will such occurrences be considered to a significant extent in any subjective decision relating to impairment of judgment or behaviour?

Mr PRINCE: If I understand the point, the member is referring to a situation where something happens to a person and he or she becomes extremely depressed, to the point where it would perhaps be classified as a mental illness but it is a transitory matter in that it is a passing phase in life. An example that comes to mind is post-natal depression of an extreme nature which perhaps leads to suicidal impulses, tendencies and thoughts. I think, subject to the expert on my right, that that is a mental illness. A person has tried to take her own life as a result of a hormonal imbalance resulting from pregnancy, delivery and so on. Yet I would not say that the person was permanently mentally ill. It will pass and with appropriate treatment perhaps quicker. Is that the sort of case to which the member is referring?

Ms ANWYL: Not really. I am very conscious that we are not experts. Under "mental illness" we could talk about people's ability to relate on an emotional level with other people. Surely that would not be classified as a mental illness, although one could argue that it impairs behaviour to a significant extent. I do not know whether I am on the right track.

Mr Prince: The operative word is "significant".

Ms ANWYL: That is right. That is why it must be a subjective test.

Mr Prince: Precisely. Society embraces all sorts and kinds of people. Eccentricity is not mental illness.

Ms ANWYL: I will not go down that path because it is a difficult one to follow. Is it anticipated that those sorts of dysfunctional - for want of a better word - behaviours will fall within the definition in clause 4(1)?

Mr PRINCE: I think it is highly unlikely that that sort of dysfunctional behaviour could be considered. I refer the member to clause 26, which sets out the criteria for a person becoming an involuntary patient. I appreciate that that refers to the more serious forms of mental illness and hence a subset of the definition of mental illness. However, there is no way that some form of dysfunctional behaviour could ever result in a person being classified as an involuntary patient. It would have to be, as the criteria in clause 26 spell out, a person who is behaving in those ways.

Dr Watson: Are we dealing with acute as well as chronic mental illness?

Mr PRINCE: Yes. We are dealing with not just chronic illness. I have tried to give some examples of not only chronic but also the acute.

Clause put and passed.

Clause 5: Objects of Act -

Ms ANWYL: Three principles are set out in the International Convention on Civil and Political Rights and the United Nations principles for the protection of persons with mental illness: Firstly, that no treatment except emergency lifesaving treatment should be given to any person without his or her consent; secondly, where a person is unable to consent to treatment because of his or her psychiatric condition, any treatment should be such as to cause no harm and to provide the patient with a positive outcome; and, thirdly, all persons subject to detention should have accessible and regular reviews of their psychiatric condition. Will the Minister clarify whether there could be some extension of the objects as presently set out?

Mr PRINCE: In the second reading speech I said that the objects in part 1 of this Bill reflect United Nations' principles for the protection of persons with mental illness and the national mental health statement of rights and responsibilities. That is there for assistance for anybody who wants to interpret this Bill and particularly clause 5 and the objects. With respect to treatment of patients, part 5 - clause 92 and thereafter - sets out what treatments can and

cannot be administered and says that there must be informed consent. Clause 113 deals with emergency psychiatric treatment necessary to save a person's life or prevent that person from behaving in a way that can be expected to result in serious physical harm to himself or someone else. Psychosurgery is not permitted as an emergency psychiatric treatment. I would say with some confidence that the United Nations' principles are incorporated in the objects under clause 5. However, the matters the member has raised are canvassed by the clauses in part 5 of the Bill dealing expressly with the treatment of patients.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Functions of the Minister -

Dr WATSON: This clause relates to the functions of the Minister in respect of public administration of legislation to protect and promote the rights of people with mental illness and also to emphasise the prevention of mental illness. In the second reading debate a number of us canvassed issues relating to certain groups of the population about whom we had concerns. I referred to children and adolescents, as did some of my colleagues. While it is laudable that we have reference to different ethnic groups and services that are sensitive to cultural diversity, it is an omission that we have not referred to the special needs of children and adolescents. Some of my colleagues outside this place are also concerned that women are not mentioned either, given the high incidence of a range of illnesses among women. However, we must take special account of the needs of children and adolescents and the special services they need.

Many of us in this House are most concerned about the contents of the report on attention deficit disorder and dexamphetamine medications that were brought here yesterday. There is an ambivalence about ADD and whether that is a psychiatric condition. Even though I am sceptical about a number of issues relating to ritalin prescriptions, it says much more about the prescribing habits of doctors than the behaviour and conditions of children in certain statistical districts of the metropolitan area. Nevertheless, it is important that we make special provision and take special note of the sensitivities of children and adolescents and the special services that will be needed. There has been a lot of community concern that until recently there were no funded government services that specialised in the care and treatment of children as inpatients.

Sitting suspended from 6.01 to 7.00 pm

Mr PRINCE: The points raised by the member for Kenwick related to children and perhaps other groups that one might identify by gender or otherwise and whether we should provide some special services. I remind the member of the present situation, where children can be certified at the request of their parents. We are coming a long way with this legislation; we are saying there must be informed consent. In the second reading response, I debated the points the member has raised about whether one ever comes up with a specific age. It is not appropriate. One could have a child with a level of maturity and a degree of comprehension that enables them to give informed consent at 12 or 13 years of age that another child would not have. That could result in children being dealt with unjustly. We should be treating people as people, irrespective of their age.

The Deputy Leader of the Opposition said that women comprise 65 per cent of those suffering mental illness; however, men make up the preponderance of involuntary patients. With respect, that is nothing to do with the legislation. It is not appropriate to start including that sort of thing in the legislation. We will end up with a list that, by its nature, is nothing more than a list, and anything not on the list will be excluded. The list will never include everyone it should.

One of the Minister's functions is to promote the development and coordination of services for the care and treatment of persons who have mental illnesses. That covers everyone. Reference is also made to the promotion and integration of services, encouraging the development of community services for prevention and so on. The functions spelt out in clause 7 are very carefully crafted to provide for the Minister of the day to have an obligation to develop programs and services that take mental health into the twenty-first century when it has been locked in the nineteenth or early twentieth century under this 1960s mental health legislation.

While I understand the reasons for the member's making the remarks she does, I would resist being prescriptive in that way because it could lead to an injustice and an inability to service the whole population, which is what we should be aiming to do.

Dr WATSON: The Minister has raised some even more interesting matters in his response. His willingness to say in this place that a child of 12 or 13 years of age could give consent opens up a number of doors. For instance, for many years a number of advocates in Western Australia have believed that young women of 14 years of age should be able to get contraceptive advice and have access to abortion. I will not pursue that issue, but I am pleased to have the opportunity to put it on the record.

Mr Prince: You are taking my remarks out of context and too far.

Dr WATSON: One of the Minister's functions is to ensure that services for treatment and care are, among other things, sensitive to cultural diversity. I am not sure what is the current status of services for people from different language groups and ethnic backgrounds. However, I do know that the Federal Government is most concerned, as I am sure we all are, about the ineffective, inadequate and inaccessible services for many of our indigenous people. The issue of aboriginality and mental health and mental illness is enormous. We can all understand that some special consideration, or some affirmative action, might be needed for people of Aboriginal descent when one considers the adverse family histories of so many of them. They have lost their land, their language, their culture and, indeed, their families. I could probably pre-empt some of the findings and recommendations of the current Human Rights and Equal Opportunity Commission's committee inquiring into what is colloquially known as the "stolen children". If some of us had experienced what these people have, it would be much easier to understand how mental illness is such a huge issue in Aboriginal communities.

I will not press these points, but I would like the Minister to tell the Committee what he will do to ensure there are adequate public services for people of non-English backgrounds and Aboriginal people, bearing in mind the remoteness of many of the places in which they live and also the enormous needs of those living in the metropolitan area.

Mr PRINCE: I am reminded that one of the consequences of this Bill's becoming law is the ability for local hospitals to offer services as appropriate. For example, the new Mandurah Hospital will include psychiatric services as the staff and facilities are available - as will many other hospitals throughout country areas. In a sense, that helps to address some of the particular problems related to our Aboriginal population. While about 48 per cent of Aborigines live in the metropolitan area, many do not. This provision obviously also spreads the benefit to everyone else who does not live in the metropolitan area. We have had a centralised service, although I give credit to mental health services for having decentralised its service in the past 10 or 15 years.

I gave the example of a 12 year old, because some 12 year olds would be mature enough to give consent to a regime of treatment, which would probably be biochemical, but probably the majority would not. If we translated that up to 17 years and 11 months, one would expect the majority to be capable of giving informed consent; if we took six year olds, we would not find any. The age for informed consent for medical treatment is incapable of definition with any greater accuracy, and we must allow those people who are giving the treatment to exercise their trained medical judgment to provide the proper treatment for the patient at the time.

With regard to services that are sensitive to cultural diversity, I suggest the member read the mental health plan, an excellent document which has been widely accepted and applauded. The excellence of that work has, in no small measure, resulted in Professor George Lipton relocating to Western Australia to become chief of our mental health services and Chief Psychiatrist once this Bill is passed. That plan is the blueprint for the development of many new services which have cultural sensitivity, and as the responsible Minister I would rely on the plan and the people who are employed to implement the plan; namely, the people in the Health Department, particularly the mental health division.

Clause put and passed.

Clause 8: Chief Psychiatrist -

Dr WATSON: Under what structure will the Chief Psychiatrist work? I understand that she or he will be responsible to the Commissioner of Health. Will there be a specific unit, division or department for the public administration of mental health services in this State, or will it just be a stream of the current health services?

Dr EDWARDS: The Chief Psychiatrist will have potentially extremely wide ranging duties. He or she will be an administrator but will also have an important clinical role. Although the Chief Psychiatrist will report to the Commissioner of Health, in what way will the Chief Psychiatrist be subject to peer review?

Mr PRINCE: There is now a mental health division within the Health Department, and that has some 26 FTEs. The mental health plan contains the blueprint for the performance of that division in the future. The Chief Psychiatrist will be subject to the commissioner, as stated in clause 11 -

> In performing his or her functions the Chief Psychiatrist is subject to the general direction and control of the Commissioner.

That is an administrative direction and clearly not a clinical direction; that would be inconceivable. The Chief Psychiatrist will be subject to peer review, as is any other medical professional.

Dr Edwards: It is an extremely powerful position.

Mr PRINCE: It is at the moment and will remain so under this Bill, but for the first time the responsibility is spelt out and laid very firmly on the head of the Chief Psychiatrist with the requirement to monitor standards, to assist the commissioner to carry out a strategic plan, to keep registers, and to review any decision of a psychiatrist for the treatment of an involuntary patient. In that sense, the Chief Psychiatrist stands above the other psychiatrists as being not quite a court of appeal but a person who has the ability to review decisions made by others, but from the point of view of medical decisions, the peer review system that exists throughout the medical profession exists for psychiatry to no less an extent, and probably to a greater extent. Much of the Bill contains specific provision for two psychiatrists, for example, to concur when there will be some form of psychosurgery. The protections built in for the patients are good, and part of that is the overarching responsibility position of the Chief Psychiatrist.

Clause put and passed.

Clauses 9 to 17 put and passed.

Clause 18: Authorized medical practitioners -

Dr WATSON: I have selected clause 18 but my comments will relate to the whole of division 3 and concern the staffing of mental health services by properly qualified people. While some advances have been made in designating the qualifications for authorised mental health practitioners and mental health practitioners, in the end, unless adequate and appropriate resources are directed into funding these positions, it will not count for very much. We all referred during the second reading debate to the need for more resources and personnel. There has been quite a lot of media commentary, particularly in *The West Australian*, about the shortage of qualified psychiatrists and the hunt overseas to try to recruit qualified psychiatrists from the United Kingdom and North America. I am not sure whether the department has gone so far as to apply to the Immigration Department for special exemptions for people to fill these positions in Western Australia. There is no doubt that even though there has been some modest success in recruitment, there is a general shortage of qualified, committed psychiatrists for the public system in Western Australia.

The other issue is the qualifications of mental health nurses. I have been immersed in the history of psychiatric nurse training since before I even imagined I would be standing here talking about it, but it seems to me that now, as then, some attention should be paid to the way in which nurses are prepared for this speciality of psychiatric nursing in mental hospitals, in the community, and in general hospitals where people might be admitted for a medical condition completely unrelated to their psychiatric illness; for example, because they are diabetic or need to have an appendix removed.

We need substantial new resources to ensure there are adequate numbers of appropriately prepared personnel - psychiatrists and mental health nurses. We also need clinical psychologists, occupational therapists and social workers who are well prepared in the theory as well as the practice of psychiatry. This debate has been going on for many years. With the new-found commitments by both sides of the House to the protection of people's rights, I hope we will be able to acknowledge that a substantial budget increase is needed, as well as liaison with universities and other schools that are preparing people for this work.

Mr PRINCE: Work force issues take up the lion’s share of the mental health plan. A question was asked about immigration. Yes, I have sought exemptions. Comments were also made about the number of health professionals available. For a considerable time I have been saying that there is a shortage - not just in this State, but nationally and in the western world - of psychiatrists in particular, and to a lesser extent mental health nurses and other allied health professionals.

As I said in the second reading speech, there is reason for optimism - all of the training courses are full at the moment. The fact that I was able to open a centre for neuropsychiatry at Graylands Hospital last Friday gives cause for optimism that this State will have a centre for excellence in this field. That centre - obviously the member does not know about this - is a joint exercise between the university, Graylands Hospital and the mental health division of the Health Department of Western Australia. It has attracted an extraordinary number of people from the United States and elsewhere who are engaged in some groundbreaking research in areas of psychiatry, some of which I was able to see last Friday. The result is that the World Health Organisation went to the trouble of sending a very long cable of congratulations about it. It is being looked at by many people elsewhere in the world as a centre of excellence; therefore, it is beginning to attract young practitioners. In that sense, it raises the status of psychiatry. I am sure, in time, the result will be that many of the work force issues will resolve themselves simply because of this world recognised centre.

I have only recently become acquainted with the problem that exists between the two unions covering nurses. It seems to have its origins in the mists of time and is not necessarily related to the present situation. The proposition has been put to me that mental health nurses, as such, do not need the general health nursing training that is undertaken at university these days. The contrary view has also been put to me very strongly - both views are put

to me. The prevailing system is that all nurses who wish to become registered must have a university degree and attend a training hospital. Clearly that is not sufficient for mental health nurses who need specialist training in dealing with mental illnesses. This issue troubles me, and I am working on it at the moment. The Chief Psychiatrist and the chief nurse and others within the Health Department have this matter at the forefront of their mind.

The member has raised the question of resources. The budget for the mental health division is $126m, with an additional $40m being provided over three years. Even if we provided more money, it could not be spent because the people are not available due to the shortage of trained personnel. Our commitment to providing adequate resources is unquestionable; it is there and everyone who knows anything about this area acknowledges that. The commitment of this Government, not only to the legislation but also to the resources and the plan, is acknowledged as being absolute. As people begin to come out of training programs, the question of resources becomes more critical because they will need to be increased.

Dr WATSON: I was not able to get to the opening of the neuropsychiatric unit. I am delighted that the World Health Organisation is interested in it. I agree with the Minister that, over time, this will improve the status of psychiatry in Western Australia. In the meantime, one in five Western Australians suffers a severe depressive illness. Many young women, and an increasing number of young men, suffer the misery of eating disorders.

Mr Prince: We know.

Dr WATSON: People with a whole range of mental illnesses do not have the access to the public system they should have. It seems no-one can do anything about this situation. However, I record my concern that at the moment people do not have access to the services that they should have. It seems that the distribution of resources is grossly imbalanced, with psychiatrists being prepared to work in the private sector but not in the public system. I am not sure what can be done about that in terms of this legislation. It concerns us all, especially people who are committed to social justice, that that is being reflected in our health care services.

Mr PRINCE: I cannot let this go by without some form of response. The concerns have been expressed well by many others for a long time. There is no want of commitment or resources for mental health by this Government. The professionals are simply not available.

Dr Watson: I know.

Mr PRINCE: I thank the member for that acknowledgment, because we are here tonight as a recognition of the problem. Additional money has been found in the Budget. There is a shortage of private psychiatrists, as well as those in the public system. A problem that, to a certain extent, has exacerbated the provision of psychiatric services in the public system over the past three or four years is that changes have been made in the Medicare rebate system in relation to psychiatry. To a certain extent that has helped the treatment of those with less severe mental illness in the private sector, as opposed to the public system. Patients have moved. There is a shortage of professionals there as well, and that is a complicating factor. I take up that matter with the federal Minister at every opportunity. I should be at a conference with him tomorrow, but I will not be because I will be here dealing with this legislation and the next two Bills - if necessary, all night.

Clause put and passed.

Clauses 19 to 25 put and passed.

Clause 26: Persons who should be involuntary patients -

Dr WATSON: I seek an explanation from the Minister about extra protections for children who need to be involuntary patients, where children would be hospitalised for their care during that period. I am specifically asking about their being involuntary patients in a hospital, rather than in the community. I have expressed my concerns about children and adults with mental illness before.

Mr PRINCE: I appreciate the concern raised. My adviser, Dr Cook, tells me that he cannot recall any case of a child under the age of 12 being admitted as an involuntary patient. It may have happened more than 70 or 80 years ago, but in contemporary times since the war it has not occurred.

Mr Thomas: They would be committed though, wouldn't they?

Mr PRINCE: Yes, but as far as the doctor can recall, a child under the age of 12 has never been committed.

Dr Watson: People under the age of 18 are regarded as children.

Mr PRINCE: We talk about infants and minors, and then the adolescent age group. They are subsets of the definition of child; that is, people under the age of 18. The criteria that is set down in clause 26(1)(b) must exist and must be satisfied before a person can be admitted as an involuntary patient or on a community treatment order, irrespective

of what age he or she is. Facilities that are specifically for adolescents are located at Bentley. The Government is exploring the possibility of establishing other facilities. The mental health plan is explicit on this. It is recognised as an area in which there is a need for an enlarged and enhanced service. The plan and the resources are there, and the work is being done now.

Dr WATSON: Is that service at Bentley a statewide service?

Mr Prince: Yes.

Dr WATSON: Therefore, young people in Derby or Wanneroo who need that kind of committal must come to Bentley?

Mr Prince: That is the case at the moment. It is planned to have psychiatric units in the regional hospitals. Whether they would be at the same level of security as Bentley would be determined on a case by case basis.

Dr WATSON: I am sure the Minister appreciates the concern that it is inappropriate to care for children - that is, people under 18 - with adults.

Mr Prince: Involuntary patients are at the extreme end of the serious scale. The thrust of the Bill is community treatment and prevention.

Dr WATSON: Because they are at the extreme end is the very reason we must protect their rights and dignity and ensure that the services that are provided are appropriate.

Mr THOMAS: During my speech in the second reading debate I raised a concern that there had been a trend too far away from treatment in hospitals. My understanding of mental health over the past several decades is that the view has been that as far as possible people should be able to be treated in the community rather than in hospitals. I suppose everyone will agree that that is desirable. However, my layman's perception - it is only an anecdotal perception - is that there has been a trend so far towards that position that on occasions people who should be in hospital are not able to be admitted. The facilities have not been provided; the beds are not there. I took a person who was in a very disturbed state to Fremantle Hospital on a weekend and no facilities were available there or anywhere in Perth on that day.

I appreciate the issue of resources. However, perhaps one of the reasons the resources have not been allocated is that the philosophy in the field in recent years has been to place less emphasis on hospitalisation. Although that is desirable in one sense, if it goes too far and people are left to their own devices, it can have disturbing implications.

Mr PRINCE: The emphasis on community treatment is considered by everyone who has been involved in this area, particularly the Mental Health Task Force, to be a desirable way to go. However, I take the point that there is a limit for some individuals. It is acknowledged that there is an acute shortage of beds; that situation has existed for some years. One of the reasons for the extra resources going into the mental health part of the Health budget is to alleviate that shortage. To a certain extent community treatment will help to alleviate it, but also an emphasis is placed on providing psychiatric services out of general hospitals, which is a new emphasis in the health system. I have given the example of Mandurah District Hospital. The situation at Joondalup, Bunbury and Fremantle hospitals is the same. That is a new initiative. They will not be able to deal with everybody, but they will be able to deal with many more than they can at present. It will in time alleviate the acute shortage of beds. A combination of initiatives is being used to address the problem that the member puts well, which is acknowledged by everyone.

Mr THOMAS: Another matter I am interested in forms part of the verbiage of the definition of people who are able to become involuntary patients. This clause must be read in conjunction with the definition earlier in the Bill. I am intrigued by clause 26(2)(b). One of the forms of self-inflicted harm that could mean that a person might become an involuntary patient is lasting or irreparable harm to any important personal relationship resulting from damage to the reputation of the person among those with whom the person has such relationships. Does that mean that because a person is behaving oddly and, therefore, other people think he is odd, it could affect his future relationship and is a ground to lock him up? It seems a little bizarre. I realise that it must be qualified in conjunction with the three or four clauses to which it relates.

Mr PRINCE: I am advised that this subclause comes from consumers, in part from New South Wales, and is particularly in relation to people who suffer from manic-depressive illnesses. When the illness is at its height or its depth, the resultant errant behaviour causes irreparable damage to marriage, for example. It can also cause significant financial damage. That is what is intended to be covered by subclause (2)(b). It is an illness that is capable of being treated and modified so that a person gets back to a normal regime. The intent is to address it before it causes lasting or irreparable harm.

Clause put and passed.

Clauses 27 to 33 put and passed.

Clause 34: Police assistance -

Dr WATSON: The Opposition raised matters relating to what is now designated as transport orders in the second reading speech. Many Opposition members touched on the issue of police being the service to provide this transport. We understand that in many instances only the police would do that job. My concern is about the process. Seven days for police to apprehend and take a person referred by a medical practitioner seems to be a bit excessive.

Mr Prince: It is "not more than 7 days".

Dr WATSON: If the time allowed is seven days, surely a service other than the police would be able to deal with transporting that person to hospital for psychiatric assessment. Again, clause 35 contains a number of procedures that are time related. Surely police must be used only in an emergency. If it is not an emergency, why cannot an ambulance or private transport be used?

Mr PRINCE: An individual with a mental illness may be seeing a general practitioner who has competency in that area who says his patient should go to Graylands as a voluntary patient, to which the patient agrees. With the assistance of family it is intended he go but he does not; the individual concerned disappears or simply refuses to go. The doctor then issues the transport order. It is not a matter of seven days must elapse, it is a case of "not more than 7 days" elapse. The whole object of the exercise is to say that the transport order "is not made unless". It is only in rather unusual circumstances that an individual should go, but may be refusing to go or runs away and must be apprehended for his own protection and treatment.

Dr Watson: This part relates to the care of involuntary patients. The Minister gave as his example a doctor who recommends or would like the patient to go. Would there not be more urgency if someone were identified at such a stage in his illness that it was clear he should be committed to protect himself or other people in the community? That is my concern about the seven days leeway.

Mr PRINCE: The doctor is saying a person should be committed. The individual may agree, then run away. The alternative is that the doctor would bring a police officer into the surgery. That would not necessarily be required in many cases because an individual would go perhaps with the assistance of a relative, accompanied by a spouse or someone of that nature and become an involuntary patient. In light of the nature of the illness he may not recognise he has an illness and therefore would not wish to become an involuntary patient and disappears.

Dr Watson: They may recognise and not want to go back to hospital where they have been before.

Mr PRINCE: It does happen. If that is where they should go for treatment, the transport order is the only way to get them there.

Dr Watson: On the whole, we are satisfied that the procedures for involuntary patients protect their rights, but there are a number of details about which we are concerned.

Mr PRINCE: There will undoubtedly be amendments to this legislation in the not too distant future, such as drafting amendments. I anticipate bringing them into this House probably mid-next year or earlier. It may be that after about six months of operation refinements will be required. Although I appreciate the debate we are having, this is the distillation of a good deal of wisdom from many people who have worked for years in the area, including consumers. I would prefer to see this in operation. If it is found to be wanting in some way, let the system, consumers and others say that they would like refinements.

Clause put and passed.

Clauses 35 to 46 put and passed.

Clause 47: Person in charge of hospital may decline to accept -

Dr WATSON: My colleague the member for Cockburn referred to no beds being available for a person he took to Fremantle Hospital. I realise that is somewhat different from someone in charge declining to accept a person with a mental illness. However, we have all had constituents or their families raise this problem with us at some time who, in need of treatment, have fronted to a hospital for a psychiatric illness for a range of reasons and have been refused. This clause seems to give them a statutory right to refuse to admit someone to a hospital for treatment.

Mr PRINCE: I appreciate the reasons the member raised the concern. However, the principal reason for this provision is to enable a hospital to decline to accept someone when it is not appropriate that person be sent there. An extreme example would be if someone tried to commit a six year old to Graylands. The hospital would say no. As another example, a suicidal adolescent may be sent to a relatively small outer metropolitan hospital and that hospital may say that it cannot cope with that level of illness, and that the adolescent should be admitted to Bentley.

The general practitioner may have done the right thing by referring that patient to the small hospital, but the hospital may say the patient should be sent to Bentley. That is the reason for the provision. It is not an attempt to cause any other result than to have a person who should be in hospital, put in the right place.

Dr WATSON: In some cases people are suicidal, in particular, and desperate to receive some treatment. We all hear many stories where doors have been closed to those people, and they have done the deed. My concern is that people in charge of hospitals may see that they have some statutory authority to refuse those people. I appreciate what happens in practice, and that the circumstances surrounding one of those scenarios are varied. I know that people use their judgments, but that is my concern about this clause.

Mr PRINCE: It is a vexed question. As the member says, a number of examples can be given of the problem she has raised. Some of them are tragic. The intent is not to refuse admission to a person who should be admitted, but to ensure that if a person should be admitted the person is admitted to the right place. It is up to the soon to be appointed new Chief Psychiatrist in the mental health division to work out with the medical superintendents and others the proper protocol for dealing with these matters. No doubt the protocol can be better than it is. The best undertaking I can give is that it is being worked on now.

Clause put and passed.

Clauses 48 to 55 put and passed.

Clause 56: Examination of prisoner about to be discharged -

Dr WATSON: A reference is made in part 3 to involuntary patients and detention. Members will be aware of debate about custodial care, of which I am reminded when clause 54 refers to the detention of a person in an authorised hospital, and the next two clauses refer to people who would otherwise be in prison custody, but have been in detention in an authorised hospital. A lot of concern has been expressed about the treatment in prison of people who have a psychiatric illness.

Only last week we had brought to the notice of this place the treatment of a young man with a severe psychiatric illness of some kind who was able to kill himself while in prison. For many years I have been concerned about the new diagnosis and/or continuing care of people who are in prison and have a psychiatric illness. I have been particularly concerned about women prisoners, but that does not mean I am not concerned about male prisoners. Instances of lack of care have been brought to my attention time and again. I understand that since the Ombudsman's report into the health services in prisons some improvements have been made in providing regular access by psychiatrists to prisons and, by inference, more regular access by prisoners to a psychiatrist. However, a huge number of issues relate not only to general health care but also to the care of people who have a psychiatric illness. This week a woman telephoned me about her son's medication for a psychiatric illness. I approached the Minister who has responsibility for prisons. Whether the story was complete or correct, it went something like this - and it is a story I have heard many times before. In order to get their medication, prisoners must line up at the times the medication is due. This man gave some of his medication to another prisoner. He was punished for that by not only being put away for seven days in isolation, but also being refused his medication. I approached the Minister directly, and he was going to investigate the claims. I have heard before that as part of punishment in prison people have their medication withdrawn. If it is true, it is Dickensian, and it is wrong.

Mr Minson: I am having it investigated.

Dr WATSON: I heard about this two years ago in relation to prisoners at Bandyup Prison. I would hate to see two standards of care operating in public institutions, particularly where a person had been detained as an involuntary patient and perhaps transferred from a prison to an authorised hospital, and back again. We must be certain that prisoners who have a psychiatric illness are able to continue their treatment in the same way as they would were they not in prison. That goes to the very heart of protecting the rights of people with mental illness, no matter where they are.

Mr PRINCE: I am perhaps more aware than the member of the paucity of psychiatric services in the prison system in the past. However, in the past 12 months we have had four psychiatrists working in the prison system as a result of the almost unique cooperative exercise between the Ministry of Justice and the Health Department. One psychiatrist is employed by the Ministry of Justice and the others by the Health Department. The level and quality of the psychiatric services being administered in the prison system are now far better than they have ever been. They are really good.

The situation with the administration of prescription drugs in gaols as opposed to illicit drugs is carefully regulated and controlled because there can be a trade in them in the prison. I do not know what will be the result of the inquiry which the Minister with responsibility for prisons will carry out. However, it is inconceivable that a person could be given seven days' solitary, either by the superintendent or by the visiting justices unless they have been charged under

the Prisons Act with an offence. One would think that that may have something to do with the medication. I am speculating, of course, but from some fairly long personal experience. I find it inconceivable that the medication is withdrawn. I do not find that tenable. If that has been the case, as the Minister will advise me if that is found to be the result, I am sure the necessary steps will be taken.

The clause deals with a person who is a sentenced prisoner and, because of a mental illness goes to an authorised hospital and finishes his sentence, but the mental illness has not been remedied. That person must be seen by a psychiatrist to determine whether he should be made an involuntary patient.

Clause put and passed.

Clauses 57 and 58 put and passed.

Clause 59: Grant of leave -

Dr WATSON: Why would somebody be granted leave of absence? I understand that somebody would be able to get other unrelated surgical or medical treatment. However, what would be the other benefits to health that are envisaged here that would mean that someone could get leave of absence? Would it be, for instance, to go to a family wedding or a funeral, or would it be more specifically medically oriented?

Mr PRINCE: The person is granted leave if he needs to go to hospital for an appendectomy or a gall bladder operation or for some other reason. It is a matter of ensuring that the authorised bed that is supposed to contain the individual does not because the leave of absence is in place, because that person is in hospital for some other reason. In that sense, it is keeping track of patients. However, there is also the possibility of the grant of leave being used to benefit the health of the patient in some other way. Clause 59(1)(a)(ii) enables the treatment to progress to the point where the individual can be allowed out of the authorised establishment for some hours, days or even longer for those persons for whom the rehabilitative process requires a gradual reintroduction into society. That could involve going to a relative's wedding.

Clause put and passed.

Clauses 60 to 94 put and passed.

Clause 95: Requirements for informed consent -

Dr WATSON: We touched on issues relating to informed consent earlier in Committee. My first query is about people who may not fully understand because of their age, language or some sort of an intellectual barrier, even though I understand that consent must be freely and voluntarily given. My major concern, however, is that informed consent should also be in writing so there is some protection for the medical practitioner and the individual. In addressing clauses 95 and 97, we should provide not only a clear explanation of the proposed treatment, but also a number of the options for treatment, so that the person, even though he may have a mental illness is given all the options. I will use as an example a surgical model and one I have seen. A patient told his surgeon that he had a painful toe. After investigation the surgeon said that he could remove the toe but it was unlikely that it would fix the problem. He said that even though the rest of the leg felt all right, it is not and it would probably be better in the long run if he amputated the leg mid-thigh. That is an explanation often given to people who have peripheral vascular disease. The same sort of information should be given to people who have a psychiatric illness so they are aware of all the options and risks and what can be expected from each treatment options. When consent is obtained it should be in writing.

Mr PRINCE: The same model is followed in psychiatry as is followed in physical medicine.

Dr Watson: That is not clear in the Bill.

Mr PRINCE: I appreciate that it is not clear. However, that is inherent in explaining a proposed treatment; one must explain if there are options. It necessarily follows from the warnings contained in clause 97 about the inherent risks, identifying medication and so on. It is intended to ensure the patient is given the maximum amount of information that can be given, so that consent is given freely and voluntarily. It is intended that the information shall be as adequate as possible.

Dr Watson: What do you propose in relation to written informed consent?

Mr PRINCE: It is not stated in the Bill but it is standard practice at present. It is good practice from the point of view of proper records, and the medical professionals who are offering, and then administering the treatment, would be very wise to have it in writing for their own protection. However, there may be instances in which people cannot give a written acknowledgment because of their incapacity - perhaps physical. That is certainly the situation at the moment and it is not intended to change the current practice of doing it in writing as well as orally.

Clause put and passed.

Clauses 96 to 100 put and passed.

Clause 101: Prerequisites to psychosurgery -

Dr WATSON: The Minister has answered my queries about forms of treatment. I imagine that if somebody had to undergo psychosurgery, that person would have given written and informed consent to that procedure.

Mr PRINCE: To a certain extent this may be a theoretical argument. One of the advisers with me has been in the department 13 years and the other since 1978, and they are not aware of any act of psychosurgery having been performed on anybody in this State during that period. It is possible that they have been because people may have been sent to the Eastern States or to the United Kingdom.

Dr WATSON: In 1962 I nursed someone in Western Australia who had had a lobotomy. Why is psychosurgery specifically addressed in the Bill if it is not contemplated?

Mr PRINCE: The consumers in the task force put forward a very strong case that psychosurgery, insulin therapy and electroconvulsive therapy should be specifically mentioned even though psychosurgery has not been performed in this State for many years. I had no problem with including it. This clause provides that psychosurgery can be performed in this State only if the Mental Health Review Board approves that procedure. It is not just that the person must have given informed consent but also the procedure must be approved by the board. It is not one or the other. A person who contravenes that may go to gaol. That probably explains it as adequately as I can.

The DEPUTY CHAIRMAN (Dr Hames): Are you including electroconvulsive therapy in your definition of psychosurgery?

Mr PRINCE: No, that is dealt with in clause 104 of the Bill and thereafter.

The DEPUTY CHAIRMAN: The Minister mentioned it in his response.

Mr PRINCE: Yes, I did.

Clause put and passed.

Clauses 102 and 103 put and passed.

Clause 104: Prerequisites -

Dr EDWARDS: This clause deals with ECT. Proposed subsection (2) states that subsection (1) does not apply if the electroconvulsive therapy is given as emergency psychiatric treatment. Would it be given as emergency treatment on many occasions, how is "emergency" defined, and who would use that provision?

Mr PRINCE: This matter was raised in the second reading debate, and as far as I have been able to establish, ECT is rarely, if ever, given. I am not saying it has never been given or is not given. Emergency psychiatric treatment is defined in clause 113 and in subsequent clauses. It is stated in this clause that if the treatment is not given as emergency treatment, the therapy cannot be performed on an involuntary patient or a mentally impaired defendant in a hospital unless it has been recommended by a psychiatrist and approved by another psychiatrist. There is a criminal sanction for contravention.

Clauses 105 to 108 put and passed.

Clause 109: Consent not required for psychiatric treatment -

Dr WATSON: Under what circumstances would psychiatric treatment be given without consent to people because of their intellectual disability and psychiatric illness or because of the nature of the illness which has made them an involuntary patient? Would a second opinion be sought or a meeting held of relevant medical practitioners, nurses and advocates before any course of treatment was embarked upon?

Mr PRINCE: Someone who is catatonic.

Dr Watson: Would one psychiatrist decide that the treatment must be given?

Mr PRINCE: Yes. It might apply to a schizophrenic who is catatonic, for example. Of course this applies to an involuntary patient or a mentally impaired defendant who is in an authorised hospital.

Dr Watson: If it were someone with Down's syndrome who had a psychiatric illness, would their next of kin be required to give consent?

Mr PRINCE: I do not honestly know that it makes a lot of difference whether the person has Down's syndrome or anything else. If the person is an involuntary patient, it is because they should be. The member must bear in mind all the safeguards that apply before that occurs. They can be given treatment without consent where it is appropriate. That will not be a capricious exercise. Psychiatrists and any other health professionals do not deal with patients capriciously. They will not provide treatment without consent where consent can be obtained as they would leave themselves open if they did.

Clause put and passed.

Clauses 110 and 111 put and passed.

Clause 112: Further remedy where person dissatisfied -

Dr WATSON: I am pleased that this procedure is set out at a formal level. Do people with psychiatric illness have the same access to the Office of Health Review as do other people?

Mr PRINCE: Instead of writing to the Minister they can go to the Office of Health Review.

Clause put and passed.

Clauses 113 to 117 put and passed.

Clause 118: Seclusion must be authorized -

Dr WATSON: This is a good safeguard. I acknowledge it was contained in the 1962 legislation. However, only six years ago a number of members of Parliament visited Graylands Hospital and Heathcote and a number of people were in what amounted to solitary confinement. I guess seclusion is the modern psychiatric term for confinement. It would seem to be an extraordinary step to take, although I can understand that in some instances that kind of seclusion might be warranted. Where does the penalty of $1 000 lie for inappropriate use of seclusion methods?

Mr PRINCE: Clause 117 says that people will not be kept in seclusion. The baseline is that it will not be done. Then the Bill says it is possible if it is authorised. That creates a potential, but it must be justified if it occurs. If it is not an authorised seclusion, in other words, if the rules laid down in this Bill are not strictly obeyed, there are criminal penalties and other potential penalties, such as deprivation of liberty under the Criminal Code as well as civil penalties for wrongful imprisonment, together with some form of process or procedure against the offender - medical practitioner, nurse or whoever - by registration boards. This is about not only judgmental errors or differences of opinion but also breaches of the law. In this sense it goes back to the protection of rights of the individual patient.

Clause put and passed.

Clauses 119 and 120 put and passed.

Clause 121: Definition -

Dr WATSON: When might it be necessary in this day and age to use a mechanical body restraint? I thought that pharmaceutical knowledge and use of particular medication would mean that the use of straitjacket would no longer be necessary. I have seen straitjackets used. I am also concerned about the use of leg irons on prisoners who might be in hospital. I acknowledge the security risks; however, the Mental Health Bill should be particularly cognisant of this kind of mechanical body restraint.

Mr PRINCE: Those people who have a consumer view on chemical restraints are as passionate about a chemical straitjacket as they are about the physical one. A chemical restraint can have almost exactly the same effect and be viewed in as unfavourable a light. The other problem with chemicals is that a patient requires a toxic dose to be controlled. That happens rarely, but it does happen. One example given to me a moment ago was a person who was swallowing the rubber bottoms off the feet of chairs, and could well have choked to death. Everything else was tried and eventually a straitjacket had to be used. Neither of my advisers can recall straitjackets being used except on rare occasions. It is for the extraordinary case where almost everything else has not been successful. Prisoners in hospital commonly use leg irons or some form of handcuff to the bed, although not always and one of the prisoners from Wooroloo escaped from custody by walking out of one of our hospitals. In some instances when people are accused of serious criminal acts or convicted of them and they go to hospital, they are manacled to the bed. We are not talking about that here. In contemporary times, in the memory of the two advisers with me, leg irons have not been used in mental health.

Clause put and passed.

Clauses 122 to 124 put and passed.

Clause 125: Establishment of Mental Health Review Board -

Mr THOMAS: I am concerned about the operations of the Mental Health Review Board. Obviously its constitution and powers are spread over a number of clauses, and my questions could be asked under a number of headings, but it would be better to ask them under one clause. Later clauses provide for reviews and who may request one. Who is an interested party who has standing before the board and can initiate a review?

Mr PRINCE: Clause 101 relates to psychosurgery, for example, which cannot be carried out on another person unless the person has given informed consent and it has been approved by the Mental Health Review Board. That might entail a review.

Mr Thomas: Later clauses contain such provisions.

Mr PRINCE: There are a number of automatic reviews. Is the member asking how a review comes to be initiated other than in an automatic sense?

Mr THOMAS: The subsequent clauses I have read refer to the board being able to initiate a review on its own motion, periodic reviews as a matter of course, and other persons being able to request the board to initiate a review. Obviously the patient himself can initiate a review. To what extent are people such as family and friends able to become involved?

Mr PRINCE: In general terms it is anyone who is concerned for the patient. I refer the member to clause 142(2).

Mr THOMAS: Friends and relatives may all have genuine concern but not agree on what is best for a patient. I realise that they are not making a decision but seeking to initiate a review. Ultimately the board makes the decision, if it decides to review. Who is considered by the board to have "a genuine interest"? I could be a friend or representing a constituent. Is that what is envisaged?

Mr PRINCE: Yes. It could well be a person who is not a relative, such as a member of Parliament or anybody else, who has a genuine concern for the patient. In a sense that inevitably and quite rightly flows from the emphasis in the Act on the rights of the patient and the ability of the Mental Health Review Board to be able to review again and again. One could conceive of a situation where a patient, relative or some other person could cause so many reviews to be carried out that the board would come to the conclusion that perhaps, notwithstanding the genuine concern, there should not be a review. I like to think that those excesses would be tolerable in order to preserve the principle of review at the request of a patient, official visitor or someone with a genuine concern. Although there is potential for some abuse of the system, the virtue outweighs that.

Mr THOMAS: I am concerned that people who are mentally ill are very often not the best advocates of their cause when presenting a case to some sort of body. One hopes that the board will not operate in a formal way. Nevertheless, it could comprise professionals in suits sitting around a table. That could be intimidating to people who do not possess the necessary social and other skills to competently present a case. A person committed as an involuntary patient who does not feel it appropriate is likely to feel that passionately. Effectively he would be the plaintiff and the hospital psychiatrist would be the respondent. The patient initiating the review possibly would be disadvantaged by not being his best advocate. As the Minister will be aware from the meetings we have attended, a legal service has been set up which it is envisaged will advise people. I hope that this will be the case, but is it envisaged that a service will be available on a continuing basis principally for the presentation of patients' cases to the board? As the Minister will be aware from his professional background, when lawyers become familiar with an Act and a body of case law builds up fairly quickly around it, they will become fairly skilled advocates in that restricted area. It is important that the patient, whose interest will be determined by a decision of the board, has that service available to him and that patients should be routinely advised of the available services. If they wish to avail themselves of them, they must be able to do so. They might not wish to have them but want to present their own case or have other people, such as social workers, represent them.

It is desirable that some organisation - it may only be a small one - be established in Perth which is familiar with the legislation and its regulations, and has the skills of an advocate to present the patient's case. These people will be at a structural disadvantage. It is unlikely that the mentally ill will be their own best advocates, and even if they were skilled in advocacy, they would not be familiar with the area compared with psychiatrists and practitioners in the field who know the legislation. For the legislation to work, it is most important that provision be made for a patient to be properly represented before the board.

Mr PRINCE: I understand that the Mental Health Law Centre, an offshoot of the WA Health Consumers' Council, is in operation. I anticipate that this centre will provide the advocate role the member outlined. I agree with the member, particularly regarding involuntary patients, that as a result of their mental illness, people going before the board may be impaired. The advocate would be not only availed of, but almost a necessity in order for the board to

be able to conduct its review properly and adequately. It would vary from case to case, perhaps considerably. An advocate is required, and I understand the need will be met through the Mental Health Law Centre.

Mr Thomas: Does that amount to a commitment to future funding?

Mr PRINCE: No.

Mr Thomas: Or do you envisage it will continue to receive funding?

Mr PRINCE: When the Act is proclaimed, which is when it is passed, the funding is in place for the Mental Health Law Centre. In that sense, it is a commitment and it is not a commitment - the funding is there when the Bill becomes an Act.

Clause put and passed.

Clause 126: Members of Board -

Dr WATSON: It is my understanding from reading the Bill that the major focus for the work of the review board will be case related. In order to promote the protection of people's rights who go before the board for review, as wide a representation of membership as possible is necessary. The Minister knows that I stand by a statutory government board comprising equal numbers of men and women - it is just a good principle. Appropriately qualified people will be members to meet the conditions of the work of the board. Apart from people who must be members according to Statute, I would like to see some recognition of the special needs of children, people from non-English speaking backgrounds and Aboriginal people represented on that board. There may well be legal practitioners who have a special interest in health and the well-being of Aboriginal people, but the board structure should reflect the general community in Western Australia so that issues brought before it by individuals and their families will be considered in a representative context.

I understand that all members of the board must be present to constitute a quorum of a meeting, which is extraordinary. It is generally understood that busy people are invited to be members of such boards. Has the Minister given any thought to a system of proxies to enable the board to meet? It might not be possible for all people to attend every meeting of the board. That is a practical consideration which might have eluded the draftsman.

When the Minister is appointing members of the board, I urge him to consider the general make-up of the Western Australian community so that all interests are represented.

Mr PRINCE: The minimum number on the board under clause 126(2) is three. A quorum, as outlined in clause 129(2), is three. We are contemplating a board which will be three groups - one in Perth, one in the north and one in south. It will be able to be set up in different parts of the country.

Dr Watson: I have not read that in the Bill.

Mr PRINCE: It is not in there. The Bill says a minimum of three members. It is to be a psychiatrist, a legal practitioner and a person who is neither. Our plan is to have the board at least in three groups: One in the metropolitan area, one in the north and one in the south of the State. In that way they will be on the ground and closer to where they may be required to conduct reviews, rather than being in Perth all the time. This will prevent the necessity of people travelling to Perth from Broome, Derby, Kalgoorlie or Albany. It is taking the service to the people. It could well be that in the board formed in the south of the State the psychiatrist and the legal practitioners might come from Perth, but the other members of the board will most likely be local residents. This gives maximum flexibility to constitute people who have appropriate qualification, interest and ability.

I am mindful of the comments of the member for Kenwick about women, children and people who have particular interests. I am very mindful of representation of people from country and remote areas and different forms of ethnic backgrounds. It is my intention to constitute a board which has a capacity to have an empathy with those groups of people.

However, the self-evident point to me is that advocacy before the board should be able to represent the specific interests, particularly of a cultural nature, of an individual patient. It should not be necessary to have a cultural interest on the board, whether it is a general or cultural aspect. So long as the members of the board are sufficiently competent and qualified to hear what is put to them, it is the advocacy that is representing the special interests. I am not saying I would not appoint a board which had special interest groups represented on it; I am merely making the point that to a certain extent the advocacy fulfils what the member is suggesting.

Dr WATSON: I acknowledge the thinking behind the Minister's statements, but it is critically important for the board to have some understanding of those interests. I understand that the Association for Mental Health, which is a peak council of a number of non-government organisations, approached the Minister about having membership on this review board. Representatives of the association have spoken to me about it and it is most important to ensure that,

because the people on the board are neither medical nor legal practitioners, the membership of the board comes from groups which have been strong advocates in the community and strong advocates to members of Parliament and the media. These groups have helped Western Australians come to terms with a range of issues related to mental illness.

I know the review board is still to be established, but it is important to remember the needs of the special categories of the population who are not experienced legal and medical practitioners. If the committee comprised a president plus three members it would be quite likely that they would be white Anglo-Saxon blokes who could find themselves having to review the case of a woman from Balgo Hills, a Filipino or a young person of 16 who has led an abused existence. These are the sorts of things that make it necessary to very carefully consider the structure and membership of this kind of board.

Mr PRINCE: I am mindful of the points the member made. She can rest assured that if it falls to me to appoint the board I will take into account all the representations which are made to me and will take the best advice available, in accordance with the requirements of the Act, to appoint a board which comprises suitably qualified people.

Clause put and passed.

Clauses 127 to 155 put and passed.

Clause 156: Explanation of rights to be given -

Dr WATSON: The Opposition, and I am sure the Government, welcomes this clause. This clause clearly spells out how patients' rights will be not only protected, but also promoted. I congratulate the Government and the people who drafted the legislation for the care that has been taken in making sure that people's rights are recognised in a Statute and, where necessary, that penalties apply for refusing or breaching those rights. It is very welcome.

Mr Prince: Thank you.

Clause put and passed.

Clause 157 to 171 put and passed.

Clause 172: Definitions -

Dr WATSON: Again, the Opposition expresses similar sentiments about the statutory obligations which relate to community support services. I reiterate that funding is absolutely necessary in that area. We still have miles to go in the provision of appropriate hostel and supported accommodation for people who have a chronic psychiatric illness or psychiatric disability. The way in which the Government is starting to respond to those needs is commendable, but most people remain horrified at the conditions in which many of these people live. It is acknowledged that many of those people would be homeless were it not for some of these establishments.

The Opposition is concerned about some of the service agreements which have been set up in other areas of non-government organisations. The accountability provisions which apply to these organisations are often the same as those required of quite large bureaucracies. I am concerned about the trend in disability services where, for instance, people have to account in ways which require them to develop benchmarks and total quality management standards. That is not the reason the organisations were established.

Increasingly, non-government organisations can get funding to meet their goals only by increasingly taking on the agenda of government. Some of these organisations are stopping to consider whether that is really what they want to do. I offer that as a general form of criticism, but the Opposition welcomes the emphasis which is given in Statute to community support services. Not only will it provide care and treatment and rehabilitation for people in a family and community environment, but also it will give those families and communities the support they need. Most importantly, it will serve to break down some of the prejudice and bigotry which still exist and stigmatise individuals who have a psychiatric illness and their families. Funding is critical for the satisfactory provision of services defined under this part of the legislation.

Mr D.L. SMITH: Clause 7 provides that one of the Minister's functions is to promote the development of voluntary and self-help groups. Yet, under part 8, the allocation of funds seems to be solely the function of the commissioner. Why has it been decided that the commissioner will allocate funds to community groups and what role will the Minister have in relation to those matters?

Mr PRINCE: It is a ministerial function, hence a responsibility, to encourage development within community services. That is clearly something the Minister must do, be it through the commission or the department. It is for partnerships to be developed by the mental health division of the Health Department. Therefore, the commissioner is the person who should be responsible for the allocation of money. There is no question of lack of accountability; there is no question of resource. As I have said in relation to the member for Kenwick's remarks, and I repeat: The

resources are there. I do not need to give the details; I have provided them several times tonight. There is no conflict or inconsistency between the commissioner's allocating money and having as part of his or her functions encouraging the development of community services.

Mr D.L. SMITH: Unfortunately my experience has been that the most difficult people to convince about the need for the allocation of funds to mental health services in country areas, both direct services and community services, have been the bureaucrats. It takes a fair degree of ministerial will to get them to spend adequate money in country areas. It is in country areas that mental health services - both community based and generally - are still very deficient. I would like the Minister's assurance that, while he is the Minister, he will continue to use his best endeavours to persuade the commissioner about the needs of country areas.

Mr PRINCE: The current commissioner has been in that position for less than 18 months. During that time he and I, when I became Minister, inherited the work commenced by the previous Minister in relation to the Mental Health Task orce. At the same time, largely under the present commissioner's leadership, the budget for the current financial year was developed. It includes a significant increase in the allocation of resources to the mental health division, as well as to the creation of the division. It is largely under the current commissioner's regime that the mental health plan has been developed. Other people undertook that task, but he has played a very active role, as have the bureaucrats, particularly in the development of the plan. While the member's remarks may have the ring of history to them, it is not the case now. For as long as I am Minister, there will be no want of resources on an equitable basis in country regions.

Clause put and passed.

Clauses 173 and 174 put and passed.

Clause 175: Definitions -

Dr WATSON: I am again using this clause to address part 9. I first make a plea for official visitors to be representative of the whole community, that women comprise half the membership and that there be a goodly representation of Aboriginal people, people from non-English speaking backgrounds and people with particular interest and expertise in the needs of children and adolescents. This notion of visitors is grounded in Victorian beneficence. However, by now they play a good role. I understand that, while there is a board of visitors that has long been appointed to hospitals in Western Australia, they have not at all times been able to exercise their functions. It appears that very careful attention has been paid to addressing those functions in the Statutes.

Will these official visitors have access to prisons where it is known that there is an affected person as defined? I am referring particularly to clause 175(c); that is, "a person who is socially dependent because of mental illness and who resides and is cared for or treated . . ." Will that group of patients be able to receive a visit from an official visitor and will the powers and functions extend to people who are incarcerated?

Mr PRINCE: The definition of "affected person" in clause 175 answers the question. It must be an involuntary patient or mentally impaired defendant who is in an authorised hospital, a person who is socially dependent and who is in a private psychiatric hospital or a person detained against his will in an authorised hospital. That definition of "affected person" does not include someone who is a prisoner or who is on remand in a prison. However, a person who is a prisoner and who moves from the prison to the authorised hospital is covered.

Dr Watson: They do not now go into prisons?

Mr PRINCE: No.

Dr Watson interjected.

Mr PRINCE: There are official visitors to prisons as well as visiting justices and so on. Of course, there is also the Aboriginal visitors scheme. The panel we are referring to here covers everywhere that people can be detained under the provisions of mental health law other than prisons.

Dr Watson: It deals with institutions.

Mr PRINCE: Yes, but under the definition, prisons are not included.

Dr Watson: What about the structure of the membership?

Mr PRINCE: The member will get the same answer I have given in relation to other issues. Clause 177 refers to the membership of the council of official visitors. I assume that one would look at the experience, qualifications, background and appropriateness of anyone and everyone. The member has raised important considerations; I and, I assume, any Minister would give them serious consideration, but to have some hard and fast rule might not be the appropriate way to go.

Mr D.L. SMITH: I am certain from my reading of the Bill that the answers are yes and yes, but will the Minister confirm that the new hospital at Bunbury, which will have a capacity for mental health patients, will be an authorised hospital, and that the functions of the official visitor will be the same for such a regional hospital as are provided for in clause 188, with the requirement that there be a monthly visit by the visitor to that hospital?

Mr PRINCE: Yes.

Clause put and passed.

Clauses 176 to 194 put and passed.

Clause 195: Taking mentally ill person into protective custody -

Dr WATSON: Division 2 of part 10 is about police powers. It appears from this Bill that a police officer acting alone can apprehend people and take them to a psychiatrist for examination, and some police officers who work in parts of the metropolitan area and in some country towns may know individuals who have a longstanding mental illness. That power is quite extraordinary and could cut across the excellent provisions in this legislation to protect the rights of people with mental illness. For instance, someone in town may be under the influence of some hallucinogen or alcohol, or a combination of both, and I can see a Kafkaesque situation developing where the police officer says, "Hello, hello. Come with me and we will go to see the psychiatrist", or "Come with me and we will go to the mental hospital." Vulnerable people who do not have a good advocate or are young and under the influence of some substance may get into a system that is inappropriate.

Clause 4, which outlines the definition of "mental illness", states in subclause (2)(e) that a person does not have a mental illness by reason only that he takes drugs or alcohol. The circumstances that I have described may be a bit far-fetched. However, as a member of Amnesty International, I have written letters to other countries in support of people who have been arrested and taken to a mental institution. I know this is Western Australia in 1996 and we have legislation to protect people's rights, but I do not think it is too far-fetched to picture that set of circumstances.

Mr D.L. SMITH: Why do these powers appear in the miscellaneous provisions and not in the involuntary patients' provisions, which would be a more appropriate place for them? Secondly, why is there not some requirement that the police notify the next of kin when they exercise their powers with regard to involuntary patients? Often people are arrested without any notification to the next of kin and are then referred for examination. Why there is no general direction that when the police arrest a person, they must have that person examined by the nearest medical practitioner or psychiatrist, because often people are rapidly transferred to an institution rather than examined in their own locale by at least a medical practitioner in the first instance?

Mr PRINCE: The situation under the current Mental Health Act is that a police officer who has reasonable grounds to suspect that a person has a mental illness and that an offence is about to be committed may arrest that person; and that person then winds up in the criminal system and the court sends him to Graylands for assessment, for 30 day remand, and so on. That system has served the State well, but it has a number of evils. The proposal in clause 195 is quite different, because there need not be an apprehension on the part of the police officer that an offence has been committed or is about to be committed. It states that a police officer may apprehend a person if the officer suspects on reasonable grounds that the person has a mental illness, and the police officer must arrange for that person to be examined by a medical practitioner. Clause 196 deals with the situation where a police officer has arrested a person for an offence.

It is not the police officer who commits the person. The member for Kenwick assumed - I am sure it was unintentional - that psychiatrists merely sign a committal paper. That is not correct. It is the general medical practitioner in the locale of the person, who has some experience and competency in these things, or a competent clinical psychiatrist - they are the experts in the area, as opposed to the police officers, who are not - who then has to decide what to do with that individual. The powers of police officers are very limited. They are empowered to take the person out of the street or some other place and to the doctor, and nothing further, unless under clause 196 an offence has been committed, in which case similar things apply; namely, the medical practitioner is brought in, and there is obviously also an arrest procedure

In that sense there is a significant change. It is possible that this could be abused by a police officer, but I strongly put to the member that if it were an abuse in the sense that the police officer lifted off the street someone who he or she has absolutely no reasonable ground to consider has a mental illness, the abuse stops the instant the individual gets to a medical practitioner. The medical practitioner is not following a directive from the police officer; the medical practitioner - psychiatrist or otherwise - must make a decision under clause 26. That is a positive onus on the medical practitioner. If the medical practitioner cannot be satisfied under clause 26, that is it. I would argue the opposite to what the member for Kenwick is putting: The current system has safeguards in it and this system has even better safeguards. The police officer does not need to have a reasonable apprehension of the commission of an

offence before he can act. If reasonable grounds exist for the police officer to think someone is mentally ill, a medical practitioner must be involved virtually immediately.

Mr D.L. SMITH: I do not know whether the Minister directed himself to my queries about advice to the next of kin and also to the question of why there is no requirement that the person who is apprehended be taken not just as soon as practicable, but as soon as practicable to the nearest medical practitioner and/or authorised mental health practitioner.

I notice under these provisions there seems to be no direct provision for a transport order-type facility. Does that mean those who are required to be transported under the section 28 provisions are to be advantaged by comparison with those who are to be dealt with under the police officer arresting provisions? I endorse the proposed changes. The real problem for the police currently is when they are called to a residence where a person is misbehaving in a way that suggests mental illness. Very often the police officers are prevented from taking any action at all because there is no apparent offence or, if an offence is being committed, members of the family do not want to disclose that offence. They simply want something done about the patient who is misbehaving.

If the relationship of the offence and the power of the police officer to arrest is removed, we must build in protections to ensure this power is not abused. One sure way of doing that is to ensure the arresting police officer is required, where possible, to notify the next of kin that an arrest has taken place. Then at least someone other than the person being arrested will take an interest in what happens thereafter.

Mr PRINCE: So far as the accumulated wisdom sitting at the Table is able to divine, no law says that a hospital shall notify the next of kin, although it is the practice of hospitals to do so.

Mr D.L. Smith interjected.

Mr PRINCE: Perhaps not always, but hospitals do that in the overwhelming majority of cases. This may well be something that is suitable for revisiting later. Before the member came into the Chamber, I made the point to the member for Kenwick that I anticipate in about six months there will be an amending Bill to this legislation, probably containing some drafting amendments that will be required. After this legislation has been in operation for six months, a few refinements may be dealt with, and this may be an area that can be considered. As the member has flagged it, I will watch to see whether it requires some amendment. I can conceive of the situation about which the member is talking and, in that case, it may be desirous to put the positive onus on the police officer, the medical practitioner or the hospital to notify the next of kin. I can understand that.

Although it is conceivable, I think we should let it run for, say, six months - that is, the middle of next year - to see whether a legislative amendment is required, given that this is new law. Otherwise, I accept the validity of what the member for Mitchell is putting.

Clauses 34 and 35 deal with the transport orders and the requirement for police to transport people who are not in police custody, but are to be transported by a referrer, who would be a medical practitioner. The requirement is already in the legislation. A practical case would be where the police officer picks up somebody off the street and takes him to a doctor who is able, either because he is an authorised medical practitioner or is a medical practitioner who will deal with a person of this nature, to refer the person. In that case, the police officer is required to transport that person to a hospital.

Mr D.L. SMITH: I reiterate: Where these arrests take place, there is a problem of notification and I hope the Minister will take up the matter much sooner than in five or six months. The concern in country areas is that invariably people who are arrested are placed in the back of a paddy wagon and either transported long distances or taken to a local hospital where, quite often, staff members do not think they are in a position to make a judgment about the capacity of the person being brought in. That person is then injected with a drug that reduces his angst, and transported to Perth. It is time we spelt out in legislation exactly how those things work.

It is quite wrong for parents in the country to be telephoned from Perth to be notified that their son or daughter has been admitted to a Perth institution, when the parents thought the child was down the street at a local shopping centre. I urge the Minister to look at the practice and the question of resources, and the need to design legislation in a way that ensures people are protected.

In mental health circles there seems to be a tendency, which to some extent I understand, to say that people are adults and that when they have a mental health problem, if their next of kin starts to become involved in their lives and in decision making concerning them, it is somehow an infringement of the rights of the people who are mentally ill. That must be balanced against the need to ensure that whenever a person is taken into care, someone on the outside is aware of the situation and can take the necessary steps to ensure that person's rights and interests are maintained throughout the process. It is time we reviewed the question of people who are under suspicion of suffering mental

illness, being transported long distances in the back of a paddy wagon. There should, at least, be a good practice model and a direction, if not legislation, to ensure that is the case.

Mr PRINCE: Although I appreciate the concern expressed by the member for Mitchell, I make the point I have made a number of times in this debate: Resources are available; indeed significant extra resources, not only in the current year's Budget, but for the next two out years. The whole emphasis is for hospitals to be authorised hospitals, so in the future there will not be the requirement for people to be transported to Perth, but to go to the nearest authorised hospital. If their condition requires them to go to a more specialised centre, the provisions will require them to be moved. Like the member for Mitchell, I do not accept it is appropriate for people with mental illness to be sitting in the back of a vehicle designed for transporting people over a relatively short distance, who need to be in custody, usually as a result of some social misbehaviour in the street; however, that is the situation we have at present. I do not anticipate that that will continue because mental health services in this State are undergoing a complete change - almost a revolution. Significant change is occurring right now as a result of the commitment of the Government, which is supported, I am pleased to say, by the Opposition.

I take the member for Mitchell's point about the next of kin. However, there are patients who from time to time do not want their next of kin to know where they are and do not want to have any contact with them. Insofar as a person with a mental illness can express that view, this legislation very much says that patients' rights are important. If a person can express a view of that nature, it should be respected. I accept that there is a conundrum. The member talks about patients' rights being monitored by the relatives. Their rights are spelt out in this legislation and provision is made for the Mental Health Review Board and visitors. The checks and balances that are in place strongly exemplify the objectives on this which legislation is predicated; namely, that the patients' rights must be protected at all times. I think the Bill will do that. However, as with any ground breaking legislation that is in many respects a departure from the past, this legislation will require to be watched and monitored. As experience suggests refinements and changes, I hope they will be able to be done expeditiously.

Clause put and passed.

Clauses 196 to 200 put and passed.

Clause 201: Determination of capacity to vote -

Mr RIPPER: This clause allows a psychiatrist when he makes an order under the legislation to determine whether a person is capable of making judgments for the purpose of complying with the provisions of the legislation relating to compulsory voting. Does this clause simply allow the removal of a compulsion to vote, or does it remove from a person a right to vote? Although a person subject to such a determination by a psychiatrist might not be compelled to vote, would he still have a right to vote should he make that choice?

Mr PRINCE: This provision is to protect the electoral system in the sense that if a person is so unwell that he lacks any cognitive power to make substantive decisions of any nature for himself, one questions whether that person should have the right to vote. However, there could be patients receiving treatment who the psychiatrist considers are capable of making a decision on voting in an election, whether it be federal, state or local. It is a matter of judgment for the expert - the expert is the psychiatrist - as to the state of a person's cognitive abilities at any time. The present situation may be that a person who is committed cannot vote at all; my advisers are not sure. One can conceive of patients who clearly cannot vote. A catatonic patient would be the extreme case. This could apply also to people who have a form of dementia. There would be others who, perhaps in a transition through their illness, would lack that capacity because of the stage of their illness. Some forms of manic-depression come to mind. The Government is trying to preserve electoral integrity.

Mr RIPPER: I am aware of an individual who suffers from schizophrenia. He is detained at the Governor's pleasure because the community needs that protection. However, he has definite political opinions and believes himself to be capable of making political judgments, even if he is not capable of making judgments in other areas of his life. Would a person like that still be able to exercise his political rights? Knowing what I do about this person, I imagine that were he denied the right to vote, it would contribute to a worsening of his condition because it would only confirm his conspiratorial view of the way the world operates. Would a person like that, whose judgment and perceptions are impaired in important respects, but who nevertheless has a clearer understanding of the political system than many people in the wider world, retain his right to vote?

Mr PRINCE: It has been put to me that perhaps the best way of explaining this is that it is more related to testamentary capacity; for example, the ability to make a will. A person can have a mental illness, but still have a testamentary capacity. I grant the member that it will happen to very few people. It is conceivable that a person can be detained at the Governor's pleasure as a result of schizophrenia but in the opinion of the psychiatrist still be capable of making judgments for the purpose of complying with the provisions of the Electoral Act. It always comes back to the judgment of the psychiatrist who is, after all, the medical expert in this area.

Dr Watson: He could be a roaring Liberal!

Mr PRINCE: I take strong exception to that remark.

Dr Watson: It could be the other way around.

Mr PRINCE: That is more likely; however, I take strong exception to that remark, too. The suggestion that a medical professional, particularly a psychiatrist, would be so influenced in his judgment about a patient by party political views is an affront and is offensive.

Mr RIPPER: I am still trying to determine whether a psychiatrist making a determination under this provision can deny people the right to vote.

Mr Prince: Effectively, yes.

Mr RIPPER: The way the clause is worded suggests that it removes them from the compulsory provisions of the Electoral Act; therefore, they can be exempted from compulsory voting. It does not seem as though the clause would prevent them exercising their right should they make that choice, despite the fact they are not compelled to vote. Can people be denied the right to vote under this clause?

Mr PRINCE: Yes, they can be denied the right to vote if it is the judgment of the psychiatrist that the person is not capable of making judgments for the purpose of complying with the legislation.

Mr Ripper: How many people would this apply to?

Mr PRINCE: Excluding the category of people with dementia who are mostly, but not exclusively, elderly people who have been taken off the roll, we are talking about a person who is enrolled but who, by reason of mental illness in the judgment of the psychiatrist, cannot exercise the judgment. This would involve around 10 people. They may all be in the member's electorate; I would not know.

Clause put and passed.

Clauses 202 and 203 put and passed.

Clause 204: Records -

Mr D.L. SMITH: The only provision I can see covering access to those records is clause 205. What would be the availability of access by the patient and/or next of kin to patients' records, written opinions of the attending specialists or other medical practitioners, reports of visits by official visitors and minutes of various boards? Are they all available under freedom of information legislation or the other legislation which deals with medical records and access to them? It reminds me of a person I heard of when I was first elected who was admitted to Sir Charles Gairdner Hospital for heart surgery. Not long after he went into hospital he found himself a patient in Claremont for a month after thinking that he had needed treatment for a heart condition. He then had a problem trying to trace exactly on whose opinion he had been placed in patient care at Claremont. At that time right of access to any medical records seemed very obscure.

Mr PRINCE: It is covered under clause 184, public access to council's records and 186 the Council of Official Visitors clause. I think much the same thing applies to the Mental Health Review Board. Freedom of information applies with, I think, the rider "where otherwise there would be a danger" or something to that effect. Whatever safeguards are in the FOI legislation apply to these records.

Mr D.L. Smith: What is the current status of the proposed legislation on medical records?

Mr PRINCE: I do not know what is the current status of the medical records legislation.

Clause put and passed.

Clauses 205 to 214 put and passed.

Clause 215: Review -

Dr WATSON: As is commonly done, the Bill contains provision for a review of the operations and effectiveness of the Act. Tonight the Minister indicated on two or three occasions that he expects to bring amendments before the House after about six months if he is still the Minister. What will be the impetus for those amendments? This Bill sets up consideration for a formal review of operations of the board and the Council of Visitors, etcetera. It seems they would also be important considerations for interim amendments. On what basis does the Minister expect to have to make those amendments without having a formal review? Will it be because of practice or problems?

Mr PRINCE: I expect there will have to be some amendments which correct one or two drafting errors not yet picked up. It will amount to some dotting of "i's" and crossing of "t's" and a few changes in syntax. The point made by the member for Mitchell about notification of next of kin, as a matter of practice, would be found to be desirable. Amendments would not be as a result of a review or because something is fundamentally wrong or needs major consideration. I say six months because that seems to be an appropriate period. At about the middle of next year I expect to introduce an amending Bill containing largely drafting amendments and one or two items of refinement. Five years is the normal time for a substantive review of total legislation.

Mr D.L. SMITH: I have not participated in the second reading debate of this Bill or in the debate on most of its provisions. However, it is an area in which I am interested. I have not participated because this legislation is a vast improvement on the current legislation. I do not think anyone on this side should do anything to delay the Bill. The sooner it is passed the better.

Mr Prince: There are two more we must deal with tonight. It is part of a tripartite package.

Mr D.L. SMITH: The same applies to the other two elements of the legislation. Although this legislation is a substantial advance on the current situation there are a number of grey areas where in cases of doubt the powers of the department and custodial hospital are substantial. We need to keep working on this area. I hope the Minister will not limit his review to (a) and (b) or interpret (c) as though it is somehow related to (a) and (b). The first lesson we should all learn - it took me a while to learn it - is that no legislation we pass through here is perfect, nor is it permanent. Any legislation passed should be reviewed constantly. An area as important as mental health should be continually subject to review. We must ensure that the many remaining grey areas, especially the substantial power attributed to those who run hospitals and make decisions about whether to detain people in hospitals, are eliminated as far as possible and that the rights and interests of patients are paramount. In that process, the rights of the protective role that the next of kin can often play must be very much respected as an integral part of the legislation.

The rights and interests of the patient are paramount. However, in making a decision about what those interests are, we need to ensure not only that those people are prescribed people such as visitors looking after the interests of the patients but also that the next of kin of patients have a strong and identified role to play in the questions asked, information provided, and support and advice they may give on the treatment of patients. As part of that, the department has improved remarkably, and mental health services generally have improved substantially. In my recent dealings with the department, I have not often been disappointed. Nonetheless it is an extremely delicate area. I hope that the powers of review provided under clause 215 will be used to ensure that we continue to refine and improve the legislation, the resources and the care and consideration given to the wellbeing of patients affected by mental illness.

Mr PRINCE: I thought that the objects of the Act would not be reviewed in the sense of being derogated or changed. The objects will drive any form of review. I am pleased to hear the compliments for the way the mental health provision has been operating in the past 12 months. I will pass on those remarks because they are of value to the people who have worked very hard on the matter and the resurrection of mental health services in this State. It was probably a slip of the tongue by the member to expect I would be Minister in five years and could carry out a review. If not, I thank him for the compliment.

Clause put and passed.

Schedule 1 put and passed.

Schedule 2 -

Mr D.L. SMITH: The schedule provides that the parties will bear their own costs. There is no opportunity for the grant of aid or, on occasions, for patients to be assisted by having an extra friend appointed whose costs may be borne by the system rather than by the patient. That is an anomaly in relation to matters of this kind. I would like to see some provision dealing with the question of a "next friend" being appointed in certain circumstances, and that in certain circumstances the system may be able to provide representation on behalf of the next friend in any proceedings.

Mr PRINCE: A patient may be represented by an advocate. The Mental Health Law Centre which is an offshoot of the Health Consumers Council, is already up and running to perform that function. When this Bill becomes an Act, the funding will be made available.

Mr D.L. Smith: What will be the effect of clause 10?

Mr PRINCE: Provision has been made for funding for the Mental Health Law Centre. The advocate is there, and the funding is available to pay for the advocate. In so far as any other party requires to appear before the board in any review, that party will bear its own costs. We are not talking about some form of quasi-legal proceedings where,

in a sense, there are winners and losers and the costs follow the cause. It is appropriate that there should be a general statement that any party bear its own costs.

Mr D.L. SMITH: I am not concerned about the situation where the loser bears the costs. I am concerned to ensure that in all cases a person can be represented. Although there may be an agency such as that referred to, we know that agencies become overcommitted and eventually under resourced. They do not always agree to provide assistance to all persons in all situations. I prefer the Minister to consider, at a later stage, some general provision in clause 10, for instance, that if the board arranges for a person to be represented in proceedings before it, the board will pay the costs.

Mr PRINCE: I refer the member to clause 3(2): The board may arrange for a person to be represented in proceedings before it if the person wishes the board to do so. That implies that the board is responsible for the payment of the costs of that representation.

Mr D.L. Smith: Clause 10 causes some doubt. I prefer it to be clear.

Mr PRINCE: I disagree. Notwithstanding clause 10, if the board arranges for someone to be represented the board pays the costs for that.

Schedule put and passed.

Schedule 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

MR PRINCE (Albany - Minister for Health) [9.57 pm]: I move:

That the Bill be now read a third time.

DR WATSON (Kenwick) [9.58 pm]: I reiterate that the Opposition is pleased to support the passage of this landmark mental health legislation. It has been a long time in the coming, and we are delighted that the rights of people with mental illness will be protected in this way. The structures and processes that are established by Statute are entirely appropriate to deal with mental health issues at the end of the twentieth century. The Opposition has some concerns. In particular, I have some concerns as a result of my knowledge of mental health and illness through my past professional life but also now from acting as an advocate for individuals and families in the community.

While it is true to say that the procedures for establishing and protecting rights exist in the legislation, two issues in particular will bear careful watching. The first is the use of police still, particularly in relation to transport orders. We debated that in the second reading debate and in the Committee stage. The second issue is the provisions that are still not available for a range of reasons, many of them historical, for people with psychiatric disability. The focus during debate has been on acute illness and illness that remits and exacerbates. We have not really discussed very much in this debate the nature of psychiatric disability and the protection that those people need.

In the end, as I said before, the structure for a board which will review cases and to which appeals can be made, and also the structure for official visitors are commended, as is the emphasis on community care and resources that will be allocated for a range of services.

On behalf of the Opposition, I commend the Government. We will all be waiting to see how this legislation operates. Many of us have an interest which is personal or which results from the work that we have been doing with individuals and advocates. Most of all I congratulate those people who worked so hard in the consultation phases. That includes the media, particularly journalists like Marnie McKimmie, because they played a huge role in breaking down some of the prejudices and stigma that is too often associated with mental illness. Those people who have mental illnesses and have been able to discuss their illnesses and the experiences of them are to be particularly commended for the way they have taught so many of us about them. Here endeth the third reading.

MR PRINCE (Albany - Minister for Health) [10.03 pm]: I thank members of the Opposition, particularly the member for Kenwick, for her gracious acknowledgement of the work of the Government, government officers and of members on the government side. As I said in my earlier speech, this matter was really commenced by the previous Minister for Health, the member for Riverton; it was his impetus that got the Mental Health Task Force going and that has led us to where we are tonight. It is very good legislation, particularly in the light of that which

exists currently, and which has been roundly condemned for a long time. It will take mental health services into the next century. I thank all members for their support.

Question put and passed.

Bill read a third time, and transmitted to the Council.

MOTION - MINING LEASE 70/835 ON CHINOCUP "A" CLASS NATURE RESERVE

MR MINSON (Greenough - Minister for Mines) [10.05 pm]: I move -

> That pursuant to section 24(4) of the Mining Act 1978, the House consents to the grant of application for Mining Lease 70/835 on Chinocup "A" Class Nature Reserve.

This is one of those situations where practicality, philosophy and commonsense have to meet. Lake Chinocup is situated between Nyabing and Pingrup. It is a reserve of some 20 000 hectares with a lake in it. A paradox exists in that if we leave it alone as a reserve, it is likely that quite large areas of it will degenerate. Some areas of that reserve have rare flora in the area where the degeneration is most likely to occur. Consequently the rare flora will be endangered. The paradox occurs in that, if a small part of it, thought at this stage to be between five and 10 ha, is mined for its gypsum content and properly applied to the farming land around it, and resources obtained from the mining are put into the Lake Chinocup catchment management group, much of the damage that has been wrought on the farming land will be repaired, and further, the degradation of the lake area will be halted at best and hopefully reversed. It will not stop all of the problems. However, it will be a very valuable contribution. Therefore, the paradox is that, by mining part of the reserve, the whole reserve will be saved.

For the sake of completeness, the clay type in the area that forms the catchment is very water repellant, tight, hard setting clay. Water creates a very thin greasy film on the top of it. The water runs off rather than penetrating the soil. It carries a lot of salt with it and causes a lot of erosion. We know that that soil is very gypsum responsive. The gypsum is incorporated in the soil and the particles of gypsum, part physically and part chemically, allow a pathway into the soil for the water, thereby increasing the productivity of the soil and decreasing the run-off. Both are very important. Productivity is very important because the owners of the land will have more resources with which to upgrade their soil and so we hope to get into a cycle.

This is a unique project that has been a long time in the making. I think a number of people should be congratulated. I will not mention them all by name. However, the innovative approach taken by Dr Ray Steedman when I talked to him about this matter is important. He said there was a problem and it was not a matter of mining or not mining; it was a matter of what was the quid pro quo. He asked whether there was an advantage from the conservation and rehabilitation point of view from mining. It was from that that a heads of agreement was formed between the proponent and the Lake Chinocup catchment group. We will see a holistic way of dealing with that environment - I think there are about a 150 000 ha in the catchment. The holistic approach adopted in this case is a first for Western Australia. The local people, the local shire, the farmers, the Environmental Protection Authority and the Department of Conservation and Land Management have applied themselves in an innovative way, although not always with total agreement; sometimes there was disagreement. This could have come to fruition a couple of years ago. However, its delay has meant that much of the angst has gone out of the argument, and many people have worked very hard and have adopted a complete approach. It is an experiment.

Two things should be drawn to the attention of the House. The first is the heads of agreement. That has been tabled and I draw member's attention to that. The second is the almost unbelievably prescriptive conditions. For example, rubber tyred implements which must be used as opposed to the track type. I am a little puzzled as to the reason for that because the ground pressure exerted by a track type machine is less than that exerted by a rubber tyred machine. There is probably a reason for that. A number of factors should be mentioned in the environmental conditions and overall mining conditions for the reserve. First, there is a section on rare flora management which is particularly important. One of the reasons that a number of people oppose mining is the threat to rare flora. I understand that rare flora has been found in other areas of the reserve, and they will be able to mine in areas where the flora is not found. The proponents have agreed to carry out trials to propagate and generate the endangered species so that they can be re-established when mining is finished.

The gypsum mining areas tend to be much easier to rehabilitate than areas used for many other types of mining. Section 5.2 refers to a five year time frame. Section 5.3 refers to a 10 hectare limit. I draw the attention of the House to section 5.4. The Minister has obviously recognised that this is an experiment and it may be desirable to apply a five year or 10 hectare cut off. He wants to retain the power to extend for a further five years and 10 ha. Even if it went to the maximum limit, in view of the conditions and the fact that this is 20 ha in an area of 20 000 ha, it would not be a huge departure. Rehabilitation is addressed, as is the decommissioning at the conclusion of the project. There is provision for performance reviews and annual audits. There will be compliance auditing. The

environmental management conditions are very detailed. They deal with pegging of the sites to be mined each year and specify that the site must be 10 metres from the water mark of the lake. It includes conditions on site works, and how the overburden is to be removed, treated, stored and returned to provide the same soil conditions to allow for the re-establishment of any rare and endangered flora from the area. It prescribes the types of equipment and the location of stockpiles. It deals with the storage of dieseline in bulk. It must go to the old Chinocup townsite. It deals with revegetation and also with the heads of agreement of the Lake Chinocup Catchment Resources Management Committee, or the LCCRMC.

All the people involved in this matter want it to work. With goodwill it can indeed work. Rather than go through the environmental conditions at great length, I will simply say that they are in draft form. They are almost complete but the Minister wants to do some tidying up before they are finalised. This is a very important project for Western Australia. People very much want it to work because this will be a beacon. If this project is successful, when someone wants to mine in an A class reserve or national park in the future this will be held up as an example. It will illustrate that mining was justified, rehabilitation took place, the conditions were followed, and there was a positive outcome for the proponents, the nature reserve, the surrounding farming district and the environment generally. It could well be that tonight we are talking about an historic agreement. I am delivering this in a curtailed form because of the hour, but the attachments tabled yesterday adequately outline the whole issue in detail for those members who are interested. I ask members to support the motion.

MR AINSWORTH (Roe) [10.16 pm]: I formally second the motion. The Minister has said that Lake Chinocup is in my electorate of Roe. Not long after I was elected in 1989 it was brought to my attention by the proponents of this project, Philip Patterson and Paul Shiner, that they had been trying for some time to mine this gypsum for commercial purposes and also for use by the farmers in the surrounding districts. Good quality gypsum was not available in that area and it was costly for the farmers to truck the gypsum in from distant places. Gypsum is vital for the rehabilitation of farmland and it improves soil quality by allowing the soil to absorb and hold the moisture rather than its running off. This not only causes erosion, but also reduces the income of the farmers concerned.

The Minister has clearly outlined that this is a laudable objective in that it improves the soil and the environment surrounding the A class reserve. It is a positive for both sides involved. It is not necessary to give up something on the one hand to gain something on the other. I was concerned that the process for achieving this aim appeared to be dogged by a lack of goodwill in some areas of the bureaucracy. There was a natural reticence on the part of some people to act quickly because they thought it might be breaking the rules or moving away from a long held philosophy that one should not enter A class reserves for mining purposes. It is interesting that at one stage a railway line ran through the middle of the reserve, past the edge of the lake, and the access that will be provided to the gypsum deposit will be along the old rail alignment. There is considerable regrowth over the old railway line, and it is clear that without any intervention at all nature has rehabilitated much of the cleared area that was once a railway line.

Mr Minson interjected.

Mr AINSWORTH: That is absolutely correct. At the end of the day, this mining area will not be lost to the park because once the mining ceases and the land is rehabilitated, it will still be part of the park. As the Minister has outlined, some additional land, which is not currently part of the A class reserve, will be incorporated in the boundaries. The reserve will increase in size at the same time as the other activities take place.

I will place on record the efforts of the Kent Shire President, Barbara Morrell, who has fought very strongly on behalf of the people in her shire, where this gypsum will be mined. Like many other farmers in the area she could see no reason for the delay with this project. There would not be too many small A class reserves in country areas that have been visited by so many Ministers and members of Parliament over a four year period. The Minister is laughing. He is well aware of the number of people. In fact, if we had too many more visits from Ministers and other members, and people from the community who wanted to impress upon us the urgency of this issue, there would not have been too many rare plants left as they would have been trampled. It is with some relief that I support this motion tonight, because it will benefit everybody in the community. I do not mean only those people in the area surrounding Lake Chinocup but also the community of Western Australia. We will see the protection of the flora surrounding this lake by the land care work that the community have become involved in as part of the process. Only 0.1 per cent of the total area of the reserve will be mined. The gypsum will improve hundreds of thousands of hectares of farmland and so improve a huge area of the environment. There has not been a trade-off because the gypsum that will be extracted from the lake area will not reduce the quality of this reserve, particularly with the rehabilitation that is part of the whole process. It is with great pleasure that at long last I am able to support the motion that will see the mining of gypsum from Lake Chinocup.

DR EDWARDS (Maylands) [10.21 pm]: I will comment on this motion and then move an amendment that has been circulated. As the other speakers have said Lake Chinocup is located within a nature reserve in the remote south of the State. As the other members have said, it has been visited by a number of different Ministers for the Environment,

many government officials and many members of the Environmental Protection Authority. It is an issue that has been considered in some detail. The Chinocup nature reserve covers about 19 000 hectares, and 12 000 of those hectares consist of salt lakes. It was named in 1984 and is vested with the National Parks and Nature Conservation Authority for the conservation of its flora and fauna. The reserve covers Lake Chinocup and several other salt lakes that are part of the Lake Grace wetland system.

That wetland system is important. It is a remnant of a very ancient drainage system. The wetland provides an important area for waterfowl, for feeding, loafing and breeding. The Lake Grace wetland system, including the Chinocup nature reserve, Lake Chinocup and the Chinocup townsite reserve, is on the register of the National Estate because of its nature conservation and wetland values.

The whole process started some time ago. This proposal was assessed twice in the past, and was not approved. I gather that the two previous attempts were some time ago, because the reports refer to the department of fisheries and wildlife - which is now the Department of Conservation and Land Management - not being supportive at that time. This proposal started in 1993 when the proponents went to the Department of Minerals and Energy with a notice of intent to mine. It was subsequently referred to the Environmental Protection Authority and a consultative environmental review was conducted in late 1993 and early 1994. The EPA bulletin in response to this review was quite strong in saying that it should not go ahead. The EPA states in bulletin 737 that, taking a broad perspective of land degradation and associated environmental impacts in the region, particularly salinisation and the loss of diversity, it was not prepared to support mining at that stage. However, that bulletin contained two important comments. First, it recognised the value and importance of gypsum. Second, it recognised the problems with salinity in the area. The Minister for Mines and the member for Roe have stated that if nothing was done the whole area would be damaged anyway because of the salinity problem. After that a number of Ministers instituted appeals and reviews and a series of steps came into being.

The Shire of Kent formed its only gypsum committee to look into the issue. An environmental scientist went into the Lake Chinocup reserve and was able to prove that some of the rare flora were not as rare as previously thought. Her work countered some of the concerns of the EPA in its bulletin opposing the proposal. The now Minister for Mines, and former Minister for the Environment, visited the area. He was accompanied by a large group of people, so they trampled over a few bushes. Flowing on from that, the Department of Agriculture, as it was called then, prepared a report titled "Potential for Increasing Farm Production and Improved Land Management Through use of Gypsum Around Lake Chinocup." I will comment on that report in the light that it is a department of agriculture report which, I assume, would have been sympathetic to the proposal to use the gypsum.

As part of this report the department commissioned a number of studies. The first one reported on the ground water processes. Three points arose from that study. The first is that the water table in that area is rising at rates of about 10 cm to 30 cm a year. That is a significant rise and spells out that the salinity problem is serious. This issue should be addressed in a holistic manner, for want of a better description, and I believe it is being addressed in that way. The second point is that treatment of 5 per cent of the study area with gypsum responsive soils will have an insignificant impact on the catchment water balance. The study revealed that only about 5 per cent of soils in that region are responsive to gypsum. However, it is important to point out that because the area is so large it is still worthwhile treating 5 per cent of that area. However, there is concern that this treatment will have an insignificant impact on the catchment water balances. The third conclusion is that farm plans should be drawn up and a significant area should be revegetated to address the hydrological imbalances. There are references to that in the heads of agreement and some of the statements that the Minister for the Environment has made. A second study was undertaken on the responsiveness of soils in the area to gypsum. That highlighted that while only 5 per cent of soils would be responsive, that amounts to 72 000 hectares. If I were a farmer who owned some of those 72 000 hectares I would want the project to proceed, and I would be pleased with this decision.

The final study was about the community working together to do all of these things. It pointed out that the application of the gypsum and the results that flowed from that should be closely monitored. I am pleased that the environmental conditions reflect that. In summary, the studies found that parts of the nature reserve that is under issue are degraded by salinity and that problem will get worse.

The report by the then Department of Agriculture indicates that although the application of gypsum will help, what is really needed is changed land management practices. It goes on to spell out two things: One is tree planting and alley farming and the other is changing the method of tilling. The most important statement is that the use of gypsum is only one factor in the package of sustainable agricultural practices that could ultimately improve the health of nature reserves. Without the adoption of improved land use the reserves in the lower part of the landscape have a limited future as non-saline ecosystems. Flowing on from that, the Minister for the Environment took up the idea of integrated catchment management. I understand after he visited the site in February, probably together with the member for Roe, the integrated catchment management plan was developed. I received a copy of that shortly after it was released in May. One of the features of the integrated catchment management plan is that it incorporates the

mine plan, which covers the extraction of agricultural gypsum. Some people might think it a bit strange to have a mine plan in an integrated catchment management plan document, but I think it is the beauty of what is happening in this situation. We are having mining on an A class nature reserve. However, given that it has gone on for so many years, there have been so many studies and so many visits, and also that the appeals convener of the EPA has done such a thorough job in bringing together all these processes -

Mr Minson interjected.

Dr EDWARDS: The current appeals convener refers to his predecessor having initiated it. However, I think from the time frame and from what he told me, he carried out most of the work. The mine plan refers to mining 10 hectares over a five year period. Again this commitment has led to the EPA changing its mind. The initial proposal was for 70 ha, and so reducing it to 10 ha was quite a significant drop. Part of the mine plan refers to the need for monitoring and reviews that the committee will undertake to monitor the project as it goes on. It refers to conducting a much more thorough review in the fourth year of the five year plan to look at all the detail that has occurred in those four years in order to make any necessary changes at the end. Another positive aspect of the mine plan is the 50¢ per tonne levy which will be paid by the proponents to the committee undertaking the land care work in this area. The Shire of Kent will become responsible for collecting the levy. It is a somewhat unusual but extremely positive aspect. As the member for Roe said, what is remarkable about this is the way in which all the parties have worked together. I met with Mrs Morrell. I was impressed with the way the shire, the farmers and the proponents have all got together to compile this document to make the environmental commitments that are attached to the Minister's decision and to sign the heads of agreement.

Regarding the delay, although I understand part of the time in the delay has been used in an extremely constructive manner, I am still a little puzzled at why it has taken so long. Given that the consultative environmental review came out in 1993 and the EPA bulletin came out in April 1994, it seems an inordinate time, when we do not get the results for two and a half years. There are some valid reasons for that and some good things have happened, but it still seems to have taken a long time. I am not clear what lessons can be learnt from that but, if there are any lessons to be learnt, I hope they will be put into practice. Having taken a long time, the proposal is now being rushed into Parliament. It is obvious that the appeals convener of the EPA made his decision at the end of September, because that is the date on the document he gave me which spells out how he thought the appeal should be considered.

One of the problems we have on this side of the House is that some of the conditions the appeals convener has recommended are different from those that the Minister for the Environment has put in his final document.

Amendment to Motion

Dr EDWARDS: For those reasons I move the following amendment -

To add after the words "nature reserve" the following -

for an area of 10 hectares and a time span of 5 years

We believe this is quite a reasonable amendment because we are dealing in a great rush with a proposal to mine on an A class reserve. It is also reasonable considering what government agencies have said about this proposal. The National Parks and Nature Conservation Authority was initially opposed to the whole notion, but through consultation and visits to the area and as a result of the scientific work that was carried out, its stance has now softened. When the NPNCA looked at the integrated catchment management plan, it requested more detail, particularly about rehabilitation and salinity. The NPNCA also wanted the period to be limited to five years, the maximum area and tonnage to be defined, the gypsum to be used only for agricultural soil amelioration in the catchment, research to be carried out, records to be kept, and no resale or transfer to a third party. Obviously some of those points have been picked up in all of the papers to which the Minister has referred, but not the period being limited to five years. The Department of Conservation and Land Management, although having changed its stance, also expressed concern. In its statement on the integrated catchment management plan it said that it supported the advice from the NPNCA and further recommended a 10 year moratorium on further gypsum mining from nature reserves so that time is allowed to really measure the success of rehabilitation. The Water and Rivers Commission highlighted several deficiencies in the integrated catchment management plan, such as the monitoring of ground water, a lack of detail for specific commitments and a lack of clear targets and time frames. It was concerned that the land care initiatives were not sufficient to control salinity in the catchment, and it wanted more detail in the catchment management plan. When one reads the mine plan in the integrated catchment management plan, it is clear that the proponents are signalling that they understand they are getting conditional access. They talk about seeking conditional access to a defined 10 ha for a five year period. They point out their own good system of review and monitoring. It is for those reasons that I moved the amendment. It limits the area, because it is in an A class reserve, and makes a commitment to the time span, because we are concerned about what CALM and the NPNCA are saying about it.

In summary, we have a proposal to mine gypsum in an A class reserve. The proposal was initially to cover 70 ha, but that has been cut back to 10 ha. The EPA would not initially give the proposal approval, but since then extensive work has been carried out and many of the problems initially raised by the EPA have now been addressed. The Minister for Mines pointed out what is probably the most significant problem, and that is the declared rare flora. On top of that we have a catchment where, although we have sodic soils and also salinity problems, the gypsum will help only 5 per cent of the catchment. It will help only for a limited time. I understand from my reading, particularly from the Agriculture WA report, that it is a little hard to tell which bits will and will not be helped. Although it is clear that the gypsum will be helpful, we also need significant changes in farming practices. One of the comments in the Agriculture WA report which made me consider this to be a good idea was the claim that farmers probably need the impetus of increased financial return from the application of gypsum to take them down the path of changing their tilling methods, acquiring new machinery, financing their farm plans and all the things which flow from that.

Although we are agreeable to the motion coming to the Parliament, the Opposition would prefer that it was passed with the amendment to change the area to 10 hectares and the specified period to five years.

MR MINSON (Greenough - Minister for Mines) [10.41 pm]: I thank the member for Maylands for her thoughtful contribution. This is not an easy subject to look at in its totality, not because it is particularly complex but because we are treading in an area not attempted before in bringing competing interests together to work in a constructive way on this scale. Also, as a result of the time span, a lot of the initial work was not readily available to us.

The member referred to the natural quality of the area. She is right. Some of the vegetation is almost unique to the area because of the amount of clearing which has occurred. Also, the lake system is rare - one does not find such lake systems everywhere. As the peculiar soil type is combined with the land forms and lake systems, the vegetation can be unique.

The member referred to quotes from the EPA bulletin and the environmental review and asked, what do we draw from this? Frankly, the most important point is that studies need to be done properly in the first instance. We found that knowledge was coming in on an incremental basis. If one is to tackle something as big as this - originally, the proponents did not understand what they were tackling - one needs to make a thorough study right from the beginning. In that way, one has all the information which can be worked through.

The member for Maylands also mentioned that probably only about 5 per cent of the soils would respond to this mineral gypsum. As I understand it, that estimate is not far wrong. It adds up to a large area. The member is correct in stating that the revegetation and a change in farming practice are essential. To acquire some short term gains from spreading gypsum while retaining the same farming practices would undo in a decade all the good results we hope to achieve from this initiative. There is a need for key lining, contour farming and minimum till farming. If the soil structure in a tight packed clay is disturbed too much, it losses it is friability and becomes worse than it was at the beginning. Strategic revegetation on contour lines could do a lot to correct hydrology and run-off.

Getting the community together is one of the difficult tasks. This case has involved extremes. Both the people in the conservation arm of government and the local community, including the proponents and the volunteer conservation movement, were probably at opposite corners of a boxing ring when they started. That was the traditional way negotiations were carried out in this area. One of the positive aspects of this proposal is that we have seen people shift ground on all sides and come to a central point. People have realised that something must be done. Importantly, a lot of follow-up studies will be required with this operation. It will take time to test the theory.

The member asked why the delay. It was partly because some of the early studies were done with a view to a decision being made on a purely economic basis, perhaps without really understanding the enormity of what the people were getting themselves bound up in. Also, there was a delay in publishing the EPA bulletin and the work of the appeal convener. There was a delay in getting the heads of agreement document into a form which was acceptable to its signatories. From memory, there was no heads of power in the legal sense to enforce it. To an extent, that is still the case. Certainly, an amount of trust is involved in this whole exercise. It has reached the point that so much has been written down about conditions, and the matter has received so much publicity, that if anybody reneges, they will understand the gravity of doing so. This has not been not entered into lightly.

The rush at the end of this process is unfortunate. I agree with the member that we should not rush such things, and I apologise for doing it this way. I understood that it would be part of a reserves Bill which would lay on the Table of the House, enabling the proposal to be bounced around. It was not in a reserves Bill as the heads of agreement was not in place in time. It was pointed out to me that if something were not done, we would approach the 1997 cropping season without access to the gypsum.

The only sensible way to implement this proposal was through a reserves Bill or to use section 24(4) of the Mining Act. It was a matter of introducing the amendment in this way. The time frame is much the same with both avenues. It is arguable that the Minister for the Environment should more appropriately handle the matter, but I would have

been representing him in this House anyway. The Minister for Mines is the appropriate person to handle the matter here. It is important because a lot of work is still to do be done with the pegging and obtaining a judgement and all the things which need to be put in place once the mining licence is issued and the conditions are signed off by the Minister for the Environment in the final form.

There needs to be a lead time to get the stockpiles in place because they will start to spread the stuff around in February. Not a lot happens over Christmas. We would like to do it now. If we left this issue until the new Parliament, it would too late. This has been delayed for long enough.

The member for Maylands asked why the Minister varied the conditions recommended by the various advisory groups. I have not asked the Minister the question, but I presume it is because the Minister has the benefit of being able to look at all the advice and to make a judgment on it. The members knows that the Minister for the Environment is a fairly independent individual and he has the ability to identify the legal ramifications of putting some of those conditions in place.

The member's comments about the use of gypsum was correct. The clear understanding in the Chinocup area is that they need to move very quickly in implementing the full range of farming practices to make sure the land is rehabilitated and does not degenerate again. A few years ago I detected a desire on behalf of the community to do that because they could see their land degenerating before their eyes.

I understand what the Minister is trying to achieve by inserting this provision. Although I understand the reason the member moved the amendment, the Government cannot accept it. It could be argued that, if after five years there is a need for the experiment to continue, the Parliament should reconsider it. The Minister for the Environment's view is valid; that is, if the experiment has gone this far it should be continued and decisions may need to be made. After consultation with the Environmental Protection Authority and the Department of Conservation and Land Management, the Minister should have the option of extending the time of the experiment and the area. The original intention was to carry out the experiment on 70 hectares, but that has been reduced to 20 ha.

I understand the reason the member for Maylands moved the amendment, but the Government cannot accept it because it believes the Minister should retain the reserve of power. I thank members for their comments and I know the champagne corks will be popping at Chinocup because the people in the area have been waiting for this for a long time and are looking forward to making it work.

Amendment put and a division taken with the following result -

Ayes (18)

Ms Anwyl	Mrs Hallahan	Mr Ripper
Mr M. Barnett	Mrs Henderson	Mrs Roberts
Mr Brown	Mr Kobelke	Mr D.L. Smith
Mr Catania	Mr Leahy	Mr Thomas
Dr Edwards	Mr McGinty	Dr Watson
Mr Grill	Mr Riebeling	Ms Warnock *(Teller)*

Noes (22)

Mr C.J. Barnett	Mr McNee	Mr Strickland
Mr Blaikie	Mr Minson	Mr Trenorden
Mr Board	Mr Omodei	Mr Tubby
Mr Bradshaw	Mr Osborne	Dr Turnbull
Mr Court	Mrs Parker	Mrs van de Klashorst
Mrs Edwardes	Mr Prince	Mr Wiese
Mr Kierath	Mr Shave	Mr Marshall *(Teller)*
Mr Lewis		

Pairs

Mr Marlborough	Mr Day
Mr Bridge	Mr Johnson
Mr Cunningham	Mr Nicholls
Mr Graham	Mr Bloffwitch
Dr Gallop	Dr Hames

Amendment thus negatived.

Motion Resumed

Question put and passed.

MENTAL HEALTH (CONSEQUENTIAL PROVISIONS) BILL

Second Reading

Resumed from 5 September.

DR WATSON (Kenwick) [10.58 pm]: After quick conference with my colleague, the shadow Minister for Health I advise the House that the Opposition is prepared to give this Bill an extraordinarily short second reading. The Opposition concurs that this legislation is absolutely necessary for this State to have modern mental health legislation.

Question put and passed.

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

CRIMINAL LAW (MENTALLY IMPAIRED DEFENDANTS) BILL

Second Reading

Resumed from 5 September.

DR WATSON (Kenwick) [11.00 pm]: In speaking to this Bill, my emphasis relates to protection in the criminal justice system for people who have an intellectual disability and who come into contact with the law.

During late 1994, the parents of two offenders contacted my office in quite an unrelated way. One young man had been charged with an offence of wilful exposure. He had been found in a public lavatory. It is beyond my comprehension as to why he was charged - he was actually in the lavatory when he was found by a group of workmen. Nevertheless, his mother, at the age of 74, had to offer numerous explanations for his behaviour. In the end, commonsense prevailed and the Director of Public Prosecutions was prepared to review his case not long before he was due to appear in court. I learned a lot about how the criminal justice system works in relation to people who have some kind of mental impairment as established by this legislation.

I contacted a woman after an article she wrote appeared in "Outside Run" on 17 December 1994. She was the mother of a 23 year old intellectually handicapped woman who had been in court for the fourth time that year. The young woman had attacked a social trainer and smashed a window at a Disability Services Commission unit. There is a number of overlaying issues but, in the end, her case complemented the knowledge that I gained from dealing with that man and his aged mother.

I addressed this issue in the Legislative Assembly in May 1995. I worked with a number of people to develop a policy framework to which the Labor Party could commit itself. It was designed to provide some sort of justice framework for people with an intellectual disability. From my reading of the Bill, it appears that that framework fits quite easily into this legislation. For instance, it was proposed that a distinction should be made in the Criminal Code between intellectual disability and psychiatric illness. That issue is addressed in this legislation.

Intellectual disability or mental impairment can be acquired through brain injury and various disease processes, including and especially ageing. It was felt as well that there needed to be some kind of information and training procedures for all those who, because of their work in the criminal justice system, will inevitably come into contact with people with a mental impairment or intellectual disability. I am not sure that it is addressed as fully as it needs to be in this legislation. Recruits into the Police Force, law schools, medical schools, social work programs, court services and the prison service all need to be educated about the range of issues involved in this kind impairment. It is critical that ongoing in-service programs be required for all legal, judicial, police and prison officers.

The first contact with the police is critical. It is likely to shape what could develop into a nightmare scenario for the person and his or her family. First, appropriate recruitment and in-service training for police is absolutely essential. Not very long ago, I was at the scene of a dispute in Kenwick when I was out on police patrol. One of the people who came into the street was the intellectually disabled son of neighbours to the house where the dispute was taking place. I was knocked sideways by the compassionate, non-judgmental way in which the police officers responded to the questions of this young man, who clearly appeared to me to be intellectually disabled. However, that may not have been evident to a young police officer. The young police officer concerned then told me that he had had training and had a brother with an intellectual disability. The response was entirely appropriate and I hope is the usual manner adopted by police who come into contact with people with intellectual disabilities. That training must include techniques in taking people through an interview or interrogation. One of the difficulties for the person who is arrested and taken for questioning is that they may well want to please their questioner; they may well say, "Yes, I did it", because they would see that to be the appropriate thing to do.

I also know, through a friend of mine who works in an old persons home, that not very long ago someone with senile dementia of some kind caught a bus and committed a minor offence in town. He was arrested by the police before he was returned to the nursing home.

Increasingly, the early contact with the criminal justice system will be with the police, and the police services need to be the focus of appropriate attention and change. Guidelines need to be developed and issued in the Police Service to deal with people with disabilities, and they should be monitored and reviewed regularly. It is most important that the police do not interview a person unless they are convinced that the person understands his legal rights. If a solicitor cannot be present during police interviews, an independent third person trained and rostered for those duties should be present. That requirement should be incorporated into legislation. In the case of intellectual disability, there could be a network of trained volunteers and social trainers who would operate in a similar way to the Aboriginal Visitors Scheme, which was established by a government agency and is appended to the Ministry of Justice. This network of independent third persons could be attached to either the Disability Services Commission or a community based organisation such as Citizen Advocacy. It would be appropriate to also establish some kind of disability liaison unit within the Police Service which would provide access to this network, develop in-service training for police officers, update policy development and advise on the progress of this kind of legislation.

In addition to education in undergraduate courses and during professional practice for legal advocates, it would be appropriate for a designated legal officer to be appointed to the Legal Aid Commission and also to the office of the Director of Public Prosecutions. Funding to one or some of the community legal centres could be used to develop an expertise in dealing with people with mental impairment. A mental health legal service will soon be established, or is in embryonic form, and a different set of issues will need to be addressed here for people with intellectual disability or mental impairment who come into contact with the criminal justice system.

One of the most important issues, and one which this legislation addresses, is the appropriate provision of court services for people with mental impairment. Some guidelines were developed in 1993 that were prepared by a committee for the Supreme Court of Western Australia and were printed and distributed by the then Authority for the Intellectually Handicapped. The guidelines were for judges' associates, orderlies and security officers, and they outlined practical measures to be taken in the courts. Some of those measures have been taken up in this legislation.

I am pleased that procedures are laid down for the care of people who come before the courts. A New South Wales' study showed that an astonishingly high proportion of people who appeared before the Court of Petty Sessions and the Magistrate's Court had some kind of intellectual disability or impairment. Those guidelines should be assessed and upgraded regularly. Conditions of bail and remand need to be appropriately communicated. Extraordinary sensitivity is required to deal with people in these positions, and also, of course, with their families.

For people who are sentenced to prison, the education of personnel in corrective services is critical, as is advocacy, and appropriate links should be made, perhaps by using the visitors scheme established for Aboriginal people. Advocacy skills are the most important skills that could be brought into that system to deal with people with an intellectual disability and other forms of mental impairment. Those people are extraordinarily vulnerable in a prison system, and extra care should be arranged for them.

Although I have focused on intellectual disability, those points relate also to mental impairment. This Bill focuses on court processes and not the trial. If I have any criticism at all, it is that we need to deal with these issues at the time the person is arrested and the police start their questioning. It is essential in the criminal justice system that we commit ourselves to the provision of an independent third person when people with these kinds of impairments are questioned and interrogated. We will not propose amendments to the legislation to address that matter. I understand that this legislation is geared more specifically to court processes and fitness to plead than is the framework that I have outlined, but that framework will provide an appropriate way of dealing with this in an overarching and comprehensive sense.

We are pleased to see in this legislation procedures for reporting and links with certain sections of the mental health legislation, particularly those that relate to authorised hospitals for the provision of treatment. The Opposition will support this legislation, without amendment, although we expect to see it improved upon as people become more used to working with it.

MR McGINTY (Fremantle - Deputy Leader of the Opposition) [11.20 pm]: I also indicate support for this legislation. As is stated in the penultimate paragraph of the second reading speech, it is a Bill that is significant because for the first time all provisions relating to the procedures for dealing with mentally impaired defendants are contained in the one piece of easily understood legislation. It overcomes a number of inconsistencies in the law as it currently applies. It codifies in an acceptable manner the way in which people who are mentally impaired will be treated by the law when they face criminal trials, and not just trials of a serious nature. It is much needed legislation, and for that reason we support it.

In dealing with this legislation in the past two weeks, the Opposition made it very clear that it saw the passage of the package of mental health Bills as a priority, and that it should have been given a higher priority by the Government. We appreciate that we are near the end of the year and the amount of time available for the passage of Bills of this nature is limited. For that reason, during debate last Tuesday and today, we have fast-tracked these three pieces of legislation to ensure they were passed by the Legislative Assembly and could find their way to the Legislative Council, thereby allowing the outmoded health laws in Western Australia to be put into the wastepaper basket and replaced by something that more adequately reflects the principles that in the future should underpin the treatment of people with mental impairment and mental disabilities.

During this week, with the passage of some very major pieces of legislation, we have seen a preparedness to ensure nothing stands in the way of what is very good legislation. For that reason and because we find ourselves at the eleventh hour, we have stopped short of raising many issues and moving amendments as would have occurred in the normal course of events. Quite frankly, the passage of this legislation is more important than points that might be scored otherwise. With those few comments, I indicate the support of the Opposition for this legislation.

MR PRINCE (Albany - Minister for Health) [11.23 pm]: I am obliged to members opposite for their support of this legislation, and for their remarks. I refer to the longer part of the debate by the member for Kenwick relating to resources and training of the police in handling people who have some form of mental impairment. For 20 or 30 years, or longer, it has been a requirement in the law that, when police are interviewing or interrogating people who may have a want of understanding, either by reason of some sort of mental impairment or because they are children, an independent third party should be present; that is, a solicitor, or some other person.

This has been raised in a number of incidents. I suppose one of the most famous cases is that of Daryl Raymond Beamish, back in the late 1960s, in which this question was canvassed at length. There is also the matter of the Judge's Rules from the United Kingdom, which have been incorporated in our law on a number of occasions by the courts and which are also contained in the Commissioners Routine Orders. I am aware of one case in New South Wales - Dixon, McCarthy and Others v R - which specifically dealt with children, and there are many others. That which the member is calling for is already in place. It is a matter of ensuring that the rules are followed. As to the remarks made by the Deputy Leader of the Opposition, I am obliged to him for his support of the legislation.

I confess to having some personal interest in this Bill. I suspect I am the only member of this House or the other place who has ever had the privilege of representing both on a plea of not guilty by reason of insanity, and being successful in having a client sent to gaol; and also representing someone on the basis of a total want of understanding of the trial process and also being successful in having that person discharged.

The law has not changed since 1913 in this regard, notwithstanding many reports to say that it should have. The case of a person who has a lack of understanding of the trial process is most peculiar. Currently if it happens at the summary level, before a magistrate, the person is simply discharged and that is the end of the matter. If it happens at the superior court level, in front of a Supreme Court or District Court judge, the judge has a power to determine whether the person should be sent off for assessment to Graylands Hospital. The fact that there is a difference between the two is nonsense.

With regard to people who are found guilty by reason of insanity at the time an offence is committed, we have the ludicrous situation, as I did in one case, where a couple who had committed offences against each other, rather than anybody else, appropriately had been taken to Graylands Hospital by the police, had been diagnosed, assessed and treated to the point where they were living back in the community. They then came to court for trial and were found not guilty by reason of insanity. He went to Fremantle prison and she went to Bandyup Women's Prison. It took Executive Council orders to get them out of prison and into Graylands, and ultimately more Executive Council orders to get them back into society. That is a ludicrous and absurd state of affairs. Given my experience, I am delighted to see this legislation before the House because it corrects those matters.

This is a technical Bill that is correcting sections of the Criminal Code, and nothing more. This could have been done by some form of implication in the Mental Health Bill with which we dealt with a few minutes ago; however, it was deemed to be more appropriate that it should be done explicitly, by amendments to the Criminal Code, so that the law in this regard is well spelt out. In so far as it is needed, it contains a recital of the definition of "insanity" as announced by the High Court of Australia in Falconer's case. It makes some sense of procedures and brings them to something that will work much better in the future. I am obliged to the members opposite for their contributions and support.

Question put and passed.

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

BILLS (4): RETURNED

1. Stamp Amendment Bill.
2. State Enterprises (Commonwealth Tax Equivalents) Bill.
3. Reserve (No 18039) Bill.
4. Mining Amendment Bill.

Bills returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Mr C.J. Barnett (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 12 November, at 2.00 pm.

House adjourned at 11.30 pm

QUESTIONS ON NOTICE

GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1985. Mr BROWN to the Premier representing the Minister for Finance:

(1) How many employees are employed in each agency and department under the Minister's control?

(2) How many of these employees are employed under the terms of a workplace agreement?

Mr COURT replied:

The Minister for Finance has provided the following reply -

For the member's information a table is set out below which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

	(1) Actual FTEs June 1996	(2) Estimated Total Number of Staff Covered by WPAs
Government Employees Superannuation Board	129	0
State Government Insurance Commission	302	147
State Revenue Department	210	0
Valuer General's Office	182	0
Total	823	147

GOVERNMENT EMPLOYEES - NUMBERS; WORKPLACE AGREEMENTS

1986. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) How many employees are employed in each agency and department under the Minister's control?

(2) How many of these employees are employed under the terms of a workplace agreement?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

For the member's information a table is set out below which is based on full time equivalents staffing level information collected by PSMO and a recent survey conducted by DOPLAR. The figures relating to the number of employees covered by workplace agreements are the number of employees covered by individual and collective agreements registered with the Commissioner of Workplace Agreements as at 30 June 1996. They are based on estimates provided to DOPLAR by agencies.

	(1) Actual FTEs June 1996	(2) Estimated Total Number of Staff Covered by WPAs
Lotteries Commission	125	95
Office of Racing Gaming & Liquor	98	92
Totalisator Agency Board of WA	169	63
Total	392	250

HEALTH DEPARTMENT - KALGOORLIE-BOULDER, NUMBER OF STAFF

2083. Ms ANWYL to the Minister for Health:

(1) How many staff are employed in the administration of the Health Department in Kalgoorlie-Boulder?

(2) Where are the staff located?

(3) How many staff are employed in a permanent or acting capacity?

(4) Are any positions under review?

(5) If so, which positions?

(6) What were the number of positions in existence for the years ending -

(a) 30 June 1994;
(b) 30 June 1995;
(c) 30 June 1996;
(d) 30 June 1996 to date?

Mr PRINCE replied:

(1) The Operations Division of the Health Department of WA currently has five operational management and HACC staff.

(2) Both organisations are located at Viskovich House, 377 Hannan Street, Kalgoorlie.

(3) The employment status of the Operations Division staff is two permanent and three acting/temporary. The Office of Aboriginal Health employee is currently acting.

(4)-(5) Currently the employment of Health Department Operations Division staff is being finalised in line with the management reforms outlined in December 1995.

(6) (a) Previously the Goldfields Regional Office - 10 positions.

(b) Central Health Authority - 11 positions.
Central Desert Health Service - 2 positions.
Aboriginal Health Policy, Programs Branch - 6 positions.

(c)-(d) Operations Division Central - 4 positions.
Central Desert Health Service - 1 position.

Aboriginal Health Policy and Programs Branch and overall responsibility for Central Desert Health Services were relocated to Perth in September 1995.

GOVERNMENT EMPLOYEES - UNDER 21 YEARS OF AGE; BETWEEN 21 AND 25 YEARS OF AGE; RECRUITMENTS

2121. Mr BROWN to the Minister for Health; Aboriginal Affairs:

(1) In each department and agency under the Minister's control, how many employees -

(a) under 21 years of age;
(b) between 21 and 25 years of age,

were recruited in the 1995-96 financial year?

(2) How many employees between these ages were recruited in the -

(a) 1993-94 financial year;
(b) 1994-95 financial year,

by each department and agency under the Minister's control?

Mr PRINCE replied:

Health Department of Western Australia -

(1) (a) 274.
(b) 893.

(2) (a) 141 - under 21 years of age.
358 - between 21 and 25 years of age.

(b) 198 - under 21 years of age.
531 - between 21 and 25 years of age.

Note: The figures for (2) are an indication only because several health services no longer hold this information.

Alcohol and Drug Authority -

(1) (a) Nil.
(b) Three.

(2) (a) Nil.
(b) One.

Healthways -

(1) (a) Nil.
(b) Two.

(2) (a) Nil - under 21 years of age.
One - between 21 and 25 years of age.

(b) One - under 21 years of age.
Nil - between 21 and 25 years of age.

Aboriginal Affairs Department -

(1) (a) Six.
(b) Five.

(2) (a) Three - under 21 years of age.
Two - between 21 and 25 years of age.

(b) One - under 21 years of age.
Four - between 21 and 25 years of age.

BUS SERVICES - CANNING VALE RESIDENTS, RANFORD ROAD-FREMANTLE; PERTH

2158. Dr WATSON to the Minister representing the Minister for Transport:

(1) When can residents of Canning Vale expect a bus service along Ranford Road which will go to -

(a) Fremantle;
(b) Perth?

(2) If such a service is not planned, why not?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1)-(2) The internationally recognised standard for the establishment of bus services in any urban area is the attainment of a density of 300 dwellings per bus route kilometre. Canning Vale has not yet reached that standard, however, the Department of Transport has recognised the high rate of residential development currently occurring. The Department of Transport has scheduled a review of the Canning Vale bus services with Swan Transit, which is planned to be undertaken shortly. Swan Transit commenced as the new bus service operator for the Canning and southern river contract areas recently. It is anticipated that existing services will be supplemented during the 1997 year. This has been made possible by the Government's competitive policy and the savings achieved and by the innovative initiatives by the new operator.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2186. Mr BROWN to the Minister for Family and Children's Services; Seniors; Fair Trading; Women's Interests:

(1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?

(2) What was the nature of each contract?

(3) What was the contract price of each contract?

(4) Who was allocated the contract?

(5) How did the department or agency select the company/person to carry out the contract?

(6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?

(7) If not, why not?

(8) Does each department/agency have a list of companies or individuals that may be used for particular work?

(9) How do the companies or agencies get on the list if the work is not advertised from time to time?

(10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mrs EDWARDES replied:

(1)-(10)
The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission Policy Statement (1.3) and Policy Guidelines is tabled. [See paper No 712.]

Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

CONTRACTS - GOVERNMENT, NOT PUT OUT TO TENDER

2187 Mr BROWN to the Minister for Labour Relations; Housing; Lands:

(1) In the departments and agencies under the Minister's control, how many let contracts in the 1995-96 financial year without such contracts being put out to tender?

(2) What was the nature of each contract?

(3) What was the contract price of each contract?

(4) Who was allocated the contract?

(5) How did the department or agency select the company/person to carry out the contract?

(6) Has each department or agency advertised for expressions of interest from contractors and individuals who may wish to carry out small contract work from time to time?

(7) If not, why not?

(8) Does each department/agency have a list of companies or individuals that may be used for particular work?

(9) How do the companies or agencies get on the list if the work is not advertised from time to time?

(10) To what extent are such small contracts allocated to 'mates', 'colleagues' and 'confidantes'?

Mr KIERATH replied:

(1)-(10) The letting of all contracts, unless otherwise exempted by the State Supply Commission, is subject to the policies and guidelines of the State Supply Commission. A copy of the relevant State Supply Commission Policy Statement (1.3) and Policy Guidelines is tabled. [See paper No 715.]

Government agencies routinely contract external providers to undertake a range of services in support of the delivery of their programs. Given the large number of contracts in place at any time the details sought are not readily available. I am not prepared to direct the considerable resources to obtain this information. However, if the member has a specific query I will have the matter investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2203. Mr BROWN to the Premier:

(1) Does each department and agency under the Premier's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?

(2) Are the tender documents made available in a timely manner?

(3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr COURT replied:

(1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

CONTRACTS - GOVERNMENT, TENDER DOCUMENTS MADE AVAILABLE TO INQUIRERS

2209. Mr BROWN to the Minister for Labour Relations; Housing; Lands:

(1) Does each department and agency under the Minister's control make available tender documents to each company and individual expressing an interest in putting in a tender for specified advertised contracts?

(2) Are the tender documents made available in a timely manner?

(3) Have there been any occasions when tender documents have not been made available to people making the relevant inquiries?

Mr KIERATH replied:

(1)-(3) Relevant agencies are expected to make every effort to disseminate documentation to interested parties in a timely fashion. I am not aware of any problems in this regard; however, if the member has a specific issue he wishes to address, he should put it to me in writing and I will have it investigated.

BUS SERVICES - BUS OPERATORS, METROBUS DEPOTS ALLOCATION; EMPLOYEES FREE TRAVEL

2341. Dr WATSON to the Minister representing the Minister for Transport:

(1) Why were 775 bus operators given less than 48 hours to indicate their individual preferences for one of the five MetroBus depots?

(2) Is the Minister aware that redeployed bus operators - Gosnells to Causeway - will now be required to pay their bus fares to and from work?

(3) Was this issue considered as part of the negotiations with Swan Transit?

(4) If so, has the desired outcome been achieved?

(5) If not, will the Minister negotiate free bus travel for bus operators?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) This time frame, which had been agreed to by the Public Transport Union was to enable the allocation of rosters for the week commencing 29 September. I am advised that the vast majority of staff were able to respond in the required period as they had been previously advised that the issue of depot allocation was to be resolved in this manner and that a joint MetroBus/PTU allocation committee was able to place 97 per cent of bus drivers at their first preference depot.

(2) Yes.

(3) No. The whole public transport initiative is to provide an enhanced service to the people of Perth.

(4) Not applicable.

(5) The policy concerning free travel on the Transperth system for current and retired staff from MetroBus and private operators has been in effect since 1 July 1995. Under this policy, it is up to operators to decide whether they wish to allow their employees free travel on their own services. If they do provide this facility, the operators are required to reimburse the Department of Transport for the lost revenue so that the cost would not be passed on to the taxpayer. It is also up to the operators to negotiate reciprocal arrangements with each other if they so wish.

METROBUS - FORMER OPERATORS EMPLOYED BY PRIVATE CONTRACTORS, WAGES AND CONDITIONS

2353. Mr BROWN to the Minister representing the Minister for Transport:

(1) Are former MetroBus bus operators employed by each of the private companies contracted to provide public transport being paid a weekly wage equivalent to or better than the weekly wage they were receiving from MetroBus for working the same number of hours they worked with MetroBus?

(2) Are former MetroBus bus operators now employed by private companies contracted to provide bus services provided with employment conditions equal to or better than the employment conditions they received when employed by MetroBus?

(3) Is it true that former MetroBus bus operators employed by private contractors contracted to provide public bus services are paid -

(a) a lower weekly rate of pay compared to the rate they received when employed by MetroBus for working the same hours;

(b) a lower hourly rate of pay;

(c) inferior employment conditions to those that they received when employed by MetroBus?

(4) Did MetroBus produce for its employees a schedule of rates and conditions showing the difference between the rates and conditions paid by MetroBus compared to other private contractors?

(5) Did the schedule show that bus operators employed by MetroBus were paid more than bus operators employed by private companies under contract?

(6) Was the schedule prepared by MetroBus accurate?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) No. The weekly wage paid by the private companies is a matter between the employees, the private companies and any union with which the parties are associated.

(2) The conditions of employment of the private companies' employees is a matter between the employees, the private companies and any union with which the parties are associated.

(3) (a)-(b) See (1).

(c) See (2).

(4) No.

(5)-(6) Not applicable.

TASK FORCE ON SOCIAL PROBLEMS - ESTABLISHED 1 AUGUST 1996

2363. Ms ANWYL to the Premier:

With reference to the Government task force on social problems established on 1 August 1996 and the Premier's answer to question on notice 1933 of 1996 -

(a) how did the Premier identify that the chairwomen would be best suited to convene the task force;

(b) what advice was taken as to other appropriate members of the community;

(c) Does the Premier refuse to advise whether the chairwomen, or either of them, are members of the Liberal Party;

(d) will the 'draft' nominal budget of $40 000 be increased;

(e) which agencies may provide resources;

(f) have the agencies referred to in (e) been advised of their involvement and if so, on what date was each so advised;

(g) when will the task force report and in what form;

(h) when will the Government respond to any needs identified in the report;

(i) what groups and individuals will the task force meet with and with whom has it already met;

(j) did the Minister for Regional Development have any role in the selection of the chairwomen;

(k) does the Goldfields Esperance Development Commission have a brief for social development and, if so, how do the task force and GEDC overlap;

(l) does the task force have the services of any project officer;

(m) if so, what is the name and place of immediate past employment of such person and what is the date of start and completion?

Mr COURT replied:

(a)-(b) Both chairwomen clearly have an extensive and long term dedication to the Kalgoorlie Boulder City, region and community and are regarded as leaders within the community. They have served in both professional and voluntary capacities on a range of government and community groups and have displayed a genuine commitment to the wellbeing and future of the people from Kalgoorlie Boulder.

(c) The chairwomen's political affiliations is not a criterion for membership of the task force and has no relevance to the work of the task force.

(d) It is anticipated that the task force will complete its work within budget.

(e)-(f) Resources are primarily provided through the Ministry of the Premier and Cabinet with support from the Goldfields Esperance Development Commission.

(g)-(h) It is expected that the task force will complete its work by the end of December 1996. A written report will be presented to the Premier, and a review of the report's conclusion and a response determined following this review.

(i) The task force will conduct public meetings in Kalgoorlie-Boulder, and will also meet with individuals and representatives of community groups and government agencies with an interest in the issues being addressed. In addition written submissions have been called for from the community. A range of organisations attended the public meeting held on 17 September. A full list of groups consulted and submissions received with be incorporated in the report.

(j) The Minister for Regional Development agreed with the appointment of the chairwomen.

(k) The board of the commission has consistently perceived the role of commission to be that of facilitating the social development of the region in terms of making the region a more attractive place to live and work.

(l)-(m) Peter Rowe, policy coordinator attached to the office of the Minister for Mines; Works; Services; Disability Services and Minister assisting the Minister for Justice will provide executive support to the task force for its duration.

MAIN ROADS WESTERN AUSTRALIA - TRAFFIC TREATMENTS, TEMPLETON CRESCENT-MARANGAROO DRIVE, GIRRAWHEEN

2368. Mr CUNNINGHAM to the Minister representing the Minister for Transport:

(1) Following the promise to the residents of Girrawheen-Marangaroo that traffic treatments to the intersection of Templeton Crescent and Marangaroo Drive, Girrawheen would have been in place early July 1996, will the Minister advise when Main Roads Western Australia intends to install traffic treatments to this dangerous intersection.

(2) As this site is the scene of many serious accidents and near misses, will the Minister advise what priority has been given to this work?

(3) Is the Minister and his Government prepared to accept responsibility for any lack of action when a fatality occurs at this intersection?

(4) Will the Minister explain why the promise to have the traffic treatments in place by the end of July 1996 has not been kept and what valid reason can be given on the failure to keep the undertaking, based on the written advice by his department who have acknowledged that this intersection is indeed a very dangerous crossing?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1),(3)-(4) It was intended that Main Roads would provide funds in 1995-96 for the City of Wanneroo to construct a roundabout at the intersection of Marangaroo Drive and Templeton Crescent. This treatment was planned for completion in July 1996. Further investigation indicated that traffic signals would be a more appropriate treatment for this intersection. This required a redesign of the proposed treatment which has resulted in a delay to the project. Traffic signals are programmed for installation in December 1996.

(2) The work has a very high priority.

PUBLIC TRANSPORT - PROMOTION

2372. Dr EDWARDS to the Minister representing the Minister for Transport:

(1) Further to question on notice 969 of 1996, does the Minister then support policies which encourage people to use public transport "instead of their own vehicle because of the environmental benefits from lower exhaust emissions"?

(2) What policies does the Minister have in place to encourage this action?

Mr LEWIS replied:

The Minister for Transport has provided the following response -

(1) Yes.

(2) A comprehensive 10 year plan to enhance the attractiveness of the public transport system is currently being developed. On 17 October 1996 the Minister for Transport announced key features of the plan. These are -

Creating a totally new concept in bus travel - codenamed System 21 - to introduce major innovations and provide frequent, fast and comfortable services.

Introduction of the circle route connecting interchanges at Fremantle, Stirling, Morley, Midland, Bassendean, Oats Street and Canning Vale. This service will serve five university campuses, several hospitals, key shopping centres and the Perth domestic airport.

Progressive replacement of the Transperth bus fleet with state-of-the-art, easy access buses which will meet international best practice emission standards.

Detailed planning for the expansion of the suburban rail network -

from Perth via Kenwick to Jandakot and ultimately to Kwinana, Rockingham and Mandurah;
from Currambine to Two Rocks;
from Midland to Bellevue.

Creating a dedicated rapid transit route from Rockingham to Fremantle, initially using buses but capable of adaption to other forms of transport such as light rail.

Elimination of the Lord Street level crossing in East Perth by construction of road bridge and partial sinking of the railway to remove a major road and rail bottleneck.

HOSPITALS - KALGOORLIE REGIONAL

Catering, Laundry and Cleaning Services

2378. Ms ANWYL to the Minister for Health:

(1) I refer to question on notice 1934 and the answer thereto and ask -

(a) when will the benchmark rates be available for Kalgoorlie Regional Hospital;

(b) when will the information gathering phase be complete;

(c) will the Minister provide details of the cost of laundering material, per kilogram, on a private, commercially confidential basis?

(2) How many staff were employed in the catering area as at -

(a) 30 June 1996;
(b) 25 September 1996;
(c) 30 June 1995;
(d) 30 June 1994?

(3) What is the average length of service of each staff member?

(4) Will the benchmark rates be available on anything other than a statewide basis?

(5) If not, what is the point of designating rural teams?

(6) How many teams exist?

(7) What is the geographical boundary of each team and which hospitals are included?

(8) How many teams exist and what is the staffing level of each?

(9) What is the cost of each team?

(10) Will the benchmark rates be available to the Kalgoorlie Health Service Board before it makes a decision on the request for tender?

Mr PRINCE replied:

(1) (a) It is anticipated that validated in-house costs for Kalgoorlie Regional Hospital will be available in November 1996. Benchmarking with comparable hospitals will then commence and should be completed early in the new year.

(b) The information gathering phase of the project is almost complete. Validation of the information has commenced.

(c) Laundry costs have yet to be validated. The information is confidential and commercially valuable to the Health Department and the Health Service Board and would not be considered accessible under the Freedom of Information Act.

(2) (a) 23.97.
(b) 26.29.
(c) 26.63.
(d) 31.4

(3) 11.5 years.

(4) The benchmark rates will be available for each hospital which will be compared on a "like to like" basis.

(5) Not applicable.

(6) There were four teams involved in the hospital surveys.

(7) All rural public hospitals were included. The teams were allocated to particular hospitals, not geographical areas.

(8) Each team consisted of three members.

(9) The total cost of the four teams to date is $183 000. Costs include travel, accommodation and wages.

(10) Yes.

HOSPITALS - SIR CHARLES GAIRDNER

Nurses Employment

2381. Dr GALLOP to the Minister for Health:

(1) How many nurses have been employed at Sir Charles Gairdner Hospital in -

(a) 1993-94;
(b) 1994-95;
(c) 1995-96?

(2) For each of these years, what percentage of the nurses employed are agency nurses?

Mr PRINCE replied:

(1) (a) 943.17;
(b) 896.27;
(c) 877.36.

(2) (a) 1.46 per cent;
(b) 3.32 per cent;
(c) 1.39 per cent.

HOSPITALS - FREMANTLE

Nurses Employment

2382. Dr GALLOP to the Minister for Health:

(1) How many nurses have been employed at Fremantle Hospital in -

(a) 1993-94;
(b) 1994-95;
(c) 1995-96?

(2) For each of these years, what percentage of the nurses employed are agency nurses?

Mr PRINCE replied:

(1) (a) 571.88;
(b) 566.77;
(c) 552.06.

(2) (a) 2.0 per cent.
(b) 2.1 per cent.
(c) 2.8 per cent.

HOSPITALS - ROYAL PERTH

Nurses Employment

2383. Dr GALLOP to the Minister for Health:

(1) How many nurses have been employed at Royal Perth Hospital in -

(a) 1993-94;
(b) 1994-95;
(c) 1995-96?

(2) For each of these years, what percentage of the nurses employed are agency nurses?

Mr PRINCE replied:

(1) (a) 1 260;
(b) 1 270;
(c) 1 256.

(2) (a) 1.5 per cent (19);
(b) 2.8 per cent (36);
(c) 3.8 per cent (48).

HEALTH DEPARTMENT - ROSTAR

2384. Dr GALLOP to the Minister for Health:

(1) What is RoStar?

(2) Where is RoStar being implemented throughout the health system?

(3) What is the total cost of RoStar for the Health Department?

(4) Are there any problems being revealed from the implementation of RoStar?

(5) If yes to (4) -

(a) what are they;
(b) how does the department propose to remedy them?

Mr PRINCE replied:

(1) RoStar is a state-of-the-art knowledge based technology rostering system which has been developed by Australian Technology Resources - a local Perth based company - under subcontract to Ferntree Computer Corporation, to meet the needs of the different occupational groups within the Public Sector Health Industry of WA. The system is seen as a subset of the human resource information system Lattice, as once implemented it will perform the rostering and time keeping function. The following is a list of benefits of RoStar -

close integration with the HR/Payroll system - Lattice
flexibility in the method of rostering
ability to cost a roster(s)
checks for breaches of awards
automation of the roster generation process
verification of rosters
tracking of changes made
archiving of roster date

(2) The implementation of RoStar is not a mandatory requirement and the following is a list of those sites that have indicated they will be implementing RoStar -

Princess Margaret/King Edward Hospitals - pilot site
Royal Perth Hospital - including the rehabilitation annex

Fremantle Hospital
Sir Charles Gairdner Hospital
Rockingham Kwinana Health Service
Bentley Health Service
Kalamunda Health Service
Swan Health Service
Osborne Park Health Service
Graylands Health Service - including Selby/Lemnos sites
Armadale Kelmscott Health Service
West Kimberley Health Service
East Pilbara Health Service
Bunbury Health Service
Albany Health Service
Narrogin Health Service
Gascoyne Health Service
Eastern Wheatbelt Health Service
Geraldton Health Service
Northam Health Service
Western Health Service

(3) The costs to the health industry are -

Item	Cost	Comment
Licence and development	$1 181 400	One off payment
Implementation Services	$933 200	One off payment
Annual Maintenance	$170 000	Ongoing
Support Unit	$86 000	Ongoing

In addition to the costs listed above each implementation site is required to purchase computing hardware and is also required to provide an implementation project coordinator. These costs vary, depending on the size of the hospital or health service, and have not been collated at this time.

(4) Other than the usual issues associated with change management and system development there have not been any major problems with the implementation of RoStar. A review of work flows and the roles of staff using the system is under way at Princess Margaret and King Edward Memorial Hospitals - RoStar pilot site - which will provide the template for other health sites as they move to the new system.

(5) Not applicable.

DENTAL SERVICES - CONCESSION CARD HOLDERS RECEIVING TREATMENT

2387. Dr WATSON to the Minister for Health:

(1) How many concession card holders received dental attention in public clinics in Western Australia in -

(a) 1994-95;
(b) 1995-96?

(2) What were the main treatments?

(3) What, if available, was the age break down of patients?

(4) How many private dentists participated in the scheme?

Mr PRINCE replied:

(1) (a) Approximately 51 000 patients excluding specialist patients.
(b) Approximately 68 000 patients excluding specialist patients.

(2) Emergency care involved fillings, extractions and denture repairs. General care involved fillings, dentures, preventive treatments and extractions.

(3) Not available.

(4) 369.

BOARDS AND COMMITTEES - WOMEN APPOINTMENTS; MEN APPOINTMENTS

2401. Dr WATSON to the Minister for Health; Aboriginal Affairs:

(1) How many women are on boards and committees in your administration?

(2) How many men are on boards and committees in your administration?

(3) How many women have been appointed since October 1995?

(4) How many women members whose terms had expired by October 1995 were not reappointed?

Mr PRINCE replied:

Health Department of Western Australia -

(1) 367.

(2) 654.

(3) 130.

(4) 14.

Alcohol and Drug Authority -

(1) One.

(2) Two.

(3) One.

(4) Nil.

Healthway -

(1) 12.

(2) 26.

(3) Six.

(4) Four.

Aboriginal Affairs Department -

(1) 60.

(2) 156.

(3) 53.

(4) Two.

TRANSPORT, DEPARTMENT OF - SWAN TRANSIT, PAYMENT FOR GOSNELLS BUS DEPOT; LEASE

2411. Dr WATSON to the Minister representing the Minister for Transport:

(1) How much did Swan Transit pay for the Gosnells bus depot?

(2) How much is the group paying for any lease arrangements?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1)-(2) The Gosnells bus depot is, and remains, a government owned asset and is leased to Swan Transit at the Valuer General's lease rate of $85 000 per annum. It is important that members reconise that the new operators are providing our bus service on the same basis as is MetroBus.

TRANSPORT, DEPARTMENT OF - PERTH-MANDURAH RAPID TRANSIT LINK STUDY CONTRACT, AWARDED TO BSD CONSULTANTS

2412. Mrs ROBERTS to the Minister representing the Minister for Transport:

(1) In relation to the study of a rapid transit link between Perth and Mandurah, what is the total cost of the contract being undertaken by BSD Consultants?

(2) When was the contract awarded?

(3) How was the contract awarded?

(4) Did the contract go out to tender?

(5) If not, why not?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) The total cost is expected to be in the order of $50 000.

(2) July 1996.

(3)-(5) The expected cost of the original scope of the work was in the order of $20 000. State Supply Commission guidelines do not require the calling of tenders where the cost of work is not expected to exceed $50 000. Following completion of the initial work, it was determined that further work was required at an estimated cost of $30 000. It was considered appropriate for that additional work to be carried out by the original consultant.

TRANSPORT, DEPARTMENT OF - FUEL SHORTAGES ASSESSMENT

2419. Dr EDWARDS to the Minister representing the Minister for Transport:

(1) With reference to the 1995 petroconsultant report “The World’s Oil Supply 1930-2050" compiled by Campbell and Laherrere, what action will be taken by the Department of Transport to assess the claims of a domestic fuel shortage?

(2) What communication has occurred with the New South Wales project team investigating the impact in that State?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) The Department of Transport and Main Roads Western Australia are currently assessing the 1995 petroconsultant report and have been briefed on several occasions by Mr Brian Fleay, whose book *The End of the Age of Oil* largely parallels the petroconsultant report.

(2) Staff of the Department of Transport have communicated with the leader of the New South Wales project team investigating this matter.

BEACH EROSION - QUINNS ROCKS

2422. Dr EDWARDS to the Minister representing the Minister for Transport:

(1) Is the Minister aware of substantial erosion occurring along the beachfront at Quinns Rocks?

(2) What action has the Department of Transport taken to identify the causes of the dramatic increase in the erosion?

(3) What plans does the Department of Transport have to stabilise the beachfront to prevent further erosion?

(4) Can the Minister assure the House that action will be taken to prevent further erosion before next winter?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) I am aware of the erosion to the Quinns Rocks’ coastline which occurred during the 1996 winter.

(2) The Department of Transport has been working closely with the City of Wanneroo on the coastal erosion problem. Department of Transport officers recently have undertaken surveys of the beach and the seabed in the Quinns area for comparison with similar surveys carried out when erosion occurred about 20 years ago.

(3) The collaboration between state and local government is continuing with the joint funding of a report by coastal engineering consultants. The tender for this contract has recently been advertised. The Department of Transport and the City of Wanneroo will be working closely together in the management of this consultancy.

(4) The consultants’ report on the Quinns area will take into account the survey information obtained by the Department of Transport. This will help to identify suitable long-term solutions to the erosion problem at Quinns. It is simply too early to say what those solutions will be.

ADVISORY COUNCIL ON WASTE MANAGEMENT - WASTE MANAGEMENT PROGRAMS FUNDING

2423. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Has the Advisory Council on Waste Management reported to the Minister on resources for new waste management programs?

(2) If yes, when?

(3) If no, why not?

(4) Will the Minister table this report?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Yes, the Advisory Council on Waste Management reported to me on the status of a proposal to fund waste management programs by way of a levy on solid waste landfill. This method is used to fund programs in New South Wales, Victoria and South Australia.

(2) 20 September 1996.

(3) Not applicable.

(4) Yes. [See paper No 713.]

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - WASTE MANAGEMENT DIVISION, PLASTIC BAGS REDUCTION MEASURES

2425. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) What is the current status of measures taken by the waste management division of the Department of Environmental Protection to reduce the tonnage of plastic bags in the waste stream in Western Australia?

(2) What toxins are released into the atmosphere as a result of burning plastic bags?

(3) Has the waste management division estimated what volume of toxins are released each year into the atmosphere from the burning of plastic bags?

(4) If so, what are their estimates?

(5) Does the Minister acknowledge that burning of waste does take place at landfill sites?

(6) Is burning of waste permitted at landfill sites?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) The Waste Management Division is not actively pursuing a reduction of waste plastic bags. Its research suggests that only 1 600 tonnes per annum are consumed within Western Australia. While they represent a litter problem and a hazard to waste life if disposed of incorrectly, they are not a major waste management problem.

(2) Carbon monoxide and some short chain hydrocarbons if burnt with insufficient oxygen.

(3) No, because few plastic bags are burnt in Western Australia.

(4) Not applicable.

(5) Yes.

(6) Burning of dry green waste only is permitted at certain country landfill sites where processing into mulch or compost is not practical. Burning of putrescible waste and domestic waste, including plastic bags, is prohibited.

STEPHENSON AND WARD INCINERATOR - COMPLAINTS AGAINST EMISSIONS

2426. Dr EDWARDS to the Minister representing the Minister for the Environment:

(1) Since upgrading and licensing of the Stephenson and Ward incinerator in February 1996 -

(a) how many complaints relating to emissions from the incinerator have been received by the Department of Environmental Protection;

(b) how many complaints reported opaque discharges?

(2) Since the licensing of the Stephenson and Ward incinerator in February 1996 -

(a) how many operational malfunctions have been notified to the Department of Environmental Protection by the incinerator owners;

(b) for each malfunction, how soon after its occurrence was it reported to the department?

(3) Is the incinerator stack designed and constructed to achieve the exit velocity of more than 10 metres per second for exhaust gases specified in the incinerator licence condition?

(4) If not, when did the Department of Environmental Protection become aware that the incinerator cannot meet A1(b) of its licence?

(5) Since the Department of Environmental Protection became aware of the breach of condition A1(b), have the incinerator owners made any alterations to the incinerator stack that have decreased the velocity of exhaust gases even further?

(6) If yes, what were the alterations and when were they done?

(7) Is the stack off the Stephenson and Ward incinerator, since its upgrading, showing signs of -

(a) corrosion;
(b) leaks; and
(c) actual holes?

(8) Have any emissions been observed to exist from holes or leaked in the side of the stack of the Stephenson and Ward incinerator?

(9) Is the roof of the Stephenson and Ward incinerator since its upgrading showing signs of -

(a) corrosion;
(b) leaks; and
(c) actual holes?

(10) Have any emissions been observed to exit from holes or leaks from the roof of the Stephenson and Ward incinerator housing?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) I am advised -

(a) that the Department of Environmental Protection Waste Management Division records show that 16 complaints have been received since the upgrading of the incinerator.

(b) that Waste Management Division's records indicate that 15 complaints were received regarding opaque emissions. Only one discharge, following a 30-minute Western Power failure, involved dark smoke emissions. The remaining complaints expressed concerns that steam emissions were excessively heavy, but on each occasion the plant was found to be operating correctly.

(2) I am advised -

(a) seven incidents involving abnormal operations have been notified to the Department of Environmental Protection. Two of these relate to electrical switch failure and the other five relate to Western Power power grid failure.

(b) notification of each incident was sent by fax to the Department of Environmental Protection as soon as possible after each incident.

(3) I am advised the incinerator licence conditions require the gas exit velocity from the stack to be greater than 12 metres per second. This is not currently being achieved; however, modifications are presently being undertaken in order to achieve a higher gas exit velocity.

(4) I am advised the Department of Environmental Protection became aware that condition A1(b) was not being met in April 1996 and requested that action be taken to rectify this matter.

(5) I am advised that the Department of Environmental Protection is not aware of any alterations that have decreased the velocity of exhaust gases. In fact, modifications are under way to increase the velocity of exhaust gases.

(6) See answer to question (5).

(7) I am advised -

(a) there are signs of discoloration on the exterior of the stack. This discoloration arises from corrosion within the gas cooling spray chamber which was originally fitted with a mild steel lining. The spray chamber has recently been lined with Inco alloy C276, a high grade of stainless steel which will not rust. The acid gases, which caused corrosion in the old cooling spray chamber, are neutralised prior to discharge to the atmosphere in the first stage of the incinerator pollution control system following the cooling chamber.

(b) Department of Environmental Protection has been advised that a leak has been observed at the tip of the stack. This leak occurred as a result of incompatible materials being used for a flange. This is currently being remedied.

(c) Yes. See answer to question (7)(b).

(8) See answer to question (7)(b).

(9) (a) No. I am advised there is discoloration but no evidence of corrosion.

(b) I am advised that no evidence has been found to suggest that the roof has any leaks or holes.

(10) I am advised that the Department of Environmental Protection staff have not observed emissions issuing from the incinerator building during the period since the incinerator was upgraded.

THIRD PARTY INSURANCE - COVERING PROPERTY DAMAGE FOR MOTOR VEHICLE OWNERS; UNINSURED LICENSED VEHICLES

2429. Mr RIPPER to the Minister representing the Minister for Transport:

(1) Has the State Government any plans to implement compulsory third party insurance covering property damage for vehicle owners?

(2) If not, why not?

(3) Does the State Government have any information on the likely cost to individual vehicle owners of such a requirement?

(4) Does the State Government have an estimate of the number of vehicles licensed in Western Australia which remain uninsured?

(5) If yes, what is the estimate?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) No.

(2) In order to introduce an effective means of compulsory third party property insurance, it would be necessary to link or combine such an insurance policy with the motor vehicle licence. This would be necessary to ensure that the insurance policy was current and valid for the full period of the vehicle licence. It is considered that the administrative costs associated with combining a compulsory property insurance with vehicle registrations would be substantial, and would need to be borne by all owners. The view is also held that the handling of property insurance is not an appropriate function for the Department of Transport to administer, and that such insurance should remain a matter of personal choice left to the discretion of vehicle owners.

(3)-(4) No.

(5) Not applicable.

WESTRAIL - TENDERS FOR TIMBER RAILWAY SLEEPERS

2433. Mr PENDAL to the Minister representing the Minister for Transport:

(1) Is it correct that in *The West Australian* on 5 October 1996 the Government called for tenders for 57 000 timber railway sleepers?

(2) For what purpose are the sleepers being sought?

(3) Why are timber sleepers sought as distinct from concrete sleepers?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) Yes.

(2) The sleepers will be used on Westrail's narrow gauge freight network.

(3) At the locations they are to be used, timber sleepers are a more cost-effective option than concrete sleepers.

WESTRAIL - CANNINGTON AND QUEENS PARK STATIONS, OVERCROWDING

2441. Mr RIPPER to the Minister representing the Minister for Transport:

(1) What is the extent of overcrowding on morning peak hour trains serving the Cannington and Queens Park stations?

(2) Does the Government plan to expand services for these stations?

(3) If yes, when?

(4) If not, why not?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) The capacity of each two-car suburban train is 312 passengers (seated and standing). Althouhg some peak services operate at near capacity, generally train loadings do not exceed the 312 passenger capacity. On the occasions where the capacity is exceeded, it usually occurs during th running of special services such as those operated for the Royal Show, or in rare instances where services are cancelled because of breakdowns.

(2)-(4) Tenders for the construction of an additional five two-car trains are currently being evaluated. Detailed scheduling for utilisation of the new trains is yet to be completed. It is expected that some of the additional services provided by the new trains will increment services on the Armadale line.

MINIM COVE DEVELOPMENT - CONTAINMENT CELL

2449. Dr CONSTABLE to the Minister representing the Minister for the Environment:

(1) Is the Minim Cove containment cell to be extended to accommodate the latest discovery of toxic material?

(2) If not to (1) -

(a) how will the additional toxic material be disposed of;

(b) in particular, will any part of the material be removed from the site?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1)-(2) Expansion of the containment cell is one of the options put forward for dealing with additional contaminated material. The proposal is currently being assessed by the Environmental Protection Authority under the provisions of section 46 of the Act.

MINIM COVE DEVELOPMENT - CONTAINMENT CELL

2450. Dr CONSTABLE to the Minister representing the Minister for the Environment:

(1) Has water come into contact with toxic material in the containment cell at the old CSBP site at Minim Cove?

(2) If yes to (1) -

(a) does this breach a design condition of the containment cell, namely that the toxic material be kept dry at all times to prevent the toxic material from breaking down into its basic components;

(b) what are the anticipated immediate and long term effects of water coming into contact with the toxic material?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Water from precipitation and dust suppression would have come into contact with material in the containment cell. Dust suppression was required as a condition of approval.

(2) (a) It is not possible to prevent rainfall entering the cell while it is under construction. When the cell is completed and capped with a clay seal, water penetration from rainfall will be controlled and minimised.

(b) In the short term, moisture content of the material will increase. In the long term, the overall acid neutralising capacity of the mixed material in the cell should not lead to acid generating conditions and contaminants in the waste materials should remain within the cell. some of the water will remain absorbed to the fine particles of the material in the cell, some of which have a high capacity for holding water.

MINIM COVE DEVELOPMENT - CONTAINMENT CELL

2451. Dr CONSTABLE to the Minister representing the Minister for the Environment:

(1) Is the bottom four to five metres of the containment cell at Minim Cove made up of silica sand?

(2) If yes to (1), what implications does this have for the ability of the containment cell to prevent leakage of toxic material which has made its way through the sandstone buffer?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) There were some areas of sand at the base of the excavated containment cell. These areas were lined with an extra half a metre of crushed and compacted limestone material to the one metre of lining material under the rest of the cell. In addition the first three and a half metres of fill in the cell was contaminated limestone with high levels of calcium carbonate.

(2) Because of the design and the construction of the containment cell, it is highly unlikely that toxic materials will leach from it. I commend the report from the Technical Review Committee on the expansion of the containment cell and the Report and Recommendations of the EPA (Bulletin 807) with respect to this matter. Both documents are available from the Department of Environmental Protection.

MINIM COVE DEVELOPMENT - CONTAINMENT CELL

2452. Dr CONSTABLE to the Minister representing the Minister for the Environment:

(1) Do recent bore tests conducted by the Hydrology Department of the Department of Minerals and Energy indicate that toxic material ultimately derived from the old CSBP site is flowing into the river at and around Minim Cove?

(2) If yes to (1), what actions have been taken to clean up the affected area?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1) Testing of ground water flowing into the river adjacent to the old CSBP fertiliser site at Mosman Park indicate that contaminants from waste left on the site was present in the ground water at some bore sites.

(2) The former CSBP fertiliser works site is being cleaned up and the contaminated materials are being placed in a purpose designed containment cell adjacent to McCabe Street.

THOMAS PERROTT RESERVE, MOSMAN PARK - CONTAMINATED SITE

2453. Dr CONSTABLE to the Minister representing the Minister for the Environment:

(1) Is the Thomas Perrott Reserve in Mosman Park situated on a toxic pit?

(2) If yes to (1), when was the pit dug and under what conditions was it dug?

(3) Have any tests been taken to determine whether the Thomas Perrott Reserve is contaminated with toxic material?

(4) If yes to (3), what did the tests reveal?

(5) If no to (3), why not?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(1)-(3) Testing undertaken for DEP under the Thomas Perrott Reserve indicate that pyrite waste of a similar type to that found on the old CSBP fertiliser site, underlies the area. It is not known when the material was placed there, or the conditions under which the hole in which it was placed was dug.

(4) The testings show up to seven metres of pyritic waste under Tom Perrott Reserve. The waste contains levels of heavy metals in excess of ANZECC investigation guidelines. Ground water beneath the reserve indicates levels of cyanide, mercury and arsenic in excess of Australian drinking water and environmental guidelines.

TRANSPORT, DEPARTMENT OF - *LINNI*, SKIPPERED BY MICHAEL MOORE, ACCIDENT INQUIRIES

2458. Mr RIEBELING to the Minister representing the Minister for Transport:

(1) In relation to the accident in Dampier on 1 July 1996 involving the vessel *Linni*, skippered by Michael John Moore, did the first inquiry into the accident result in a finding of no fault being attributed to the skipper Michael John Moore?

(2) Did the first inquiry find that the rock struck was an isolated rock with deep water surrounding it?

(3) Did the first inquiry find there was significant gap between the rock and the north east corner of Conflict Reef?

(4) What gap has to exist before a separate rock is not considered to be part of a reef?

(5) What gap has to exist between the reef and a separate rock to be eligible to have its own isolated danger marker?

(6) Has the rock that was struck in Dampier harbour on 1 July 1996 now been marked with an isolated danger marker to avoid further conflict?

(7) Who ordered the second inquiry into the incident, and when was it ordered?

(8) What reasons have been given to justify holding a second inquiry?

(9) Has the Department of Transport been contacted by any insurance company or solicitor in reference to the department's liability to pay damages in relation to this incident?

(10) Has the Dampier Port Authority been contacted by any insurance company or solicitor in reference to the department's liability to pay damages in relation to this incident?

(11) Was the ordering of the second inquiry in any way prompted by the contacts from solicitors?

(12) Do the Department of Transport's charts and the Dampier Port Authority charts show sufficient detail for small boats to safely navigate this part of the Dampier Port area?

(13) Have either the Department of Transport or the Dampier Port Authority ever designed a set safe passage for small boats into and out of the public boat ramp area and Hampton Harbour Boat and Sailing club boat ramp?

(14) If so, when? If not, why not?

(15) If yes to (13), how do people gain access to this information?

Mr LEWIS replied:

The Minister for Transport has provided the following reply -

(1) No - initial inquiries carried out by the regional marine officer formed part of the overall inquiry.

(2) Since there was no first and second inquiry, the answer is no.

(3) It was all part of the same reef.

(4) No standard exists.

(5) Question not relevant, as all part of the same reef.

(6) No.

(7) Regional marine officer's report formed only part of the overall inquiry.

(8) Only one inquiry has been held.

(9)-(10) No.

(11) There was no second inquiry.

(12) Yes.

(13) No.

(14) Chart has sufficient detail for vessels to determine their own route. Passages are not marked unless circumstances warrant it.

(15) Not applicable.

MOORE RIVER - LANDSCAPE PROTECTION AREA REMOVED FROM LAND ON SOUTHERN FORESHORE

2465. Mrs ROBERTS to the Minister for Planning:

(1) Can the Minister advise why a landscape protection area was removed from land on the southern foreshore of the Moore River?

(2) Will development control policies be used to assess the outline development plan for the Moore River Company for this area?

(3) Were System 6 researchers and assessors given access to land on the southern foreshore of the Moore River for assessment purposes?

(4) If not, why not?

(5) How has this land been assessed for the System 6 review?

Mr LEWIS replied:

(1) A draft policy document prepared by the Shire of Gingin proposed to include some land to the south of the Moore River in a landscape protection area. The Shire of Gingin was advised that the proposed policy would be consistent with the urban development zone of its statutory town planning scheme.

(2) The Western Australian Planning Commission will use all its adopted policies in the assessment of this and any other development in the State.

(3) I am unaware of the activities of System 6 researchers and assessors. This question should be directed to the Minister for the Environment.

(4)-(5) See answer to question (3).

MINIM COVE DEVELOPMENT - TESTINGS

2466. Dr EDWARDS to the Minister representing the Minister for the Environment:

Would the Minister please provide details of the following at the Minim Cove development, with dates of testing, sites of testing and results of testing for -

(a) water retention capacity of the contaminated soil;

(b) acid neutralisation potential of the soils;

(c) content of ferrous sulphate of the soils;

(d) radioactivity levels?

Mr MINSON replied:

The Minister for the Environment has provided the following reply -

(a)-(b) Please see tabled paper No 714 which details the waste type, field capacity (water retention) and acid neutralisation capacity. I understand that tests of this material were undertaken in December 1995.

(c) I am not aware of any testing specifically for ferrous sulphate. I am advised that any ferrous sulphate on the site is likely to be associated with waste contaminated with heavy metals. All such waste material will be removed to meet the clean-up criteria and placed in the containment cell. Material in the finished containment cell will not be accessible to the public. Before residential lots are sold, between 1 and 10 metres of clean fill will be placed above the level of the ground certified as meeting the clean-up criteria.

(d) A gamma radiation survey of the site was undertaken by officers of the Health Department several years ago. No excessive gamma radiation levels were detected. On the advice of the Health Department and the Department of Environmental Protection, the proponent will undertake a close out gamma radiation survey of the containment cell area and the former slurry dump and adjacent areas. Samples of pyritic cinders and material from the base of the slurry dump were taken in July 1996. These have been tested by Health Department for radio nuclide levels. Preliminary advice is that no excessive levels were detected. Specific test results will be available soon.

SEXUAL ASSAULT REFERRAL CENTRE, SUBIACO - SEXUAL ASSAULT SERVICES OUTSIDE METRO AREA, CLIENTS

2491. Dr WATSON to the Minister for Health:

During 1995-96 how many men and women were clients of -

(a) the Sexual Assault Referral Centre in Subiaco;

(b) sexual assault services outside the metropolitan area?

Mr PRINCE replied:

(a) The Sexual Assault Referral Centre in Subiaco saw 1 025 clients in 1995-96. Women made up 897 of the clients and a total of 128 men were seen as clients.

(b) Sexual assault services outside the metropolitan area saw 816 clients in 1995-96. Women made up 746 of the clients and a total of 70 men were seen as clients.

DOMESTIC VIOLENCE - WOMEN SEEKING PRIORITY HOUSING

2495. Dr WATSON to the Minister for Housing:

(1) How many women sought priority housing in 1995-96 because of domestic violence in -

(a) the metropolitan area;
(b) rural Western Australia?

(2) How many were housed in Homeswest accommodation?

(3) Where were the others housed?

(4) How many withdrew their application?

Mr KIERATH replied:

(1)-(4) Homeswest does not keep these statistics.

LOCKRIDGE REDEVELOPMENT - EXPENDITURE, RECOUPMENT

2498. Mr BROWN to the Minister for Housing:

(1) As at 31 August 1996, how much had been -

(a) spent
(b) recouped

on(from) the Lockridge redevelopment?

(2) Based on current predictions, how much does the Government expect to -

(a) spend
(b) recoup

on(from) the Lockridge redevelopment?

(3) Will any of the funds recouped from the redevelopment be allocated towards the provision of a community centre?

(4) If no to (3) above, why not?

Mr KIERATH replied:

(1) (a) $4 783 356
(b) $1 833 050.

(2) I refer the member to my reply to question 1047. Homeswest is currently in the process of reviewing these figures as part of its 10 year plan.

(3) No.

(4) It is not considered Homeswest's responsibility.

HOSPITALS - WAITING TIME FOR HIP, EYE, EAR OPERATIONS

2505. Mr BROWN to the Minister for Health:

(1) What steps is the Government taking to reduce the waiting time for hip, eye and ear operations?

(2) What is the normal waiting time for -

(a) hip
(b) eye
(c) ear

operations?

(3) Will any initiatives the Government has reduce the waiting lists?

(4) By what period will the waiting lists be reduced?

(5) When will the waiting lists be reduced?

Mr PRINCE replied:

(1) The Government is investing $30m over the period 1996-97 and 1997-98 to reduce the number of long wait patients in the following specialties: Ear nose and throat, general surgery, ophthalmology, orthopaedics, plastic surgery, urology, and vascular surgery.

(2) The latest reports indicate the following mean waiting times for the relevant specialties -

Hip	Orthopaedics	5.5 months
Eye	Ophthalmology	3.1 months
Ear	ENT	6.8 months

(3) Experience in other States has shown that waiting lists are difficult to reduce as they tend to increase when funding is made available. This Government is therefore focusing on reducing the waiting time for patients on the list, as this is a more meaningful measure of system efficiency. The strategies adopted by the State are aimed at patients who have been waiting a long time, while ensuring that patients get treated in an appropriate time according to their clinical need.

(4) Waiting lists will be reduced somewhat by the end of 1996-97, but waiting time for patients on the lists will be significantly reduced by the end of 1997-98.

(5) The number of long wait patients in the targeted specialties on the waiting lists will be reduced by 50 per cent in the two year period ending June 1998.

HEARING AIDS - DELAYS

2506. Mr BROWN to the Minister for Health:

(1) Is the Minister aware of the inordinate delay suffered by seniors and others who require hearing aids?

(2) What is the average delay in providing hearing aids to people who require them?

(3) What initiatives does the Government have to reduce the delay?

(4) When will the delay be reduced?

Mr PRINCE replied:

(1) No. The program for the provision of hearing aids is under commonwealth jurisdiction and aids are provided through the Australian Hearing Services, formerly the National Acoustic Laboratory.

(2) This information is available through the commonwealth Department of Health and Human Services.

(3)-(4) Not applicable.

DENTAL SERVICES - NURSING HOMES, AGED, IMPROVEMENTS; FUNDING

2508. Mr BROWN to the Minister for Health:

(1) Is the Minister aware of the poor state of dental care in nursing homes?

(2) Is the Minister aware of the poor state of dental care made available to aged persons?

(3) Has the Minister been made aware of the health problems that can arise as a result of a person having dental problems or being unable to eat?

(4) How much has the State Government contributed to domiciliary aged dental care services?

(5) Does the Government plan to introduce an effective dental care health program for senior citizens and those in nursing homes and hostels?

(6) If not, why not?

(7) What resources does the Government plan to allocate to this dental care program?

(8) When will these resources be allocated?

Mr PRINCE replied:

(1) Dental care is available through the Perth Dental Hospital domiciliary unit, by private dental practitioners providing visiting services to many nursing homes across the State, from the Mt Henry general dental clinic providing care to the Mt Henry Hospital and for those who are able to access it through government dental clinics.

(2) Aged persons can access dental care through private dental practice or those who are financially disadvantaged through government dental clinics and participating dentists and dental prosthetists through the country patients' dental subsidy scheme.

(3) Yes.

(4) Care provided by the Perth Dental Hospital domiciliary unit and to the Mt Henry Hospital patients cost approximately $125 000 in the 1995-96 financial year. That provided through government clinics and by private practitioners where care is subsidised in the country patients' dental subsidy scheme is significant but not specifically measured.

(5)-(6) Not at this stage, although this area is one which is currently under review.

(7) Not decided.

(8) Not known.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL - DELAY

2510. Mr BROWN to the Minister for Labour Relations:

(1) Has the Minister provided advice or made any statements to the effect that the Opposition or the Labor Party have delayed the Parliament's consideration of the Workers' Compensation and Rehabilitation Amendment Bill?

(2) Has the Minister responded to any inquiries on the progress of the Bill by advising inquirers that the Government, not the Opposition, determines which Bills are considered by the Legislative Assembly in the Government's time?

(3) Has the Minister in any way tried to implicate the Opposition or the Labor Party in the Government's decision not to proceed with the Bill in the Legislative Assembly?

(4) If so, in what way?

Mr KIERATH replied:

(1)-(4) Generally no, but the member may wish to discuss with his colleagues the possibility of the Opposition cooperating with the Government to expedite the passage of this Bill in view of the benefits to injured workers which it contains. However, what I have suggested is that if the Opposition would cooperate with minimum debate the Bill could pass. In discussions I had with the Opposition's Leader of the House or spokesman, I asked previously if the 1995 Bill could be progressed, but the Opposition indicated it had objections to some parts and would not allow it to pass expeditiously. An amended Bill has been introduced recently in the hope the Opposition would assist in passing it quickly. My view is that it could only be passed this session with the active help of the Opposition. That does not appear to be the case.

WORKSAFE WESTERN AUSTRALIA - SAFETY SKILLS SERVICE (SSS) ENGAGEMENT

2523. Dr WATSON to the Minister for Labour Relations:

(1) Further to the Minister's answer to question on notice 2479 of 1996, what is the business of Safety Skills Service in relation to WorkSafe WA?

(2) How many times in 1995 or 1996 has SSS been engaged by WorkSafe WA and for what purposes?

(3) Is Mr Watkins, the manager, a member of the Occupational Safety and Health Commission?

(4) Does the commission recommend policy to WorkSafe WA?

(5) If the answer to (3) and (4) is yes, how can the safety audit on the site at which Mark Allen was killed be deemed independent?

Mr KIERATH replied:

(1) Safety Skills Service Pty Ltd is a company providing a consultancy in occupational safety. There is no relationship between Safety Skills Service Pty Ltd and WorkSafe Western Australia.

(2) Safety Skills Service Pty Ltd has never been engaged by WorkSafe Western Australia.

(3) Mr Watkins, the Manager of Safety Skills Service Pty Ltd, is a member of the WorkSafe Western Australia Commission.

(4) The functions of the WorkSafe Western Australia Commission are as set out in section 14 of the Occupational Safety and Health Act 1994. These functions do not specifically include the recommendation of policy to WorkSafe Western Australia.

(5) Safety Skills Service Pty Ltd was engaged by the demolition company, Hi Tec Demolition Pty Ltd to conduct the safety audit, not by WorkSafe Western Australia.

QUESTIONS WITHOUT NOTICE

EDUCATION DEPARTMENT - EDUCATION SYSTEM, SCHOOLS, CHANGES

659. Dr GALLOP to the Minister for Education:

I refer to an article in "Comment: A Forum for Secondary Principals" which reports that principals were told of three models for rearranging secondary education in Western Australia, and states -

> With the announcement that Education Minister Colin Barnett will not rely on community agreement to close schools, we can expect some swift action after the state election. Director Neil Jarvis told principals at the workshop that the age when local high schools provided a comprehensive education for all students within walking distance of the school, was over.
>
> He had a formula which could be applied to schools which would indicate whether a school could provide viable options. He did not indicate when it would be applied.

Is the Minister concealing from the people of Western Australia planned mass changes to our education system, including the amalgamation of high schools, school closures and the withdrawal of courses from some schools?

The SPEAKER: Order! I ask that your preambles perhaps be shorter.

Mr C.J. BARNETT replied:

I have not read the article to which the Leader of the Opposition referred. I can assure the Leader of the Opposition there is no comprehensive plan to close schools or to rearrange programs or the like. There will be some opportunities for some schools, including some high schools to merge.

Dr Gallop: Here we go; in other words, there is a plan.

Mr C.J. BARNETT: One really must wonder whether the Opposition can raise the level of debate. I will give an example of two schools close to my electorate - Swanbourne and City Beach High Schools. I have urged both schools to start informally discussing whether by coming together they can achieve what they want - for City Beach, environmental features, and for Swanbourne the development and promotion of its dance program - which are difficult to provide while each high school has only 400 or 500 students. If they were to come together, it would be a superb school. Other opportunities exist around the State; however, there is no plan or list of schools. I will work with individual schools and communities on a regional basis to enhance the quality of education.

WORKSAFE WESTERN AUSTRALIA - BRIBERY AND CORRUPTION ALLEGATIONS AGAINST AN INSPECTOR

660. Dr HAMES to the Minister for Labour Relations:

Will the Minister inform the House whether the allegations of bribery and corruption concerning a WorkSafe inspector have been substantiated?

Mrs Roberts: Boring!

Mr KIERATH replied:

I notice a member of the Opposition Labor Party said, "Boring" about workplace safety.

Mrs Roberts: It was about you.

Mr KIERATH: I want to set the record straight when it comes to corruption in the building industry.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: I would never tolerate corruption of any kind. If any serious allegations were substantiated, I would throw the book at somebody.

Mr Thomas interjected.

The SPEAKER: The member for Cockburn, order!

Mr KIERATH: The Opposition has mounted a case in which it accuses aWorkSafe inspector of corruption. He produced a survey for a fee of $250 when he did some work on the side - I grant the Opposition that. Guess when the incident occurred? It was March of last year.

Mrs Henderson: What have you done?

Mr KIERATH: What are the reasons for the Opposition raising these allegations? They have been around for 18 months. I will come to the investigations in a moment. It so happens that an election is coming up and, desperate as they are, the members of the Opposition will go to any lengths to destroy good, decent people's reputations if they can score cheap political points out of it. This incident has been investigated, not by one or two, but by three different bodies. It has been investigated by the Commissioner of WorkSafe, who was appointed by the Labor Party, the Building and Construction Industry Taskforce and the police fraud squad. Guess what, Mr Speaker? Those allegations of corruption met three big fat zeros, three strikes. All those bodies said that there was no corruption. The WorkSafe inspector's only crime was to commit a breach of the Public Sector Management Act because he did some part time work without obtaining the approval of a senior officer.

When the new Leader of the Opposition came along - the current one until somebody else is found - he dumped the member for Peel off his front bench for making unsubstantiated allegations over Wanneroo Inc. Here we have the Opposition's spokesperson for labour relations making unsubstantiated allegations over workplace safety. Here we have the same, tired old tactics. Why does the Leader of the Opposition not show that he really has changed the Opposition and do something about that member and take her off the front bench? The member is qualified as a lawyer. She of all people should know about due process. If she has any allegations, she should either put up or shut up.

HOSPITALS - MANDURAH

Funding Arrangement

661. Mr McGINTY to the Minister for Health:

Will the Minister advise the House why such an unusual funding arrangement was entered into in respect of the Mandurah Hospital? Particularly, will the Minister advise -

(1) What interest rate is to be paid on the bonds issued and is that rate higher than would be paid if the money were raised through Treasury in the normal course of events? What is the current Treasury large borrowing interest rate?

(2) What guarantees have been made to Health Solutions in respect of Mandurah Hospital which expose the State to any liability?

(3) What commission or like payment will be made to BZW Investment Management Australia Ltd for arranging the finance for the hospital?

(4) Will the liability arising under the bond issue be added to state debt?

Mr PRINCE replied:

I thank the Deputy Leader of the Opposition for some notice of this question, which was given to me yesterday. I had the answer towards the end of question time yesterday.

(1) Bonds were issued at the prevailing Treasury corporation rate. No premium was paid. The current Treasury large borrowing interest rate which prevailed at the time for stock of equivalent maturity was 7.915 per cent per annum.

(2) None.

(3) The commission payment to BZW for arranging the finance is $500 000. The total project related costs paid to BZW is $1 031 000.

(4) Yes it will, but, of course, it is offset by the asset in the form of a new hospital, namely 110 public beds and 20 private beds. It will be a brand new hospital with a lot more services for the people of Peel and Mandurah.

HOSPITALS - MANDURAH

Funding Arrangement

662. Mr McGINTY to the Minister for Health:

(1) Has State Treasury considered the arrangements outlined in my previous question and expressed any reservations about them?

(2) Will the Minister table Treasury analysis of the financial arrangements?

Mr PRINCE replied:

(1)-(2) The handling of the matter has been by Treasury in conjunction, obviously, with officers of the Health Department. I have had no contact at all with Treasury directly or indirectly in that sense.

Dr Gallop: It would have made a submission to Cabinet, surely?

Mr PRINCE: I do not have any advice from Treasury that I can table. I cannot tell members whether the department has had such advice from Treasury.

POLICE SERVICE - DANGEROUS WEAPONS USED IN VIOLENT OFFENCES PROBLEM

663. Mr MARSHALL to the Minister for Police:

The hospital certainly has them worried! The increased incidence of violent assault with knives and dangerous weapons is of grave concern to our local community. Does the Minister have a plan to counter this problem, and -

Mr Marlborough: You cannot even keep them in gaol!

Mr MARSHALL: - and does he believe that the early introduction of legislation to prohibit weapons, particularly knives, should be introduced?

Mr WIESE replied:

That interjection by the member for Peel indicates the ignorance of the Opposition. Of course, the keeping of prisoners in gaol is not the responsibility of the Police portfolio.

I and the Police Service have had concerns about knives and dangerous weapons. We commissioned a report to look at the question of unlawful use and possession of knives, sharp instruments and other weapons. The report analysed the patterns and trends and looked at factors affecting the possession of weapons. Also, it made recommendations to the Police Service and the Government.

Among those matters, the report identified an increase of 3.9 per cent in the use of weapons in offences against the person, and indicated there were shortcomings in the legislation relating to weapons. One of the recommendations is for changes to the legislation in Western Australia relating to possession of weapons. That issue is now being looked at, and I can assure the House that the matter will be advanced.

The report also suggests that consideration should be given to the import, export and sale of weapons other than firearms. Although some of those issues do not come within my portfolio, they will be followed up. The report also recommends a partnership between the Police Service and the community in looking at other ways of countering the use of dangerous weapons in violent offences. That will also be progressed.

ROYAL COMMISSION INTO THE CITY OF WANNEROO - KYLE, PETER, ALLEGATIONS

664. Mr McGINTY to the Premier:

Yesterday the Premier refused to give any undertaking to the people of this State that Mr Peter Kyle's allegation of having been pressured to investigate some matters and to leave some other matters alone - which the Premier said was a very serious allegation - would be investigated. The Premier said that Mr Kyle had a duty to come forward and spell out his claims. I ask a simple question: To whom does the Premier expect Mr Kyle to spell out his views?

Mr COURT replied:

It is a simple question which can have a pretty simple answer: Peter Kyle submitted a report to the Solicitor General in relation to his work at that inquiry, and that report was forwarded to the royal commission. He was also interviewed by the Commissioner of Police following some allegations made on television. I thought that these were two opportunities for him to present any concerns. If he still has any allegations of corruption he knows he can put them to the Anti-Corruption Commission. If Peter Kyle had not made those allegations known -

Dr Gallop: Why do you always shoot the messenger instead of listening to the message?

Mr COURT: The Deputy Leader of the Opposition asked a question and I am giving the answer. If Peter Kyle has not made those allegations and substantiated them in his reports to the Solicitor General and the Commissioner of Police, I would like to know why not.

ROYAL COMMISSION INTO THE CITY OF WANNEROO - KYLE, PETER, ALLEGATIONS

665. Mr McGINTY to the Premier:

Will the Premier request the Director of Public Prosecutions to interview Mr Kyle about these important and serious matters and then bring a report to the Parliament?

Mr COURT replied:

I cannot believe the line of this questioning. In this instance the person has been acting in a judicial position and has had two opportunities -

Several members interjected.

The SPEAKER: Order!

Mr COURT: I said that a person with legal training knows only too well that one cannot make allegations in the public arena if one is not prepared to have them investigated by the proper authorities.

Dr Gallop: Give him the opportunity.

Mr COURT: He has had the opportunity to give a report to the Solicitor General and he has been interviewed by the Commissioner of Police. If he did not tell them what are his concerns, I would like to know why not.

EMERGENCY SERVICES - BROOKTON HIGHWAY, UPGRADING

666. Mr TRENORDEN to the Minister for Emergency Services:

(1) Is the Minister aware that the lack of coverage for mobile telephones is making it very difficult for the provision of emergency services on Brookton Highway and is putting lives at risk?

(2) Is the State requesting better coverage for Brookton Highway?

(3) Can the Minister inform the House whether either radio or mobile phone cover will be made available to the people providing emergency services?

Mr WIESE replied:

I thank the member for some notice of this question.

(1)-(3) By way of interjection I indicated that the huge amount of work which has been done as a result of this Government's initiative to fund the upgrading of the Brookton Highway is having positive benefits. The issue raised by the member needs to be addressed. The use of mobile telephones as a means of communication by emergency service organisations has never been part of the communications regime of either the State Emergency Services or the Government. The communications system has always been radio based. The fire and rescue service of the Western Australia Police Service and, to a lesser degree, the SES have experienced problems with Brookton Highway. The SES is rarely called out to an emergency on that highway except in the case of a search for a missing person. The Police Department has a very good communications system in its ultra high frequency network which is used by emergency services. A review of communications for emergency services, particularly the fire and rescue service, will be undertaken. The communications facilities are being shared by the emergency service organisations. This allows the fire and rescue service officers to have a transmitter in their vehicles and they are able to tap into the bushfire network, which is a fairly substantial operation in the farming areas along Brookton Highway. The communications system is working well. I acknowledge that there have been some deficiencies, but they are being addressed. One issue which must be addressed by both the State and Federal Governments is that the mobile telephone service is not available in a substantial part of rural Western Australia. Where those services are available, they are a very good form of communication, and they should be available throughout rural Western Australia. I hope that the Federal Government will approach agencies such as Telstra and Optus to ensure that the mobile communication system is expanded into rural Western Australia. That will obviously benefit our emergency services.

EDUCATION DEPARTMENT - EARLY CHILDHOOD EDUCATION CHANGES

Costs

667. Mr KOBELKE to the Minister for Education:

(1) Does the Minister accept that the early childhood education proposal he announced today will incur large extra expenditure for -

(a) the extension of the kindergarten program;

(b) the extension of the preprimary program, both in days and universal availability;

(c) the eventual transfer of year 7 from primary to high school;

(d) the need for Government to meet the costs of non-government schools if they are to change their school starting age to come into line with the Government's?

(2) Will he also provide detailed annual projected costings over the next 10 years for each of these costs?

Mr C.J. BARNETT replied:

(1)-(2) The member's initial premise relates to whether I accept that the changes to early childhood education will cost a large amount of money. Yes, they will and we are proud to be spending so much on education. It will cost $122m from its commencement until 1999. That is all budgeted for and in the forward estimates.

Dr Gallop: No, it is not.

Mr C.J. BARNETT: The Government's commitment to education is reflected in the fact that, in this year's Budget, expenditure on education went up 7 per cent or $100m.

I agree that there is an issue about what will happen at year 7. However, these changes to the school starting age will apply to that group in 2010 - we have a bit of time up our sleeve. It is not at all clear yet whether we should develop middle schools, giving us a primary school, middle school and senior college structure. Geraldton and Ballajura both have a middle school. There are many advantages to doing this, but we are at an early stage in the debate; there is some way to go.

It is true that, if a decision is made some time in the next four or five years to pursue the middle school concept, it will have large budgetary implications. However, the Government is not about to make any across the board decision on middle schooling at this stage because it would be premature to do so. We are doing it on an individual basis as new schools are developed.

The Government has had extensive discussions with the non-government sector about the impact of these changes. The Catholic school system supports the changes announced today. Whether it chooses to implement them in one go - as will the state system - or whether it chooses to phase them in, is up to that sector to decide. The Government will provide moral and administrative support, but I do not contemplate providing financial support to that sector. It is up to that sector to decide how to make the changes, if it chooses to mirror what is happening in government schools. All indications suggest that it will and that it will also match the government timetable.

The change in relation to year 1 is scheduled to occur in 2003; there is plenty of time. I concede that major administrative changes will flow through the education system, but this is worth pursuing because it will produce great educational benefits for young children in this State.

EDUCATION DEPARTMENT - EARLY CHILDHOOD EDUCATION CHANGES

Costs

668. Mr KOBELKE to the Minister for Education:

Is the Minister asking this House and the public of Western Australia to believe that he is committing this Government to major changes to the whole structure of schooling, involving hundreds of millions of dollars, but that he is not required to produce any documentation as to the extent of that cost, which would lock in some future Government?

Mr C.J. BARNETT replied:

The education changes occurring in the next three years are in the kindergarten-preprimary program. As I said, $122m is a large amount of money. As the changes go beyond that, members will appreciate that in 2001 for kindergarten, 2002 for preprimary and 2003 for year 1 the cohort of students going through will be smaller. That will provide substantial savings -

Mr Kobelke: How do you know?

Mr C.J. BARNETT: Those savings will be used to deliver smaller class sizes in the early childhood area. All the money will go back to the kids. It is going to classes, teachers and children.

Several members interjected.

The SPEAKER: Order!

Mr C.J. BARNETT: We do not know how it will be structured in 2003, but we know we will save large amounts of money and we know we will plough that back into reducing class sizes.

WATER CORPORATION - WASTE WATER FROM SEWERAGE WORKS, GERALDTON, DISPOSAL ARRANGEMENTS

669. Mr BLOFFWITCH to the Minister for Water Resources:

Will the Minister inform the House of the progress of the provision of waste water from the sewerage works in Geraldton and the arrangements that have been put in place for the disposal of this water, and when people who are seeking this water can expect to take delivery?

Mr NICHOLLS replied:

I thank the member for this question and some notice of it.

The Government is committed to trying to re-use water from waste water treatment plants where possible, particularly in country areas where there is a limitation on water, and to looking at effective means of disposal. In the Geraldton area, there have been discussions for some time about the re-use of treated effluent, and I am happy to report that at this stage we have identified that approximately 600 000 kilolitres will be available per annum. The Water Corporation and people in the Geraldton community have been negotiating for some time. At this stage, draft agreements have been sent to the Geraldton Golf Club Inc, the Geraldton Turf Club Inc and the Geraldton City Council for the provision of treated effluent. It is expected that agreements will be signed prior to 31 December 1996. The Shire of Greenough is also looking at trying to utilise treated effluent, and we expect that to be in place by the summer of 1997-98. This is an important initiative in that area, and I know the local members have been very supportive. The local turf and golf clubs are very anxious for agreement to be reached. It is expected that, if all goes to plan, water from treated effluent will be provided to those clubs by approximately 1 September 1997. I hope the local community will get behind this initiative and benefit from it.

HOSPITALS - MANDURAH

Funding Arrangements

670. Dr GALLOP to the Treasurer:

(1) Did Treasury analyse the Mandurah Hospital deal?

(2) If yes, did it express reservations about the deal, and will the Treasurer table its report?

Mr COURT replied:

(1)-(2) The Health Minister said earlier today that -

Dr Gallop: You are the Treasurer.

The SPEAKER: Order!

Mr COURT: I have not even started my answer! The Leader of the Opposition is a bit twitchy.

Dr Gallop: The Minister for Health is showing all of the twitches.

Mr COURT: The Health Minister said earlier today that Treasury had been involved in the financial arrangements that were developed for Mandurah Hospital -

Dr Gallop: I am asking whether it analysed the deal.

Mr COURT: May I finish my answer?

Dr Gallop: No; you are not answering the question.

Mr COURT: Treasury proposed the funding arrangements that were finally agreed to. Treasury was not satisfied that the best interest rates and the lowest overall costs were being obtained, and the Treasury people were involved in the financial arrangements. If the Leader of the Opposition wants me to find out precisely at what point Treasury became involved -

Dr Gallop: You are not answering the question. Did it analyse the Mandurah Hospital deal?

Mr COURT: I just said it put it together.

Dr Gallop: That is the financial arrangement. What about the deal for the provision of services, which is part of the arrangement?

Mr COURT: The Leader of the Opposition asked me about the financial arrangements.

Dr Gallop: No I did not. I asked: Did it analyse the Mandurah Hospital deal?

Mr COURT: Which part of the deal is the Leader of the Opposition talking about?

Dr Gallop: All aspects of the deal.

Mr COURT: Does the Leader of the Opposition want to know whether Treasury is looking into the cleaning, the maintenance and the provision of services?

Dr Gallop: Don't be pathetic! Answer the question! We know something is wrong with this deal and you are hiding it.

The SPEAKER: Order! I formally call to order the Leader of the Opposition for the first time.

Mr COURT: Treasury has been involved in the financing arrangements. If the Leader of the Opposition wants to know whether it is involved in the other operational matters of the hospital, I think not; but I will find out and provide him with the answer.

Dr Gallop interjected.

The SPEAKER: Order! I formally call to order the Leader of the Opposition for the second time.

AUSTRALIAN COUNCIL OF TRADE UNIONS - WAGE RISES, NO THREAT TO INFLATION CLAIM

671. Mr BLAIKIE to the Minister for Labour Relations:

It was reported recently that the Australian Council of Trade Unions considers that its proposed action in support of target wage rises poses no threat to inflation. Can the Minister advise whether this is in conflict with earlier union policy and how it can be reconciled with current industrial relations?

Mr KIERATH replied:

I was rather taken aback by those claims made by the Australian Council of Trade Unions that the recent 15 per cent pay claim will not affect inflation. Those members opposite will know the accord was put in place when the Government of the day had set a low inflation target and it did not want any unrestrained wage outbreaks. It put in place the accord so that large wage outbreaks would not occur. For the ACTU to turn around and say the exact opposite is the ultimate backflip by the ACTU that I have ever seen. It was the prime reason the accord existed.

It is rather interesting that the ACTU should say this because it has been part of the era during which the national wage case has been set, taking into account enterprise bargaining principles which say that there should not be across the board pay rises and that they should be enterprise and productivity based. The ACTU was part of that policy setting process. Yet, it is trying to move away from the enterprise bargaining principles to an across the board pay increase. That is rather like trying to put square pegs into round holes or, as someone said to me, a bit like having dehydrated water!

The ACTU obviously has no idea where it is going. It has lost its direction. It does not know what to do. It is not quite sure whether it should become a political force or go back and service its members. My advice to the ACTU is that it should get out of politics and go back and help the members who it was supposed to be representing. In that way, it might do something to address its falling membership numbers. If the ACTU was half sensible, it would do that.