WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Thursday, 20 March 1997

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

PETITION - ROADS

Busselton Bypass Road Construction

MR MASTERS (Vasse) [10.05 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned, being residents of Western Australia make urgent request for Government funds to enable early construction of the Busselton Bypass Road.
>
> We are concerned that the continuing rapid increase in traffic density on Bussell Highway, Busselton is regarded as an impediment to the tourist and transport industries and residents of, and visitors to, the Naturaliste Leeuwin Region and is having a deleterious effect on property values, affecting the quality of life of adjacent residents.
>
> 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 165 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 8.]

STATEMENT - MINISTER FOR HEALTH

Residential Care Provision

MR PRINCE (Albany - Minister for Health) [10.09 am]: In 1995 the State Government announced it had developed a comprehensive strategy to restructure the State's involvement in the provision of residential care for the frail aged and younger disabled people living in Western Australia.

Of significance was the decision to close the 134 bed Mt Henry Hospital and nursing home, sell off part of the hospital site in Como and construct a number of smaller, more effective replacement facilities in both the private and public sectors to enable the restructure to be achieved.

In order to replace the current restorative care unit and day hospital places at Mt Henry, the State has, among other things, proposed that a new 24-bed assessment and restorative care service with 20 day hospital places be built in the Perth metropolitan area; transferred 10 day hospital places to Bentley Hospital; today opened 16 restorative care beds at Osborne Park Hospital; and converted 12 nursing home beds at the Armadale-Kelmscott Health Service into restorative care beds.

As we all know, Western Australia's aged population is growing at a rapid rate and we believe the State Government nursing home strategy will address a projected enormous increase in demand for services.

The development of a new facility at the Mt Henry site, and subsequent sale of surrounding land, will provide substantial funds for reinvestment in infrastructure for aged and young disabled people living in this State.

We are providing one-off capital assistance for the upgrade and redevelopment of the Homes of Peace and Silver Chain nursing home facilities. We are providing a unique opportunity in the metropolitan and rural areas for non-government agencies and communities to assume responsibility for the needs of aged persons and others in their communities.

Caring for the elderly and younger disabled persons should not be the sole responsibility of government; communities should and are being encouraged to plan and provide services in their own areas.

In keeping with that approach, I am pleased to announce that Cabinet this week agreed that the preferred tenderer to build the new 60-bed nursing home facility on the Mt Henry site is Anglican Homes. Contract negotiations will

now start between the Health Department and Anglican Homes to develop the facility, which I am confident will provide a highly professional and caring service to elderly members of our community. The project will cost about $6m to construct and should be open by June 1988.

I am also pleased to announce that contract negotiations for the construction of a new 24-bed replacement restorative care unit, which incorporates a 20-bed day place facility, have recently been finalised with the Mercy Hospital in Mt Lawley. That development, which will cost about $6m, will be built on land owned by the Sisters of Mercy and is expected to be operational by April 1998.

These two projects are significant components of the State Government's nursing home restructure project. We still have a long way to go. However, I am certain the end result for the State will be a much improved and more comfortable facility for many residents and staff.

COMMITTEES FOR THE SESSION - APPOINTMENT

MR BARNETT (Cottesloe - Leader of the House) [10.12 am]: I move -

That for the present session -

(a) the Standing Orders and Procedure Committee shall consist of Mr Speaker, the Chairman of Committees, the member for Belmont, the member for Joondalup and the member for Midland;

(b) the Library Committee shall consist of Mr Speaker, the member for Maylands and the member for Swan Hills;

(c) the House Committee shall consist of Mr Speaker, the member for Armadale, the member for Carine, the member for Midland and the member for Roleystone; and

(d) the Printing Committee shall consist of Mr Speaker, the member for Nollamara and the member for Wanneroo.

While the Standing Orders and Procedure Committee is as it has normally been, a broad proposal is being discussed around Parliament House for combining the Library, House, and Printing Committees into a more general committee looking after more general matters to do with Parliament House. I think the Government will support that as I understand most members in both Houses will support it. The structure for that to occur has not been set up. Therefore it is proposed to form these committees in the normal way, recognising that they may be an interim arrangement. I hope that members will agree to setting up the committees proposed in the motion until we consider what will happen in the longer term. I know it is your wish, Mr Speaker, to use this year to make some fundamental reforms in a number of things to do with Parliament House.

Question put and passed.

SESSIONAL ORDERS - TIME MANAGEMENT

MR BARNETT (Cottesloe - Leader of the House) [10.14 am]: I move -

That for the balance of the present session, unless otherwise ordered, the following order shall apply -

(a) at any time during the sitting of the House or Committee, the Leader of the House or a Minister acting on his behalf may move a motion without notice specifying or varying the specification of time to be allotted to, or for the completion of, any business or any stages or parts of that business, but a motion may be moved in Committee only in relation to the business then before that Committee. Debate on that motion shall not exceed 20 minutes and no member may speak to it for more than five minutes;

(b) when the time allotted to any business under this order has expired, the person presiding shall put every question necessary to complete the business in accordance with the time allotted without permitting further debate or amendment, and shall in the case of a Bill in Committee also put to the vote any amendments to the Bill proposed by a Minister or Parliamentary Secretary, if those amendments appear on the Notice Paper for that day;

(c) if any other business is before the House or Committee when a time specified in accordance with paragraph (a) is reached, that other business shall be interrupted and set down as an Order of the Day for that day's sitting without a question put and the item of business subject to the time allocation shall be called upon; and

(d) a closure under Standing Order No 158 may not be moved on any question which is the subject of time allotted under this order.

This motion is the sessional order for time management. I appreciate that this motion has, during the last four years, provoked a 20 minute debate at the beginning of every week, in which this side argues the case for time management and the other side argues the case against time management. I suggest we will have that argument again. I also suggest that this side will win the argument when it goes to a vote.

I sincerely believe time management will become, regardless of reforms, a permanent feature of the operation of this Parliament. All the members share a frustration with the procedures of this Parliament. While I do not intend to have a go at any member opposite -

Mr Marlborough: You have guillotined 150 Bills under time management. It is not time management; it is Barnett management that we are concerned about.

The SPEAKER: Order!

Mr BARNETT: I had hoped this would be a rational debate. However, I fear that opportunity is now lost. I do not wish to single out any member's involvement. Last week and this week we have been debating the Address-in-Reply. Last night an amendment was moved to the Address-in-Reply shortly after the dinner recess and we were still debating the same motion at midnight. At least three members from the other side, and probably a couple from this side, spoke on the amendment without doing any preparation and with very little thought. That used up four hours of debating time.

Mr Marlborough interjected.

The SPEAKER: Order! The member for Peel is interjecting too much.

Mr BARNETT: That was one example, I think, of unproductive use of this House's time. The issues being discussed were important issues and deserving of debate.

Mr Marlborough: Just as well you have both hands on the table. At least we can see what you are doing.

Mr BARNETT: The people in the Public Gallery are being given a demonstration of why the public is frustrated with the performance of parliamentarians.

The debate last night was an important debate. However, it could have been conducted properly and well within an hour and a half or two hours. Four hours was not necessary.

Dr Gallop: That is your view.

Mr BARNETT: Yes, it is my view.

Mr Brown interjected.

The SPEAKER: Order! There can be a quite significant debate on this matter. While I understand members' emotions, they will be better able to express them when they get the opportunity to speak rather than by interjection. The role of this Chair is to make sure that all members are heard.

Mr BARNETT: I do not wish to focus on that debate. Last night's example is in my mind. Members of both sides of the House are to blame for unnecessary extensions of debates and tedious repetition. I concede I have done it; we are all guilty. We have a responsibility to the State and to this Parliament to focus debate and run this place in a more efficient and businesslike way. We are currently considering sitting times.

Mr Marlborough interjected.

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

Mr BARNETT: Important issues and important legislation need to be debated. I know members opposite will say that 100 or 150 Bills were guillotined and imply that this was some sort of bastardry of the parliamentary process. I concede that in 1993 a number of contentious Bills went through on which debate was truncated severely. However, there is no doubt that over the past two to three years, the time management in this Parliament has been better; it could be a lot better still. We have had fewer late night sittings than in previous years; we have dealt with a significant amount of legislation; and, with the cooperation, generally, of the leader of opposition business, we have managed to have reasonable debate on all Bills. Often Bills that may, in a technical sense, be subject to the guillotine are Bills which both sides agree are not necessary to debate further. That is the reality. Often what is guillotined is the third reading, after the Bill has had both a second reading and a Committee debate.

In the past two to three years it has been very rare to have any major truncation of debate on significant legislation. Indeed, when members opposite have said that they want more time on a Bill - for example, the Mental Health Bill, and other Bills that come to mind - we have taken them off the guillotine process and allowed for a more general debate. I do not suggest that time management as has been used by this Government is ideal, but we will continue to have time management and we will continue to need time management until we can achieve an absolutely fundamental reform of the business and procedures of this House. I know that is dear to your heart, Mr Speaker, and I hope it is dear to most members. It will take some time to achieve.

There is no doubt that much of the time of this House is ineffective and wasteful. That is the reason that members of Parliament on both sides of the House are exhausted by the end of a four year term, if not the end of the year. That is unnecessary. It does not contribute to democracy or good government, or even to parliamentary debate in this House. I will remind members of a few salient facts. Between 1988 and the end of 1995, this Parliament dealt with over 600 pieces of new legislation. We deal with approximately 70 to 80 Bills a year; sometimes we get close to 100 Bills. If we do not sensibly manage the time, we will end up with the ludicrous situation, as we have in previous years, where 20 or 30 Bills go through this place in the last week of the Parliament. If anyone can suggest to me that that is democratic process, I will go jump. It is far more democratic to allocate the time of this Parliament in a sensible and cooperative way, and ensure that we continue to march through the workload of this Parliament.
One effect of time management, where we have had time limits on debate and an ordered, predictable program, is that we have avoided an excessive number of late night sittings. For the benefit of new members who have yet to experience a 3.00 am finish or breakfast in the dining room after we have had no sleep at all, and with trying to cope with family and other responsibilities - and I regret that we will probably all experience that before this year is out -

Dr Gallop: One or two days at the most.

Mr BARNETT: - let us look at some figures. This House sat later than midnight on seven nights in 1996, and often only 10 or 15 minutes later than midnight, nine nights in 1995, 20 nights in 1994-95, 38 nights in 1993-94, and 15 nights in 1992. Those statistics, and we can go back further, relate to both Labor and Liberal-National Party Governments. I appreciate that members opposite can object to time management on principle, but under the rules that have been applied from this side of the House, over the previous term of government we have successively reduced the number of late night sittings. Last year there was only one really late night where we went through to about 2.30 am or 3.00 am.

Time management has allowed us to avoid the ridiculous all night sittings. The House sat for over 460 hours in 1996, with only seven late nights. The House is scheduled to sit for 61 days this year. Despite calls by the Opposition for more debate, this Government during its term has had the Parliament sit for more days and more hours in a sitting week and has allocated more time to the Parliament than has any previous Government. Even with that increased number of sittings days and increased debating time through sitting on Wednesday nights, which I know is not popular, we struggle as a Government to get through the legislative program; and were members opposite ever returned to government, they would struggle with the legislative program.

All Ministers and former Ministers know that it is not necessarily just the policy agenda of a Government but the machinery of government which takes up so much time in this Parliament - things that are not necessarily divided on political grounds between Labor and Liberal or Labor and National, but things that are part of the normal machinery of government.

Mr Brown interjected.

Withdrawal of Remark

Mr BARNETT: Mr Speaker, I ask that that be withdrawn.

The SPEAKER: Order! The member for Bassendean has impugned the Leader of the House and I ask him to withdraw.

Mr BROWN: I withdraw.

Debate Resumed

Mr BARNETT: I hope we do have more fundamental reform of this place. In the meantime, the Government will continue to operate under a time management proposal. We will do it fairly, and I hope we will do it cooperatively. While I can accept the in principle objection that, no doubt, we will hear from the leader of opposition business, I hope that in a pragmatic sense we can cooperate.

I will explain the procedure, for the benefit of new members. In the week preceding a sitting week, I make an assessment of the legislative program for the week and indicate which Bills will be subject to time management. I

advise the opposition and independent members about that on Friday. That allows them to get back to me with any comments - they might have a particular problem with a Bill or might not be prepared. Generally, I do not get much feedback from the Opposition, but sometimes it does get back to me and ask for a change. I then advise Cabinet of the proposal on Monday, and it is made available to both the Labor Caucus and the coalition party room. That is put in place at the beginning of the sitting week on Tuesday. A number of Bills are debated, and if debate has not finished, they are put to the vote at 5.30 pm on Thursday.

It was the case frequently last year that issues arose during the course of debate and the Minister responsible said, "I concede there are issues, and we will look at some amendments", or other issues arose that were not anticipated by the Government, and those Bills were then taken off the guillotine process. We did that cooperatively by generally accepting requests from opposition or independent members for that to be done. The Bills that usually go through the guillotine process are ones about which there has been mutual agreement that we do not need a debate.

It is a democratic process. It is up to the Opposition to decide how it wants to allocate the sitting hours in a particular week among the various Bills. If the Opposition regards a Bill as being of minor importance or it agrees with a Bill, it does not need to spend three or four hours debating it. The opposition spokesperson can get up, make the salient points, indicate agreement on the one or two points with which the opposition disagrees, and concentrate on the points that it regards as important. If we do not have some form of time management, this place and the process of government will grind to a halt.

Dr Gallop: Negotiating with you is like negotiating with General Stormin' Norman!

Mr BARNETT: I will not respond to that comment; it reflects upon the person who made it.

I remind members that the operation of time management in one form or another is common in Parliaments throughout the world. The Federal Parliament has done this on a bipartisan basis for years, because it has a huge amount of legislation to deal with, and it is not uncommon to see up to 20 or 30 Bills guillotined through the Federal Parliament in a two or three hour period, with the acceptance of all members, because of a level of maturity in that Parliament that has yet to develop within this Parliament. We need a higher level of debate, and an ability to concentrate on issues that are important in a parliamentary sense to the people of Western Australia and to deal with legislation in a fair and efficient manner. I hope we can achieve that.

MRS ROBERTS (Midland) [10.28 am]: I oppose this sessional order. It is interesting that towards the conclusion of his remarks, the Leader of the House called for a higher level of debate and a greater level of maturity. The Leader of the House initiated no discussions with us on his intention to again introduce this sessional order, which will allow him to guillotine debate on a regular basis week in, week out. I hoped that in this new Parliament we could start off with some goodwill from the Leader of the House and the new Government.

Given the suggestions from members on this side of the House and Independent members in the Address-in-Reply debate, surely it is obvious that the Opposition is interested in cooperating with the Government in the operations of this House. It does not do members any good to sit here to the wee hours of the morning. The Opposition signalled in the Address-in-Reply debate that it is willing to cooperate and it looks forward to many changes to the way this Parliament operates to bring it up to date with current parliamentary practices throughout the world. The Opposition acknowledges that this place is behind the times and is not operating efficiently as a Parliament.

It is unfair to make comparisons with the Federal Parliament and other Parliaments which are operating differently to this place by saying, "They have a sessional order and guillotine in place; therefore, we should." Other Parliaments have different management procedures as well as legislation and other committees which have not operated in this Parliament thus far.

I am disappointed the Government has again taken a high-handed approach at the start of this session. As a gesture of goodwill it should not have moved this sessional order at this stage to give the Leader of the House the opportunity to guillotine a debate at any time. It is not a democratic process, as the Leader of the House described it. It is a loaded process. The Government is holding the sword of Damocles over the Opposition because this motion, in effect, is the Government telling the Opposition to behave itself or else! Perhaps that is the way parents disciplined their children in the nineteenth century, but it is a paternalistic approach that this Government continually takes in this House to progress its legislation.

It disappoints me that the emphasis of the Leader of the House's comments was on the passage of Bills. A very significant part of his responsibility is to get new and amending legislation through this place to improve the laws of this State to the satisfaction of the Opposition and the community. He failed to address the importance of scrutiny of new and amending legislation. It is the Opposition's role to properly scrutinise and fully debate all matters which come before this House. That is where we need a balance; not the imbalance proposed by the Leader of the House.

The Leader of the House suggested that this House will grind to a halt if this motion is not passed. He referred to the situation which prevailed in this place in past years. Until recently perhaps the goodwill between the two major parties did not exist and they were unable to cooperate with each other and improve the way the House is managed.

The Opposition has stated that it would like to see many new reforms. The Leader of the House said the Government will put this motion in place until the reforms are instituted. I make an offer to the Leader of the House: I want to deal with those reforms very soon in the Parliament. I do not want to wait a few years to discuss reasonable sitting hours and ways to deal with legislation. It is no joy to an Opposition to be wasting its time when its members have important constituency work to do. There must be a balance. We also have important legislative work to do in scrutinising what the Government puts before the House. It is a key part of the Opposition's responsibility.

In conclusion, I reiterate I am disappointed with this high-handed approach. If the Government wants a higher level of debate and greater maturity displayed in this House, it should have approached the Opposition. It would try to work with the Government in a cooperative way to achieve an acceptable outcome. If the Opposition's bona fides did not measure up, if it was procrastinating and keeping the House here to all hours of the morning and deliberately holding up Bills, the Leader of the House would have cause for criticism and for introducing this motion. It is not a gesture of goodwill. It has the opposite effect because it establishes, at the beginning of a new Parliament, confrontation between Government and Opposition in this Chamber. I thought that so far in the Address-in-Reply debate we had agreed on a lot of issues and that there was a willingness on the part of a majority of members and you, Mr Speaker, to reform this place. The motion moved by the Leader of the House is not mature; it is paternalistic and undemocratic.

MR BROWN (Bassendean) [10.35 am]: I oppose this motion. The question of whether time is wasted is a value judgment. It means that members who make the value judgment that the time of this House is being wasted do so on the basis that they either consider the arguments which are put forward to be worthless or unworthy of being raised or that, because one member has expressed his opinion, another member should not express a similar view.

I remind the Leader of the House that all members are elected by their constituents. Many of my constituents expect me to stand in this place and convey their views. They do not expect other members to take on that responsibility. They expect me to do it and I intend to do it. I do not expect to be silenced by the Leader of the House or any other member, because as a member of the House. It is not a responsibility I intend to shirk. I have a responsibility to express the views of my constituents. I will not tell my constituents that I did not stand up to be counted by speaking in the debate because the member for Maylands, the member for Churchlands or the member for Geraldton did and I was silent on the issue. That is not the purpose for which members are in this place. They are here to represent their constituencies. To the extent that the Government seeks to silence members on this side from making valid points about government legislation, programs or financial expenditure, the Government seeks to trample on democracy in this State. Therefore, I strongly oppose the proposition before the House.

The second point made by the Leader of the House was that there was a long and repetitious debate yesterday on federal government cutbacks in the last federal Budget and he was critical of a number of members who spoke in the debate. I remind the Leader of the House, although he has left the Chamber, that the debate yesterday was about the federal coalition Government slashing funds to public housing, the dental health program, legal aid, the Federal Government's treatment of people with disabilities and funds allocated. These are important issues. Should members not spend two to four hours debating those issues? The Leader of the House stands up with great impertinence and says, "How dare members spend the time of this House debating these issues. I and the Government have other things to talk about." What high-handedness. Who would say that those matters were not important? One of the reasons we had a long debate yesterday was because Ministers were issuing media statements and making statements in this House condemning the federal coalition Government for its Budget cuts and saying how bad they were, they affected the needy and that they disagreed with the Federal Government.

However, yesterday when we said that they had an opportunity to show they had the courage of their convictions to show the public of Western Australia where they stood, by voting for this proposition, they scurried off and hid. They were not prepared to show the courage of their convictions; they merely took the political line of supporting the Federal Government in all its policies and cuts to these areas. We have never seen such a performance by the Government. The Government must look to its ranks and its actions to discover the reasons that debate on these issues lasts so long.

Debates on Bills do take a long time sometimes because Bills are complicated, and because we cannot get answers from Ministers. The Minister for Labour Relations is a classic example. In Committee, when we put questions to him he sits there and does not want to answer questions because he knows that if he answers truthfully and accurately, it will reflect negatively on the Bill being debated. Therefore, he does not answer questions. Of course, we do not take the view that the Minister simply decided for his own interests not to answer questions, so we ask the questions again. We badger the Minister because it is his role to answer to this Parliament. This is the place where Ministers

should answer questions in the public interest. Therefore, our role is to extract from Ministers the answers, to put them on the record. We must not be content to allow a Minister to remain mute and in his high-handed way ignore questions about a Bill which he has introduced. Why should we allow that to happen? We will not. I certainly will not, because if Ministers introduce legislation which has been thought through, they should have the courage and capacity to answer legitimate questions rather than sit mute or try to hide the real intention of the legislation by not answering questions.

A guillotine motion is not the only way for the Government to expedite business. If the Government believes the House is bogged down on any question for too long, it has other devices under the standing orders to deal with the situation or to move the debate along. The Government's attitude is not to use those alternative devices, but to guillotine business at 5.30 pm on a Thursday at all costs. The attitude is, "We are the Government; we will determine what is best. We do not care about the Parliament; we are not interested in what members of Parliament have to say. As the Executive, we will use the numbers in this place to ram through legislation."

What terrific legislation has been passed! Members should consider the workers' compensation Bill introduced by the Minister for Labour Relations. We told him that he would have to introduce an amending Bill because the philosophy in the original Bill was flawed. He did not agree. In his typical, high-handed, arrogant way he said that the legislation was okay. However, a couple of years later another Bill was introduced to amend many of the provisions previously passed. We queried those provisions in this House, while the Minister sat arrogantly and told us that it was a good Bill, and we have had to return to debate those issues.

The Government has moved this guillotine motion, because of its attitude to Parliament. The Government believes it is born to rule, and it will determine what members of Parliament can discuss, for how long, and the appropriate content of that discussion. It is interesting that this motion has been moved when a historic change is about to take place in the upper House. For the first time in 104 years the coalition will not have the majority in the other place. We expect the Government to move with some gusto this type of resolution to guillotine Bills between now and 21 May, because that is the critical date when the complexion of the other place will change. The clamour to push controversial legislation through this place and the other place before the complexion of the other place changes, should be recorded in *Hansard*, and I am sure that it will be in ensuing weeks.

The will of the people at the last state election was to return the coalition Government, but it was also the will of the people to place a check on that Government by changing the complexion of the upper House. People have lost faith in the coalition Government's control of this Parliament. The people supported another term for the coalition Government but, unlike the last term, they want some checks placed on this Government. They do not want the Government to ram Bills through this place and the other place without listening to the views of all members of Parliament. Despite that decision, despite the clear will of the voters, the Government will ram through legislation using the guillotine and other devices, because it knows it will have difficulty getting the legislation through the upper House when its complexion changes.

We should be debating this issue with our eyes open. This resolution indicates that the Government will continue in its traditional, high-handed way of pushing through legislation without much reference to this House, other than the perfunctory process the legislation must go through. If the Government could find a way to deal with legislation at the Capita Centre, it would do so. It has not worked out how to do that, so it must come to this place and at least go through the motions. It can do that without taking much notice of this place and treating it with absolute contempt by putting on these time limits. This is what the motion is all about.

Mr Barnett: This Government has been far more willing to accept changes to legislation than any other Government ever was.

Mr BROWN: Rubbish! I agree that certain Ministers will listen to argument. The Minister for Resources Development listens to our arguments and does his best to respond to questions when he is in charge of Bills in Committee. A Minister cannot be aware of every minute detail relating to his portfolio, but the Minister for Resources Development takes a cooperative approach during Committee. He tries genuinely and honestly to deal with the issues. I have no problem with saying that. A number of Bills handled by the Minister do pass through this place fairly rapidly because of the attitude taken by the Minister. Some other Ministers have the same attitude. I have not had a head to head debate in Committee with the Deputy Premier, but he is of a similar ilk -

Mr Cowan: I am too soft. I will have to harden my image.

Mr BROWN: Self-judgment is no judgment, Mr Deputy Premier. Other Ministers, either through the bent of their personality - and bent is the appropriate word - or by deliberate intent, seek to antagonise opposition members or keep information from them, or refuse to answer any questions they think might jeopardise their position. In some instances, rather than being honest in the debate and saying they do not know the answer to a question because it is

technical or detailed, some Ministers simply bluff their way through, pretending to have the answer to every question. The Ministers who demonstrate that sort of attitude cause truncated debate in this House. I invite the Leader of the House to analyse *Hansard* to see who those Ministers are and to consider the degree of responsibility that the Government must take in this. The Government cannot wash its hands of this issue. The Government has the control and influence to deal with this. We are all members of Parliament. We all know what politics is about. We all know that we should treat people with respect whether we agree with their point of view or not. The Government could do well to pay out a few extra dollars for some of its Ministers to attend lessons that will enhance their skills in this place.

The coalition's first election campaign relied on the slogan, "More jobs, better management". Members on this side have never accepted that slogan has been implemented. The Government could not manage government services, so it contracted them out. We have seen a range of functions and services contracted out, because Ministers are incapable of managing them. Some training and skilling of some Ministers would not go astray.

I oppose this proposition for very sound reasons.

Mr Tubby: I thought you were building up to support it.

Mr BROWN: Members on this side of the House are different from members of the Government. After condemning the federal coalition for its cutbacks to the dental program, public housing, and legal aid, government members voted against what they said. Members of the Opposition are unique in this place because when we support an issue or speak in opposition to it we vote that way. As far as the Government is concerned, that is quite unique. The member for Roleystone should try it. He would feel really good when he voted for something he believed in. I advise the member to try it one day when he is in an adventurous mood.

Mrs Roberts: He said that he used to do it all the time.

Mr BROWN: The member for Roleystone needs some steel in his backbone, like the member for Avon, and to vote as his conscience dictates. We will look forward to see whether that occurs in the next four years. However, as a fairly cautious person, I will not put any money on it.

The Opposition opposes this motion. It is possible to deal with the business of the House in an appropriate fashion. It is possible to reach agreement between the parties on those Bills that are contentious and require more time than those that are not contentious. We invite the Government to hold discussions with the Opposition on that. Until such time as that matter is agreed, we oppose the proposition.

DR CONSTABLE (Churchlands) [10.54 am]: I will start with the words of my predecessor Hon Andrew Mensaros, who said in this place 14 years ago -

> I return to the real and pragmatic meaning of Parliament. It is all very well to say it is the job of Parliament to legislate; but the real and proper meaning of Parliament today is to provide a forum for members of Parliament to check the Executive of the day. That is quite clear. That is the main purpose of Parliament, whether it occurs by way of debate on a Bill, an urgency motion, or a motion moved on private members' day, or whether it be a grievance or even during question time.

That sums up what we are here for. We are here to represent the people who put us here. We are not here to do the bidding of the Executive. Over the past four years I have consistently voted against time management, and I will continue to do so. I remind the Leader of the House of his words in this place on 17 August 1993 when he said -

> The Government will not make use of the guillotine lightly; it will allow ample time for debate on important legislation.

The key word is "important". He continues-

> The Government is determined to progress and implement the legislative program on which it was elected to office.

A guillotine motion was used three times between 1974 and when this coalition Government came to power in 1993. Since this sessional order was first introduced in 1993 by the Leader of the House the guillotine has been used on 150 pieces of legislation. On the Leader of the House's own figures that is about 50 per cent of the legislation that goes through this place.

Mr Barnett: Is the member for Churchlands talking about the sessional order being applied to legislation?

Dr CONSTABLE: I asked the Leader of the House a question on notice in November 1996 and his answer listed 150 pieces of legislation that had been guillotined. I will remind the Leader of the House about some of these pieces

of important legislation: The Industrial Relations Amendment Bill 1993; Workplace Agreements Bill 1993; Minimum Conditions of Employment Bill 1993; Workers' Compensation and Rehabilitation Amendment Bill 1993; Pawnbrokers and Second-Hand Dealers Bill 1994; Criminal Law Amendment Bill 1994; Victims of Crime Bill 1994; Firearms Amendment Bill 1994; Security and Related Activities (Control) Bill 1995; Swan Valley Planning Bill 1995; Sentencing Bill 1995; Local Government Bill 1995; Coroners Bill 1995; Planning Legislation Amendment Bill 1995; Censorship Bill 1995; Criminal Law Amendment Bill 1995; Criminal Code Amendment Bill 1996 -

Mr Barnett: Does that say how many hours of debate there were?

Dr CONSTABLE: At least a dozen of the Bills that were guillotined in this House lay around for almost 12 months or over 12 months before they were proclaimed, including the Sentencing Bill and the Coroners Bill. The Leader of the House cannot tell me they are not important pieces of legislation. Occasionally the Government has rushed Bills through this House and then after they have been through the other place has let them lie around for up to 12 months before they are proclaimed. That is absolutely ridiculous. That is not time management.

Mr Barnett: I do not accept that Bills are rushed. If the member for Churchlands looks at the hours, she will find 20 or even 30 hours of debate took place.

Dr CONSTABLE: Many of them were long Bills that needed more time. Some of them were brought back for amendment because the Government guillotined debate.

Mr Wiese: Both the Pawnbrokers and Second-Hand Dealers Bill and the Firearms Bill were fully debated through the Committee stages.

Dr CONSTABLE: They were on the list provided to me by the Leader of the House in answer to a question on notice. The Leader of the House must have it wrong, because he provided me with the information.

Several members interjected.

Dr CONSTABLE: I am using information provided by the Leader of the House. The Leader of the House should have known what he was putting down in writing.

Mr Barnett: It is a good idea to do your own research.

Dr CONSTABLE: I asked the Leader of the House to do it for me, and he got it wrong. The Leader of the House should be careful what he puts in answers, because that is the impression that he has given.

I will continue to oppose time management. Certain members of the Government, particularly Cabinet Ministers, have spent far too much time in St George's Terrace and not enough time thinking about what this place is for. It is not a business; it does not matter if we take extra time. We should take time, particularly on complex pieces of legislation. For the Leader of the House to say that 20 hours of debate is enough does not take into account that a Bill might have 200 or 300 clauses, and if we do not get through all of those clauses, the Bill will come back for amendment because that legislation was not debated properly in Committee. I will continue to oppose time management.

MR MINSON (Greenough) [10.59 am]: I have listened with some interest to what has been said. I do not have any problem with what Andrew Mensaros said years ago. This Parliament does fulfil its responsibility and its function. Unfortunately some people in this House forget that to achieve what was achieved in the days of Andrew Mensaros, we would have to sit here until four o'clock or five o'clock in the morning. No member in this place wants to go back to that nonsense.

I have seen the member for Churchlands going home in the early hours of the morning before the House has risen. Let us not be too pure about this. It is the Government's responsibility to keep the House sitting to complete debate on some matters and to make sure the numbers are here. It is all very well to adopt a holier than thou attitude and say that we should debate everything fully, but at the same time be prepared to go home at one o'clock or two o'clock in the morning and leave the rest of our colleagues here arguing the point. If we all did that, the whole system would collapse. That was referred to by the Leader of the House.

In 1989 I learned a salutary lesson. For those who were here, it was not a particularly proud night. We debated the Kings Park restaurant Bill. Do those opposite remember it?

Mr Ripper: I remember it well.

Mr MINSON: It was a farce, an absolute debacle. We debated the Bill until four o'clock in the morning. We were in opposition and had 14 speakers, and we indulged in monotonous repetition. In fact, I was embarrassed because I was the shadow Minister who was supposed to be guiding the debate for our side. Those members interested in

history will know that about two days later the coalition broke up because the National Party of the day, quite rightly, would not sit around and put up with coalition partners that debated in that way.

I look back at that debate as a salutary lesson. It was a misuse of this place. In my early time in Parliament people tapped me on the shoulder saying, "We want to keep this debate going for a while. Are you good for a few bars on this?" That is not a proper use of this Parliament. In 1990 when I became Deputy Leader of the Liberal Party I went to see Bob Pearce after one of these long debates and I asked him why we did not have some sort of time management. He said, "It's pretty simple; when we are in opposition, we oppose it and when you are in opposition, you oppose it. If you can get your blokes to agree to it, we will be in there like a shot."

I brought this matter up in our party room, but did not get much support for it, especially from the older members. I have been consistent in my view that we should have time management in this House. I remind members opposite that in government their policy was that if they could get us to agree, when we were in opposition, they would have time management. They supported the concept of time management.

Ms MacTiernan: Only if it is by consensus. That is the difference.

Mr MINSON: Oppositions never agree to time management. They indulge in monotonous repetition. They think it is smart to delay the House. That is not representing their electors. This is not a question of stifling debate; it is a question of discipline. Surely the Leader of the House and the leader of opposition business can get together - I spoke to Bob Pearce about this all those years ago - perhaps with the relevant Minister and the shadow Minister, and decide on a reasonable amount of time to spend debating a particular Bill. Bills can be labelled a three-hour Bill or a four-hour Bill or whatever. It is then up to the Opposition of the day to ensure that, in that period that has been decided upon to debate a Bill, it structures its debate so that its speakers make all the points that it wants to make, rather than having 20 speakers making the same point 20 times. Sometimes the same speaker will repeat the same point several times.

When I started school over the road in 1959, one of the first things I learnt was how to debate. Some may say that the school did not teach me to do that very well! However, I remember the rules. They were that there were three speakers, each of whom had three minutes in which to put his point. The first speaker introduced the subject; the second fleshed it out; and the third summed up the argument. It is time we spent a bit of money teaching people in this place how to debate. They can then represent their constituents, their electors, and can make sure all aspects of a Bill are properly considered.

Mr Brown: In the 1993 election a member on this side of the House was criticised severely for failing to get up and talk on a particular issue. How do members protect themselves from that if we do not have more than three speakers?

Mr MINSON: I am not saying that there should be only three speakers. There can be half a dozen. The point is that the Opposition must decide on the points of importance it wants to make. If a member wants to make a specific point that has not been made before, that member has a duty to speak in the debate. Surely in a four hour or five hour span, most things that need to be said about a Bill can be said. I do not know the debate about which the member is speaking or the personalities. Nevertheless, the point remains the same; that is, all of the necessary argument about a Bill can be put without members engaging in monotonous repetition, by either a number of speakers bringing up the same point, or the same speaker bringing up the same point. Both sides of this House, when in opposition, have been guilty of that. Frankly, some of the debates during my nine years in this place have been embarrassing. I support the discipline that this sessional order puts upon the Opposition, in particular, to make sure it gets its act together; to decide what must be debated; and to make those points.

It comes down to a matter of commonsense and discipline. I close by making this point: There is a lot of duplicity in this debate. Most members on the other side will tell us privately that they are dead scared that we will remove the sessional order because they love it; they like to get home before midnight; and they like to go to their local newspaper and say, "Oh dear, this terrible Government is guillotining things through the Parliament; we haven't got the opportunity to speak." They are dead scared that we will call their bluff one day.

Mr Brown: Call it now!

Mr MINSON: Those opposite should not push it too far. There is no way I will back off on the sessional order because I believe in it, and I have consistently believed in it. I have always spoken in support of it in this place and I always will. I tell members this: Half a dozen people on the other side have been talking out loud or interjecting, but have privately told me in the bar that they support the sessional order. Let us not have too much hypocrisy in this place.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [11.08 am]: When it comes to parliamentary debate I am a great believer in quality rather than quantity. I am not saying that I do not sometimes fail to meet that aspiration.

In general, all members should aim for fewer but better quality speeches, rather than more of a lesser quality. I advance what might be an unfashionable argument: Sometimes there is a role in a parliamentary system and in a democratic system for the filibuster; that is, when we are dealing with a particularly significant and controversial Bill which impacts on the rights of citizens.

Very shortly the Minister for Labour Relations will give his second reading speech on a further package of industrial relations changes and, in view of his history, those changes are likely to have a further significant impact on the rights of ordinary Western Australian workers to protect their working conditions and their incomes. On a Bill such as that, prolonged parliamentary debate has a role. When legislation impacts on the rights of citizens the community should be given significant time to consider the issues. Delaying the passage of the legislation through Parliament is one way that can be achieved. I am not suggesting that every Bill, or even most Bills, should be subject to that procedure. However, the use of filibuster is one of the traditional protections in our parliamentary system against rushed and draconian legislation. Not all Bills should be quickly passed through this place. We make laws in this place; it is natural for the process to be slow.

The parliamentary time devoted to the total process of producing legislation, is considerably less than the time devoted by the bureaucracy or Ministers' officers. If we want to reinforce our proper role in the legislative process we should be prepared to give the Bills sufficient time for debate.

With this sessional order and with the regular weekly imposition of the guillotine, the Government is changing the balance of power between the Government and the Opposition. This Government has traditionally enjoyed a much better position in government than have Labor Governments. For the first time this Government faces a situation where it will not have automatic control of the upper House. In the past four years it has reinforced its traditionally strong position of not only controlling both Houses but also imposing a regular weekly guillotine to cut off debate in this place. That was not an option realistically available to Labor when in government. If Labor ever threatened the use of the gag or guillotine when in government the Opposition's response was that it would give us trouble in the upper House. The Liberal-National Opposition was always able to exercise a countermanding pressure by saying it would defeat the legislation using its majority in the upper House, send it to a committee or delay it. For the first time this Government will face that pressure. Even so, it will still be in a stronger position than when Labor was in government because it will not face an Opposition with a majority, but three parties which together will have parity of numbers with the Government in the upper House.

As I said, the regular weekly use of the guillotine has created a change in the balance of power between the Government and the Opposition. That change has arisen despite the inquiries and recommendations of the Royal Commission into Commercial Activities of Government and Other Matters and the community saying that Governments should be held more accountable. The royal commission specifically identified Parliament as the place where accountability mechanisms should improve. It said that Parliament should be the centrepiece of an improved accountability system. In the face of that recommendation, what has the Government done? It has reinforced the power of the Executive in Parliament. It has run contrary to the recommendations of the royal commission. It has also acted contrary to the traditions of this place.

The guillotine was used infrequently until this Government came to power. When Labor had a majority here I think the guillotine was used on only one or two occasions. When this Government came to power, in 1993-94 the guillotine was used very frequently and in a most draconian fashion. The Government then moved to a slightly more acceptable, but still obnoxious, system; that is, the imposition of a weekly guillotine. The member for Greenough argued that it imposes a discipline on the Opposition. It places the Opposition in a difficult position. Every week we must cut off debate on Bills of importance otherwise another Bill of importance may receive no debate whatsoever. The "discipline" imposed is one that the Executive imposes on the Parliament by virtue of its superior numbers. That is not the spirit of the recommendation of the royal commission. If anything, the recommendation implied that the Executive should have less dominance over the Parliament than it had previously. This Government has given the Executive more dominance.

There are some ways out of the dilemmas this situation will create. One is to make more use of legislation committees. That was a reform proposed by the Select Committee on Procedure. Only one Bill in this House has been referred to a legislation committee. However, we could make much more use of that procedure. That is essentially what has occurred in the Federal Parliament. It has set up a second Chamber called the main committee. Non-controversial Bills are shunted off to that committee which operates in parallel with the House. The Select Committee on Procedure proposed that committee debates on certain Bills could occur in the legislation committee in parallel with debates on other matters before the House. We could deal with more business without needing to bolster the dominance of the Executive and restrict the rights of the Opposition and other members of Parliament to properly scrutinise legislation. It is regrettable that the Government has used the legislation committee only once. That is one reform which would help to satisfy the objectives of both sides of the House in this matter.

Reference was made to the use of the guillotine in the Federal Parliament. The Federal Parliament used to operate the way we do now, with excessive use of the guillotine. My understanding is that the guillotine has been used infrequently in the Federal Parliament since the reforms, including the main committee, were implemented. We could operate the same way if the Government were prepared to make effective use of a legislation committee.

This issue highlights the need for reform of the operation of this place. Rather than consider reforms, the Government has used the blunt weapon of the guillotine to get its legislative program through at the cost of compromising the important role of Parliament to scrutinise the Executive and in particular to slowly scrutinise, if necessary, pieces of legislation which have a fundamental impact on the rights of ordinary Western Australians. Until there is a fundamental package of reform for this place, I will continue to oppose regular weekly use of the guillotine.

MS WARNOCK (Perth) [11.17 am]: I believe greatly in personal time management and will therefore be brief about this. I was offended by a couple of things the member for Greenough said. Opposition members are great believers in sensible time management. Most colleagues believe we should not sit until 3.00 am or 5.00 am; it is absurd to sit to those hours. Everybody who observes the way Parliament is run will realise that most people are not very productive, at least intellectually, after 10 o'clock at night. Most of us admit that we do our best work early in the day. If a plan were put forward to change the sitting hours, for example, I think most members would agree with that. That is not the point of the Opposition's objection to the guillotine. A program of sensible time management would be agreed to by most members in this House. However, we disagree with the Leader of the House going about this matter with a bludgeon. That is a draconian way to address this issue and it is upsetting to most of us.

I do not like verbose windbags in this place any more than anybody else does. However, all members on this side of the House, in the same way as all members on that side, have an obligation to represent their electors. That is what we are here for. We are here to represent their points of view, as we are here to represent the points of view of our parties. It is our job to say what we believe we need to say about each Bill that comes before the House.

I repeat that I am a believer in sensible time management. I am not a believer in sitting all day and all night. That is totally absurd and is unproductive. However, a sensible agreement must exist between the parties on how debates are managed - not a blunt instrument every week to indicate that there will be a guillotine on a Bill whether members like it or not. The Opposition objects to that method.

Mr Barnett: Every week we have this 20 minute debate. In a practical sense - I hope I do not embarrass the Deputy Leader of the Opposition - there was virtually no disagreement last year on the management of business in this place. I know the Opposition has a principle position to oppose it. However, on a day to day, week to week, basis it worked very smoothly.

Mr Brown: That is because last year few controversial Bills were introduced.

Ms WARNOCK: I agree with that. I am not doing this as a matter of form; I am simply offended by some of the things the member for Greenough said. I make a deal with the Leader of the Opposition: I will not do this every week, if he believes that is what I was doing last time. I am simply saying that I believe in sensible time management, as do most members. I do not believe in a bludgeon being used automatically every week when the Leader of the House does not believe that members need to debate a Bill any longer than X number of hours. That is what the Opposition disagrees with. If we could have a sensible agreement about time management, there would be no disagreement.

Mr Barnett: You may not be party to it, but quite often the Opposition says that it wants a little more time on a Bill, and invariably I agree.

Ms WARNOCK: If that is the case, I am in favour of that. However, I still cannot understand the automatic guillotine. That is the only thing I object to. We must not suppress debate because it is our obligation to our electors to be involved in the debate. However, I am the first to agree that members do not need to be verbose about these matters.

Question put and a division taken with the following result -

Ayes (30)

Mr Ainsworth	Mr House	Mr Prince
Mr Baker	Mr Johnson	Mr Shave
Mr Barnett	Mr Kierath	Mr Sullivan
Mr Board	Mr MacLean	Mr Sweetman
Mr Cowan	Mr Marshall	Mr Trenorden
Mr Day	Mr Masters	Mr Tubby
Mrs Edwardes	Mr McNee	Dr Turnbull
Dr Hames	Mr Minson	Mrs van de Klashorst
Mrs Hodson-Thomas	Mr Omodei	Mr Wiese
Mrs Holmes	Mr Osborne	Mr Bloffwitch *(Teller)*

Noes (15)

Mr Brown	Ms MacTiernan	Mr Ripper
Mr Carpenter	Mr Marlborough	Mrs Roberts
Dr Constable	Mr McGinty	Mr Thomas
Dr Gallop	Mr McGowan	Ms Warnock
Mr Grill	Mr Riebeling	Mr Cunningham *(Teller)*

Pairs

Mr Bradshaw	Mr Kobelke
Mr Nicholls	Ms Anwyl
Mr Court	Mr Graham
Mrs Parker	Dr Edwards

Question thus passed.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Labour Relations) [11.29 am]: I move -

That the Bill be now read a second time.

Election mandates: This legislation is the first Bill of the second coalition Government on labour relations. Two others will follow shortly. Primarily, the purpose of the Bill is to reintroduce those labour relations legislative reforms that were first tabled in September 1995, but which were not passed in the previous term of the coalition Government. Additionally, the Bill incorporates changes to the Western Australian industrial relations system to take account of changes under the federal Workplace Relations Act 1996.

At the 1996 state election, the coalition's policy on labour relations for the next term of government was stated in the platform document "More Jobs and More Choices". Our vision of creating more jobs and more choices for all Western Australians is predicated on the creation of more productive, more competitive, more rewarding, safer and fairer workplaces. Such workplaces, we believe, will be achieved only when we have implemented the reform initiatives laid out in two election platform documents and emphatically mandated by the people of Western Australia, not only in February 1993 but also most recently in December 1996.

The past four years have demonstrated the Government's commitment to fundamental reform of labour relations. The reform has been undertaken as a means to an end, making the Western Australian economy more competitive and more efficient and industrial relations more harmonious and fairer.

Principal in a raft of reforms has been the system of workplace agreements the Government introduced in 1993. Workplace agreements have unshackled the previously straight-jacketed employment system in this State, and provided a real freedom for employees and employers to determine employment conditions which best suit their individual needs. Furthermore, it has been paid the quite remarkable compliment of being the model emulated by the Commonwealth Government for Australian workplace agreements in its recent Workplace Relations Act 1996.

Our enthusiasm to continue the process of reform is undiminished. "More Jobs and More Choices" made quite specific and deliberate reference to some of the supposedly contentious matters contained in the Industrial Legislation Amendment and Repeal Bill of 1995. Not surprisingly, therefore, this Bill demonstrates the Government's commitment to concluding the reforms from the 1993 industrial relations policy "Jobs and Choices".

Compulsory pre-strike ballots: When the Industrial Legislation Amendment and Repeal Bill was introduced in September 1995, I stated the principles which underpinned that legislation. One of the driving imperatives was the desire to see unions become more accountable to their members, who would then play a more participative role in the organisations. That principle remains and the pre-strike ballot provisions contained in this Bill are the most manifest demonstration of it.

The Government will not resile from its absolute commitment to the important principle that the members should have the opportunity to show, by secret ballot, their attitudes to any contemplated strike action. Given the cost of strike action to employers, the community, and the union members themselves, it is essential that any such action should not arise unless there is clear evidence of grassroots support for it.

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

Mr KIERATH: Such a requirement should be welcomed by the union hierarchies, because it will give some pause to the more hot-headed elements within their ranks and provide an opportunity for calmer and wiser minds to work through the best strategies to resolve any dispute.

The concept of a compulsory pre-strike ballot is opposed by some trade union leaders. They see it as a threat to their privileged position of influence, which they use capriciously by arguing they should have an unchallenged right to orchestrate strikes and industrial action at a time and in a manner of their choosing. They have no or little concern for the economic damage they inflict on employers, workers and union members. They ignore the threat industrial action poses to current and future jobs.

In contrast to the attitude of trade union leaders, the community supports strongly the concept of a compulsory pre-strike ballot. Also, I was encouraged to notice that the Leader of the Opposition gave his support to the principle of secret ballots during the 1996 election campaign. This is consistent with Tony Blair's comment at the annual conference of the Union of Shop, Distributive and Allied Workers in April 1995 -

> We support measures such as pre-strike ballots, as a responsibility to be recognised and exercised by trade unions.

The Act will contain provisions which will quite specifically identify what constitutes strike or strike matters and clearly sets out the obligations of the Western Australian Industrial Relations Commission in dealing with such matters. These provisions, together with those on pre-strike ballots and the dispute settling procedures, which the parties should follow before invoking the commission's powers, collectively demonstrate this Government's determination to protect the public interest.

Experience in the United Kingdom shows that secret ballots reduce strike action. Only two out of three ballots achieve a yes vote. Of those which achieve a yes vote, only one strike in four takes place. This means, in effect, that of every six strikes balloted, only one proceeds to an actual strike. This has contributed to the UK achieving a strike rate of less than one-quarter of that of the European Union average.

Federal award coverage: Also re-introduced in this Bill are provisions to rationalise federal and state award coverage by a new requirement that unions that choose to go federal think carefully about the potential loss of state coverage. The Federal Government's Workplace Relations Act has ameliorated the quite disgraceful situation whereby the federal commission would arrogantly, and seemingly automatically, override the wishes of employers and employees to regulate their relationship by way of workplace agreements or to remain within the state industrial relations system. However, in the Government's view, the new provisions require supporting state legislation to bring home to unions the consequences of wanting to have a foot in both camps.

In practical terms, it means that a union seeking a federal award cannot "double-dip". These amendments will allow the cancellation of such a state union's eligibility to represent employees in the state system and will facilitate the substitution of another union - one with a greater commitment to remaining in the state jurisdiction.

State agreements and federal awards: Furthermore, employees and employers who wish to remain in the state system will now be able to do so, despite the union succeeding in having a federal award made. Consistent with the provision of section 152 of the Federal Workplace Relations Act 1996, the provisions of the Bill will enable a state workplace agreement to override an otherwise applicable federal award.

This Government accepts that the federal system has an important role to play, but the coalition has a strong commitment to maintaining the state system at its optimum level of efficiency. The bottom line is that employers and employees should have an employment system which is accessible, fair, efficient and modestly priced and one in which State industrial authorities, knowledgeable of the WA work environment, are able to respond quickly and effectively to the needs of participants within it.

Other issues: Refinements have also been made to unfair dismissal in the state jurisdiction to reflect changes in federal legislation in this area which is designed to provide a fairer and more balanced legislative framework. Other provisions enhance previous amendments to political expenditure, officials of organisations, union dues, dispute settlement procedures, right of entry, inspection of time and wages records, and annual leave.

I shall now deal with more specific parts of the Bill.

Part 1 - preliminary: The Bill will amend the Industrial Relations Act, the Minimum Conditions of Employment Act and the Workplace Agreements Act. It is to be titled the Labour Relations Legislation Amendment Act 1997.

The provisions in respect of the financial obligations of officials and political expenditure will come into effect 28 days after the legislation receives the royal assent. The provisions relating to pre-strike ballots, federal award coverage, workplace agreements, access to employee records and the commission's resumption of work orders will be proclaimed at a later date. The remainder of the Act will come into operation when it receives the royal assent.

Part 2 - duties of officials of organisations: The Government will extend the legislation relating to the financial obligations of union officials to include employees of unions who are entitled to participate directly in the financial management of a union in a representative or advisory capacity. A new offence is to be created, under proposed section 78, if a person fails to comply with an order of the Industrial Magistrate's Court to do any specified thing, or to cease any specified activity.

A new provision, section 79, will protect a financial official from having civil proceedings commenced against him or her in two different courts, if there have been breaches of the financial obligations. He or she will also be protected from having two penalties imposed if criminal proceedings are instituted.

An official found to be in breach of the financial obligation may, however, be disqualified from holding office in the union for up to three years. Any breach of such an order of the Industrial Magistrate's Court is a contempt punishable by the Supreme Court.

Part 3 - pre-strike ballots: I referred earlier to the Government's view that it is appropriate for the community to be assured that union members will participate in a pre-strike ballot before engaging in any strike action. The legislation prohibits the participation by members of unions in any form of strike unless endorsed by a secret ballot of relevant members. A person authorised by the Minister, or a person affected by the strike, may seek an injunction against a person engaged in a breach, or proposing to engage in a breach, of this fundamental requirement.

The legislation defines a pre-strike ballot and provides for the Full Bench of the Western Australian Industrial Relations Commission to declare that a branch of a federal union operates in conjunction with a state union, as though they were the same body, if certain criteria, as set out in the Bill, are established. This will ensure that unions cannot hide behind the shield of federal registration.

Pre-strike ballots should be conducted as speedily as possible. The provisions specifically enjoin the WAIRC to deal with an application as expeditiously as possible and, in any event, to endeavour to give a decision - and any direction and reasons relevant to that decision - within five days of the application being made. The strike action, whether it be a stoppage, ban or any other limitation on the performance of work, must conclude not later than 28 days after the declarations of the results of the ballot.

The key principle involving pre-strike ballots is the enshrining of a new, democratic process of decision making by rank and file union members prior to any strike action being taken. It is not intended that any resultant strikes should be afforded any new legal protection under the Statute. Therefore, there will be no immunity from civil action for unions which undertake strikes in accordance with the ballot process.

The commission may order a ballot to be held on the application of the union or one of its members, or of a relevant employer or organisation of employers, or on its own motion where the commission has reason to believe that a form of strike is contemplated by members of the organisation. The Minister may also direct the commission to order a ballot if he or she is of the opinion that a strike is contemplated by a union or its members and that the safety, health, welfare or economic wellbeing of the community, or a part of it, is at risk.

Should the union apply for the ballot, and that application has been endorsed by a resolution of the committee of management of the union, the commission must order a ballot. In other circumstances, the commission shall, after having heard from interested parties, and being satisfied that it is justified by the circumstances, order a ballot. This will enable the commission to deal appropriately with any frivolous or vexatious applications.

The processes and procedures for the implementation of the ballot will be matters for the commission to determine. The commission can direct that the ballot be conducted by either the registrar, or a nominee of the commission or, under arrangements with the Electoral Commission, a person nominated by the Electoral Commissioner, or the union.

In the case of a union, the commission will appoint a member of the commission as scrutineer. The scrutineer will be required to certify, within 48 hours of the completion of voting, whether or not the pre-strike ballot has been conducted according to the requirements of this part. Failure to comply with a direction of the person conducting the ballot will be dealt with by the Full Bench.

Where a union has been ordered to conduct the ballot, it will do so in accordance with its rules, the regulations which are to be made for the administration of this part, and the code of practice set out in schedule 2 of the Act. Where a union has responsibility for the conduct of the ballot, its administration of the ballot will be supervised by a member of the commission. Any party to an application for a pre-strike ballot will be entitled to appoint a scrutineer for the ballot.

The conciliation and arbitration powers of the commission are not diminished in any way by the provisions of this part. Parties will continue to have access to the commission to seek section 32 and section 44 orders where a dispute is threatened or occurring. The intention of the secret ballot is to ensure that unions, when contemplating strike action, must consult, and receive the endorsement of, their membership for any such proposed activity. The pre-strike ballots process will complement existing provisions by, firstly, screening out unsupported strikes and, secondly, enhancing the prospects of the resolution of disputes, where a positive ballot has resulted, by making employers aware of the strength of feeling among members. Furthermore, the requirement to utilise existing dispute resolution procedures prior to the conduct of a ballot will reinforce the need for compliance with such procedures.

Part 4 - political expenditure: The Government will amend the legislation relating to expenditure for political purposes by expressly limiting moneys which can be used for such expenditure to those that a member gives to the organisation for that purpose, together with any interest earned from moneys in a political fund. Because the focus of the legislation is on the expenditure by the organisation, references to political donations have been changed to "political expenditure" and, therefore, the definition of political expenditure has been expanded to include expenditure incurred in connection with directly promoting or opposing a political party, rather than merely donations. Members will retain the right to nominate to which political party or election candidate their individual contributions to the political fund will be given.

The organisation will not be allowed to use any part of the membership fees of members for political expenditure and the auditors of the organisation will be required to report on whether or not there has been any contravention of the political expenditure provisions. Any contraventions of the new provisions will be an offence, attracting penalties for both the organisation and any official involved. Conviction may result in an official being disqualified from holding office in the organisation for up to three years. Moneys paid as a result of unlawful political expenditure may be forfeited to the Crown.

Part 5 - federal award coverage: An organisation whose federal counterpart seeks federal award coverage for employees covered by a state award, may have all its rights as a party to the award cancelled and such rights may be given to a substitute organisation. Where the related federal organisation notifies the federal commission under section 99 of the federal Act that there is an alleged dispute between it and an employer covered by a state award or industrial agreement, the state organisation will be obliged to notify the registrar of the state commission of that dispute notification. Failure to do so will be an offence. Notifications that have already been made, and not withdrawn or determined by the federal commission, will also be subject to these provision.

The commission is to advertise for other organisations or employers to apply to have that organisation struck out as a party to the relevant state award or industrial agreement and to have another organisation substituted. The Full Bench will hear applications and, if satisfied that there has been an attempt to obtain federal award coverage, will cancel the rights of the state organisation with respect to the employees to whom the application applies and give those rights to another organisation. An organisation which has its rights cancelled cannot become a substituted organisation in respect of any other organisation which has its rights cancelled. Relevant employers will be notified of any cancellation of an organisation's rights and will be prohibited from collecting from their employees any union dues for that organisation.

Members of an organisation which has had its rights cancelled in respect of them, may demand a refund of a proportion of their union dues. An organisation which has had its rights cancelled will be required, if asked, to give details of any affected members to any organisation which is substituted for it.

Part 6 - unfair dismissal: The provisions in this part make amendments to the unfair dismissal provisions in the Industrial Relations Act 1979 and in the Workplace Agreements Act 1993 and are consistent with changes made to the termination of employment provisions of the Workplace Relations Act 1996. In particular, employers will no longer have the burden of showing that the grounds, or ground, on which they dismissed employees were justified. Instead, the onus will be on the employee who alleges that the dismissal was harsh, oppressive or unfair to prove it.

The Bill also provides greater choice for employers in dealing with employees who have had unfair dismissal claims resolved in their favour. Employers can now decide whether they wish to compensate employees for loss or injury caused by the dismissal, instead of reinstatement or re-employment. Also, the impact of paying compensation to employees will be minimised, as the WA Industrial Relations Commission or the Industrial Magistrate's Court, as the case may be, may permit employers to pay compensation in instalments.

Part 7 - miscellaneous provisions relating to awards.

Collection of union dues: The Government will legislate to remove an anomaly arising from the 1993 legislation. The collection of union dues, other than by agreement, was removed as an industrial matter at that time. However, the legislation did not negate the existing provisions in awards. Accordingly, the collection of union dues will no longer be an industrial matter and any existing provisions in awards and agreements will be of no effect. Any arrangements between unions and employers, or employees and employers, for the collection of dues will be handled administratively on an employer by employer basis.

Right of entry: To prevent some of the abuses that have occurred, the power of the commission to make awards allowing union officials access to the business premises of employers may only arise where a member of the union is, or has been, employed by the business. Any inconsistent provisions in awards and agreements will be of no effect and will be removed. New provisions ensure that any union representative may enter premises only to deal with an industrial matter involving a member.

Dispute settlement procedures: The dispute settlement procedures inserted in all awards and agreements will be amended by provisions which require the parties involved in any question, dispute or difficulty to confer among themselves and attempt to resolve the matter before taking it to the commission.

Inspection of time and wages records: The rights of union officials to inspect employee records will also to be amended. An employer will be able to refuse the union access to employee records if the employer is of the opinion that the access will infringe the privacy of non-members of the union. The union will still be able to ensure that its members are correctly paid, because, if access to the records is refused, the employer must produce the records to an industrial inspector within 48 hours and the inspector will then provide the union with relevant extracts relating to the union member. Any inconsistent provisions in awards and agreements will be of no effect and will be removed.

Part 8 - miscellaneous amendments: The prevention and settlement of industrial disputes by conciliation continues to be one of the main priorities in the industrial relations system in Western Australia. To minimise the impact of strike action on the WA economy, the Bill provides the WA Industrial Relations Commission with enhanced powers to prevent and stop strike action. The provisions in the Bill are similar to those in section 127 of the Workplace Relations Act 1996.

When any industrial matter referred to the commission appears to involve a strike which constitutes a breach of any award, order or agreement to which a union participating in the strike is a party, the commission will now have a duty, under both sections 32 and 44 of the Act, to act quickly to order the organisation and those of its members participating in the strike to resume work immediately. This duty will extend to any strike which does, or will, constitute a breach of any understanding, undertaking or procedure agreed to by the union whose members are on strike.

Furthermore, the Act will now define a number of "strike matters". These will include strikes which occur where a pre-strike ballot has not been held or endorsed; where a pre-strike ballot has been endorsed but the action is occurring more than 28 days after the endorsement was confirmed; where a member intending to strike has not given notice to his/her employer or where the action is not related to claims over wages or conditions of employment. Other matters falling within this category will be strikes which directly or indirectly threaten the safety or welfare of participating employees, those which may seriously disrupt the supply of essential services to a significant number of members of the public or those which may cause undue hardship to any parties to the dispute. With respect to any of these matters, the commission must take steps, on its own motion, or on the application of relevant parties, including parties who are directly affected by, or are likely to be directly affected by, the strike action, to ensure that normal work resumes immediately. The Supreme Court will be able to enforce commission orders by granting injunctions.

Part 9 - Minimum Conditions of Employment Act: An amendment will be made to the Minimum Conditions of Employment Act 1993 to provide that an employee who terminates his or her employment unlawfully, or is dismissed for misconduct, will not have an entitlement to any pro rata annual leave entitlements that might have accrued. This will alter the present provisions, which have caused some problems for employers, namely those provisions relating to annual leave which require employers to pay pro rata annual leave on termination, regardless of the reasons for the termination. Hence, an employer who has dismissed an employee for misconduct, even where that misconduct

has involved stealing from the employer, is currently obliged by the Act to pay to the employee his or her pro rata entitlements. With the passing of these provisions that anomaly will no longer apply.

Part 10 - Workplace Agreements Act: The Bill also proposes amendments to the Workplace Agreements Act 1993 to enable state workplace agreements to override federal awards. These amendments complement the provisions of the Workplace Relations Act 1996 and enable employees covered by federal awards to enter into collective workplace agreements without the threat of parts of those agreements being overridden by a federal award.

The Workplace Relations Act 1996 requires certain tests to be applied to enable state workplace agreements to override federal awards and, since these tests are not currently contained in the Workplace Agreements Act 1993, the Bill provides that the tests must be met before an agreement can be proved. These tests are - the agreement complies with the Act; the employees covered are not disadvantaged in comparison to their entitlements under the relevant awards; the agreement was genuinely made; and the agreement covers all the employees whom it would be reasonable for the agreement to cover.

The Workplace Relations Act 1996 also requires that agreements shall be registered by a state industrial authority. The Bill provides that this body shall be the Commissioner of Workplace Agreements. The commissioner will determine whether a workplace agreement meets the above tests and, if it does, will approve the agreement. The commissioner can also be appointed by an employer and employee as an arbitrator on disputes over the meaning or effect of such workplace agreements.

In conclusion, most of the provisions of this legislation have been before this House previously and have been endorsed, since that time, by the people. It is the coalition's firm view that they will introduce long overdue rights for employees in the areas of pre-strike ballots, political expenditure, and inspection of time and wages records. The new obligations on union officials will be of benefit to union members as a whole, by providing the basis for higher standards of conduct in union administration. The federal award provisions, and the new category of workplace agreements for federal award employees, will strengthen the rights of people who wish to stay within the state system. This Bill will enable Western Australia to remain at the forefront of innovation and best practice in Australian industrial relations. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

ADDRESS-IN-REPLY

Motion, as Amended

Resumed from 19 March.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [11.53 am]: Mr Speaker, I congratulate you on your election to your position. I believe you will perform the duties and responsibilities of that position very creditably indeed, although your stewardship in that role and that of other people occupying the Chair will be tested by the debate which will ensue on the legislation just introduced by the Minister for Labour Relations because it is the sort of highly controversial, draconian legislation which brings particular tensions to this House. I also express my appreciation to the electors of Belmont for returning me at the 1996 election. I want to place on record my particular thanks to two key people; my campaign director, Donna Plummer, and my campaign manager, Judy Mathieson. Their work has been important in ensuring my return to Parliament. My principal opponent, Mr Andrew Murfin, fought a vigorous and expensive campaign. I hope the Liberal Party gives him due reward.

Mr Barnett: I have suggested the seat of Belmont for him next time round.

Mr RIPPER: I suggest he be endorsed for a seat he is more likely to win.

I will devote most of my speech to the position of boys in our education system. Peter West in *The Australian* of 7 February 1995 wrote -

> We tell boys some terrible lies: that they have to be alone; that they can't seek help; that they have to be tough or else.

He later wrote -

> It's time to rethink our assumptions about boys. Until we get it right, many parents can expect their boys to be in trouble, in school and out of it.

When examining the annual report of the Education Department, I was struck by the implications of some of the performance figures that were reported. Not all the figures in the annual report distinguish between girls and boys but a substantial number do. When one looks at them one sees some disturbing characteristics in the performance

of boys in the education system. If one looks, for example, at apparent year 12 retention rates for 1995, one sees the figure for boys is 55.9 per cent and for girls 65.2 per cent. The most disturbing retention rates were for Aboriginal students where for boys they are 14.1 per cent and for girls 19.3 per cent. Clearly, an enormous job must be done with the education system in that area. We might debate that at another time. If one looks at secondary graduation rates, one sees the figures are 45.9 per cent for boys and 56.8 per cent for girls. Even in Year 10 there are some slight differences in those reaching expected achievement levels. The percentage for boys is 83.8 per cent and for girls 86.5 per cent.

The pattern is reflected in the monitoring standards in education data in the annual report. The report listed the percentage of students achieving at or above specified levels. Many of the tables relating to MSE data deal only with students en masse and do not distinguish between girls and boys, but some tables do. For Year 10 students the at or above specified reading rate was 90 per cent for boys and 94 per cent for girls; in writing it was 89 per cent for boys and 97 per cent for girls; in listening it was 77 per cent for boys and 90 per cent for girls. On the subjects of society and environment the figures for both boys and girls were disturbing. Politicians who would like to see an educated, discerning and critical electorate should take note. Only 37 per cent of boys and 58 per cent of girls were achieving at or above the specified level. This MSE data is backed up by other data in the annual report relating to those people who achieved expected levels in the curriculum for English and maths. It is commonly expected that in English girls will perform better than boys. This is borne out by the percentages of both who have achieved stage 4 English passes in Year 10. The figures are 93.6 per cent for girls and 90.6 per cent for boys. It is also commonly expected that boys perform better in mathematics. That is not borne out by the figures in the annual report by the Education Department. The stage 3 mathematics pass figures for boys were 89.4 per cent and for girls 89.5 per cent.

Another interesting document has been recently published - the Child Health Institute survey of quite a number of factors relating to the performance of students in our education system. Once again, many figures in the report do not distinguish between boys and girls, but I have gone through the document to look for those which do. One finds the same pattern as in the annual report figures emerging in the Child Health Institute survey report. One early chapter reports parents' perceptions of the education system. It contains some tables relating to parents' satisfaction with the progress of their children in various areas. The report shows that where parents are less than satisfied with the educational progress of their children, the figures are 16 per cent for boys and only 7 per cent for girls. One of my more perceptive colleagues pointed out to me that this may relate to the value which parents place on the education of boys compared to that of girls and may relate to their expectations of boys rather than their expectations of girls; so there is an alternative explanation for this phenomenon. I will give other figures which demonstrate there is an overall pattern which should lead us to be concerned about the position of boys in our education system.

Parents of 9 per cent of boys are less than satisfied with their progress relating to other children while parents of only 4 per cent of girls are less than satisfied. Parents of 11 per cent of boys are less than satisfied with their general behaviour while parents of only 5 per cent of girls are less than satisfied. The report also deals with those students who are considered by their parents to have functional limitations barring their educational progress. Parents of 11 per cent of boys and only 6 per cent of girls considered their children had physical, emotional or learning problems. The report shows that in the view of teachers almost twice as many boys as girls were below the age level in academic competence. Teachers reported that they thought 24 per cent of boys were below age level in academic competence, but that about 14 per cent of girls were considered to be below the age level in academic competence.

One figure indicated boys were significantly ahead of girls; that was in the area of self-esteem. The report referred to the self-esteem of both boys and girls and divided the self-esteem levels into low, medium and high. Twenty-seven per cent of boys were considered to be in the lowest third compared to 37 per cent of girls. Thirty-five per cent of boys were in the top third and only 29 per cent of girls. That is one area in which girls are disadvantaged. However, of all of the figures that I looked for in both the annual report and in the Child Health Institute survey, that was one of the few figures where boys were, on the objective evidence, doing better than girls.

While 15 per cent of boys were considered to have been bullied, only 8 per cent of girls were in that category. However, the boys were well represented among the perpetrators. Eight per cent of boys were involved in bullying behaviour and only 3 per cent of girls, according to a range of perceptions.

Those figures in both reports give us cause for concern about the position of boys in our education system. I examined the annual report of the Education Department for references in the general discussion to the position of boys. Subprogram 1.2 deals with supplementary support and access for students. The objective of this program is to ensure that those students with special educational needs and interests achieve the outcomes expected of all students through the provision of supplementary support. The report lists the target groups for this supplementary support. Those target groups are students with intellectual, sensory or physical disabilities; rural and isolated students; Aboriginal students; gifted and talented students; female students; students from non-English speaking backgrounds; students with behavioural difficulties; and students subject to socioeconomic disadvantage.

I found that list of target groups interesting because it does not reflect what the rest of the report indicated about the performance of boys in the education system. I looked for some analysis of the performance of boys and I found it later in that chapter. It was under the heading "Female students". It drew attention to a number of projects in schools under a program headed "Challenge and change: Issues for boys". There were five pilot projects. It then went on to bear out what I have been saying. It pointed out that girls generally outperform boys in monitoring standards evaluations and exhibited higher apparent retention rates and secondary graduation rates and the proportion of girls reaching expected levels for year 10 unit curriculum achievement was higher than for boys.

It then dealt with the issue in what I regard as an off-hand and disappointing way because it said that while the data are useful, academic achievement is not a major indicator of relative advantage or disadvantage - boys still have a competitive advantage on leaving school. I would have thought when one is dealing with the education system that academic achievement was a major indicator of relative advantage or disadvantage and if we find groups are not achieving on a proportional basis we should be concerned about their position in the education system. We regard relative academic achievement for Aboriginal students as a major indicator of their disadvantage within the system.

This is not an issue on which there is any sort of unanimity. While I was happy to quote the comment from Peter West in *The Australian* it is fair that I also quote the rejoinder from Eva Cox who said in *The Australian* of 9 February 1995 in an article under the heading "Men must change the system, not play victim" that the presence of some limited extra resources for girls programs has created a backlash with piteous males producing sheafs of statistics to prove that it is really boys who are doing it tough. Some might say that is what I have done in this speech. However, I am not seeking to sabotage girls' programs. Neither am I seeking to have a raft of additional bolt-on programs established for boys. Historically, girls have experienced disadvantages in our education system. There were and may still be in some quarters traditional attitudes to the value of education for girls which inhibited their achieving their full potential. There is still a lack of suitable role models for many girls to encourage them to take up careers, occupations and studies for which they are suited by their natural talent. There is still stereotyping of occupations which inhibits girls from taking up certain career choices. There are still cases of girls being restricted in their aspirations. It can be argued that the structure of schools, with men dominating most of the leadership positions, creates disadvantages for girls. Research also indicates that teachers unfairly give more attention to male students than they do to female students, and that, even when this is pointed out to teachers and they adopt new strategies, they still manage to give more attention to the demands of males.

Ms MacTiernan: That is like this place, I reckon.

Mr RIPPER: I do not think I want to get into that debate. Girls do suffer disadvantages. I am not suggesting that boys are more disadvantaged or that we should abolish the girls' programs or shift resources from the girls' programs to the boys' programs. This debate should not be about a competition between boys and girls for resources. However, we need to have bolt-on additional programs for girls and if there is an argument for bolt-on additional programs for boys, then perhaps there are some more fundamental problems with the system and we should think more about the way in which we deliver education and take account of the particular circumstances, characteristics, values and interests of both boys and girls. We might need some combination where we acknowledge the values of boys and seek to modify those values which are damaging their prospects of achieving their full potential; just as, with regard to girls, we acknowledge their values but point out to them that it is okay to aspire to positions in occupations which are not traditionally taken up by women in great numbers. Some effort has been made to change the values of girls in a way which will enable them to achieve their full potential in the education system. Perhaps we need to embark on that process, among others, for boys.

A Mr Wayne Martino has conducted some research on boys' attitudes to education and has written an article entitled "Masculinity and Learning: Exploring Boys' Underachievement and Under-representation in Subject English". The figures in the article are very interesting. He surveyed 156 year 10 students in a coeducational school in metropolitan Perth and asked them about their attitude to English. I will deal with the girls' attitudes first. None of the girls thought that English was a boys' subject, 14.9 per cent thought it was a girls' subject, 1.4 per cent thought it was a subject for neither gender, and 83.7 per cent thought it was a subject for both sexes. With regard to boys, the figures were more disturbing: 3.6 per cent of boys thought it was a boys' subject; 33 per cent thought it was a girls' subject; and 50 per cent thought it was a subject for both sexes. In these days of concern about literacy levels, it is a bit disturbing that one-third of the boys in year 10 who were surveyed thought that English was just a girls' subject and not something about which they should be concerned.

Mr Barnett: Footy and rugby for the boys rather than Shakespeare!

Mr RIPPER: Perhaps their interest is sport. Perhaps they regard other subjects as sufficiently masculine to warrant their participation. According to this article, they regard English as a feminised learning practice. If members want a more colourful description - please forgive me, Mr Acting Speaker (Mr Osborne), for the language I am about to use - one of the year 10 boys was reported as saying -

> This subject is the biggest load of utter bullshit I have ever done. Therefore, I don't particularly like this subject. I hope you aren't offended by this, but most guys who like English are Faggots.

That was typical of the attitude of these boys.

Ms MacTiernan: With an attitude like that it is easy to see why some year 10 boys may not be performing very well in English.

Mrs van de Klashorst: You could use the same survey for science, health or any other subject and you would get pretty much the same result for either male or female, depending upon the subject. It is not the case just for English.

Mr RIPPER: That is right. I am sure that if we looked at girls' attitudes to science and mathematics we would find similar values which would have the same effect of inhibiting their performance. I am not saying that we should not address those characteristics of boys' values which inhibit their performance. I am simply arguing that we need to pay some attention to the performance of boys, as well as to the performance of girls, on the basis of the figures in both the annual report of the Education Department and the child health survey.

Mrs van de Klashorst: Are you saying that boys will not achieve later in life because of these results and we should try to address that?

Mr RIPPER: I am saying that boys are not achieving their potential in certain subjects because of their attitudes to those subjects, and their underachievement is borne out by the differential figures in these reports. A range of teaching techniques may be adopted which would help to remedy this problem. I am pointing to one aspect of the problem, which is attitudes that say, "This subject is a feminine subject", or, "This subject is a masculine subject". It is ridiculous for a situation to continue where girls feel excluded from maths and science. Equally, it is ridiculous for a situation to continue where boys have these attitudes to a subject of such fundamental importance as English.

Mrs van de Klashorst: It does not transfer to later life, because the senior teaching positions are held by males, most of the chief executive officers of government departments are males, and most of the members of this Parliament are males.

Mr RIPPER: I am sure that many discriminatory features of life outside schools inhibit women in achieving their full potential. However, the solution is not to widen the gap between the achievements of girls and boys in schools. We should be fair to men and women and boys and girls both inside and outside the education system.

Mrs van de Klashorst: I agree, but obviously those survey results are not reflected in later life; they reflect an attitude adopted at that age. If those figures were indicative of what happened in later life, we would have women in all those positions and not men. How valid is that survey?

Mr RIPPER: Is the member for Swan Hills saying there is no connection between educational achievement and success in later life? I think there is a connection between educational achievement and success in later life, and it concerns me that on these figures some boys may be at risk of not achieving their full potential. The impact of the education system may be masked by countervailing tendencies in broader society, but that does not mean that we should not deal with what is occurring in the education system. In fact, it an argument for dealing with what is occurring in both broader society and the education system.

Given the figures which have been published in these reports, the coverage of the matter in the annual report of the Education Department is most inadequate. I would like to see a more comprehensive statement about and analysis of these issues in the next annual report, and some discussion of ways in which it can be dealt with. For example, it has been pointed out to me that much of our expenditure in education is for crisis programs for chronic truants, for students who are alienated from school, and for remedial reading, and that more boys than girls participate in those programs. That expenditure is biased towards boys. However, it is dealing with the crisis once it has occurred. A good argument could be made for shifting some of the expenditure which is now biased towards boys to preventive and early intervention programs. If we were to embark on such programs, the result would be much better for the people concerned and it would be a much more efficient and effective use of the taxpayer's dollar.

Mrs van de Klashorst: With such a program boys could start school one year later than girls. Boys at five are not as ready for school as are girls of that age. If boys started school when they were a little more mature, there would not be the problem of their falling behind in later years.

Mr RIPPER: I hope someone like the member for Swan Hills writes the analysis I am calling for in next year's annual report. My colleagues would like to debate another important issue and I will give them the opportunity to do that by moving an amendment.

Amendment to Motion, as Amended

Mr RIPPER: I move -

That the following words be added to the motion -

but regrets to advise Your Excellency that the Government's plans to abolish the Small Claims Tribunal will deny access to justice for many consumers, particularly those who do not have the financial resources or skills to take court action and calls into question the motivation of the Government in making this regressive move.

MS MacTIERNAN (Armadale) [12.21 pm]: It is a matter of very great concern to the Opposition and to interested players in the area of consumer welfare that the Government has plans to abolish the Small Claims Tribunal. I will give some details of the Small Claims Tribunal for the benefit of members who are unfamiliar with it. It was set up in 1974 to provide a low cost alternative to the courts to resolve disputes between consumers and traders. The level of the financial range it can deal with has been steadily expanded and I understand it is up to $6 000. Lawyers are not permitted in the tribunal and the filing fee is a very modest $21. If a person is able to establish he is having difficulty paying that fee, there is a cut price rate of $7. The low entry cost makes the tribunal highly accessible. It also offers a procedure that is very informal and one where ordinary consumers, without the benefit of legal representation, can feel comfortable in presenting their particular case.

The comments which were made when the legislation establishing the tribunal was debated in 1974 are enlightening in respect of the intention in setting up such a body. Reference was made to consumers who go through normal government agencies in an attempt to resolve their dispute with a trader, but are unable to do so. A quote from the relevant debate reads -

> . . . the consumer may be required to take civil proceedings but the thought of doing so and the likely cost involved deters a person from continuing with the complaint and, by not doing so, his case may not receive the justice it merits. Many people, particularly those more elderly, have a fear of courts or a dislike of court atmosphere and are unwilling to prosecute claims by appearing in court to give sworn evidence from a witness box. As an alternative method, the Bill will provide a cheap and speedy method of settling small claims by the use of informal proceedings.

Over the intervening 22 years that is what has happened. The tribunal has been readily accessible by the ordinary person and it has achieved very speedy remedies. The tribunal has given real access to justice by ordinary consumers in matters of consumer complaint. An important aspect of the tribunal is that a case is not dealt with by a judge, but by a referee. That is what enables it to be an informal process.

Last year the tribunal resolved 1 700 cases. Previously the figures had been higher, but because of the creation of a number of new tribunals, such as the building disputes committee, the figure has decreased. Nevertheless, 1 700 is a significant number of cases and points to the popularity of this tribunal. It is also true that it is not popular simply with consumers. Many traders find it is to their advantage because it is a way of resolving disputes quite rapidly. For many smaller traders it is a way of achieving that result at a comparatively low cost. Of course, some traders who are frequently unsuccessful before the tribunal, because of the nature of their practices, take a very different view.

The Liberal Party has been very confused about this tribunal for at least 13 years. In 1983 the Burke Government introduced amending legislation to fine tune and revamp the tribunal that had been set up 10 years previously. It is interesting to read the interjections in that debate. A Mr Williams, from the then Opposition, described it as the greatest kangaroo court in the land. Interestingly, Mr Ian Thompson, the then member for Kalamunda, made comments to the effect that it was a piece of socialist legislation introduced by the Tonkin Government. When I went back to the original second reading speech I found it was not introduced by the Tonkin Government, but by a Liberal Government and it was introduced into this place by none other than Bill Grayden. I guess that was the day when Liberals were in fact Liberals and not a party that has in it a group of spivs, charlatans and snake oil salesmen who have gained a rather unfortunate influence over a party which once had a much more noble tradition.

Mr House: Your party is not all sweetness and light. By watching the body language of members opposite over the last week we know how friendly are you with each other.

Ms MacTIERNAN: We are more friendly with each other than are comrades on the other side who are busily selecting, deselecting, preselecting and reselecting on a weekly basis. The Minister for Primary Industry is not really in a position to talk about unity within either the coalition or the Liberal Party.

I am making this point because the reason for this decision to abolish a piece of legislation that was actually introduced by the Liberal Government in 1974 and which has been very successful relates to an unfortunate political influence on the part of some characters about whom many of the more decent members on the government side

would not be too enthusiastic. Certainly those on the cross-benches have demonstrated by their exit from the Liberal Party that they are not too happy about it. This is not pure conjecture.

For the past year, a young gentleman by the name of Marc Dale has been racing around the Ministry of Fair Trading telling the officers that he will use his political connections to have the tribunal disbanded. The officers dismissed those rantings; he was a young political brat, and they thought he was just being hairy chested. However, they were horrified when the coalition business policy was released in December 1996. That policy states -

> Merge the Small Claims Tribunal with the Small Debts Division of the Local Court into one entity, to allow businesses to collect money owing more quickly.

There is no concern about the consumer. It continues -

> The Coalition will ensure that the threshold of the merged body is increased to $10,000. The Coalition's Law and Order Policy contains further details on this.

They raced around and found the law and order policy to discover the further details. It states -

> Merge the Small Claims Tribunal and the Small Debts Division of the Local Court into one entity with the aim of swifter settlement of disputes.

That is putting it in a slightly nicer way. It continues -

> The Coalition will ensure that the threshold of the merged body is increased to claims of up to $10,000.

We all know what the policy is saying. We have not received any enlightenment on that under the law and order policy, and for good reason: Behind the language of merging the Small Claims Tribunal with the small debts division of the Local Court is the reality that the Small Claims Tribunal will be abolished.

Some members, particularly those on this side, might ask who is this Marc Dale, and how do we know that this person has been running around during the past year telling fair trading officers this is what he will do? How do we know he has any connections with the Liberal Party? We did a search on him through the media and we found some 20 references to him. He seems to be a delightful young chap. He is described in some of the stories in "Inside Cover" as a feisty Young Liberal. He was indeed in 1996 the Young Liberals president. It seems from the articles that he has shown strong support for Pauline Hanson, and has called on Western Australians not to have anything to do with homosexuals. He equated homosexuality with kleptomania and schizophrenia. He was opposed to any reform within the party which would stop branch stacking by the Young Liberals. He certainly is in touch with the populace. He was a director of the ill fated Stevenage campaign.

Mr Marlborough: He sounds like a bloody Crichton-Browne clone to me.

Ms MacTIERNAN: He is capable of some fairly profound analysis. When confronted by journalists as to how he accounted for the humiliating loss in that blue ribbon Liberal seat, he said it was not due to the public's disgust with his and Stevenage's antics but because Paul Filing had led a vicious scare campaign. That gives members some background of the sort of bloke Marc Dale is.

It is relevant that this feisty Young Liberal is engaged by a company known as Subiaco Computer Warehouse. He represented the company in its numerous proceedings before the Ministry of Fair Trading during the many attempts to resolve the frequent complaints made against the company. He also represented the company before the Small Claims Tribunal. So far as our records show, this business now appears to be heading to liquidation. However, we understand it is ready to rise like a phoenix with a new corporate identity. It was one of the most notorious operations dealt with by the Ministry of Fair Trading. It was so notorious, and so unusually poor was its performance in dealing with complaints, the Commissioner for Fair Trading took the very rare step in December 1994 of publicly naming the company for the level of complaints against it.

So here we have it: The company was represented by a feisty Young Liberal. The company is so notorious it was named publicly by the commissioner. Last year the then Minister for Fair Trading gave approval for the department to fund the private action of a consumer against Subiaco Computer Warehouse, in the Local Court - again, because the company's conduct had been so reprehensible, in the Minister's view, it was appropriate for the Government to fund the action against the company.

Mr Johnson: Did you say the company was in liquidation?

Ms MacTIERNAN: As I understand it, it is in the process of being liquidated.

Mr Johnson: What do you mean by that?

Ms MacTIERNAN: A strike out application has been noted on the Australian Securities Commission records.

If members have difficulty believing my claims it might be useful for the Minister concerned to search the files of the Ministry of Fair Trading to see if any records exist on the files relating to threats and claims made by the erstwhile, feisty Young Liberal about the proposed demolition of the Small Claims Tribunal.

There is another connection. A close associate of Mr Dale is one Simon Ernfeldt. He happens to be the brother of Gabriel who is a principal of the company operating this notorious business. I have been told by a number of moderates in the Liberal Party that they were concerned that prior to the last election Mr Simon Ernfeldt spent an undue amount of time in the Premier's office.

The official explanation by the Attorney General as to why he is proposing to abolish the Small Claims Tribunal is that he wants a one-stop shop; that is, a person could wake one morning and say, "I have to go to court; I have an assault charge on. While I am down there, I think I will have my claim about my dodgy carpets looked at." That is a nonsense concept.

Among certain traders, the view is that the tribunal is anti-trader, but the figures do not bear that out. I will quickly run down some of the results: In January 1997, 32 cases were settled before going to the tribunal; 22 orders were made in favour of the trader, and 11 in favour of the consumer. In 47 cases the orders favoured equally the trader and the consumer. In December, 38 cases were settled before the hearing; 27 decisions favoured the trader, 38 favoured the consumer, and 34 cases had a mixed result. All the figures follow that pattern, and there is nothing anti-trader about the way in which the tribunal has operated. It is true that some traders who have engaged in sharp practices have received many judgments against them. That is the reason we need such a tribunal.

A Ministry of Justice report which dealt with this was not released publicly. To be fair, the report stated that the Small Claims Tribunal should be subsumed under the small debts division. It is interesting that the report was prepared without any consultation with the body responsible for consumer affairs in this State - the Ministry of Fair Trading. No officer was consulted in the preparation of that report. As a result the report is chock-a-block with errors. For a start, it says that one of the problems with the tribunal is that it cannot make an order in favour of the trader. That is wrong. As a matter of frequent practice the tribunal makes reverse orders. That is an order directing the consumer to pay. Traders can, and as the figures show, frequently do, get an order that saves them the trouble of taking additional proceedings in the court to get justice.

The Attorney General also complains that there is no right of appeal. The tribunal was set up to provide a speedy and cheap remedy. The Attorney General is now proposing to bring back full flight appeals. That will totally destroy consumers' confidence and capacity to receive justice. Those rogue traders will say, "You can do what you like in the Small Claims Tribunal, we will tie you up in an appeal process". I want members to understand the important differences between the way the two tribunals operate. The Small Claims Tribunal is essentially inquisitorial; the small debts division is an adversarial body presided over by a person acting in the capacity of judge. In the tribunal each person can put his or her evidence in an informal manner. The referee can examine the parties and extract further evidence. The small debts division of the Local Court is not like that. The complainant is expected to put the case in one hit. If they miss something out, that is too bad. The complainant is expected to have the competence and confidence to successfully cross-examine the other party. This is a wrong decision on the part of the Government.

MR MARLBOROUGH (Peel) [12.42 pm]: What a sad monument this Liberal Party will leave to its old colleague Bill Grayden. It would pay some members on that side of House to go back to the original work put in by Bill Grayden, the then member for South Perth, to bring this legislation into Parliament. He was a member of Parliament for many years, both at a federal and a state level. He was a unique character in many ways. Although I did not agree with many of his political views, he understood the needs of the average Aussie. He had a great rapport with those people at personal level even though his rhetoric in this place was far removed from his actions. However, in setting up the Small Claims Tribunal his rhetoric matched his performance in the House.

In the 1970s he recognised that many consumers in his electorate who felt that they had been ripped off by a particular trader could not afford to go into the legal process. It would not pay them. How many members in this House have felt that they have been ripped off by a trader? The vehicle repair area is a classic. Only six weeks ago a mechanic in Rockingham charged a family in the Kwinana area who are close to me $700 for repairs to their vehicle. The initial response of the consumer was this was an excessively high price to pay. I went with the consumer to see this trader, whose vehicle workshop is off Dixon Road, Rockingham. I was met by the proprietor of the business and his son. They gave a detailed description of how they pulled the head off the motor and found it cracked, so they planed it and did the necessary work on the valves. They rationalised their charges. In discussion with them I was able to get them to reduce the bill by $50. The car was still not running properly, so I suggested

another mechanic. We then found that none of the work claimed to have been carried out by the so-called vehicle mechanics at the original business in Rockingham had been done.

Ms MacTiernan: It is no coincidence that complaints against motor traders feature consistently at the Small Claims Tribunal.

Mr MARLBOROUGH: Absolutely. This happened only six weeks ago. None of the work had been carried out. The head had not been removed; a new head gasket had not been put in place; and the valves had not been done. It was grand theft. Under the guise of a business name these mechanics committed extortion.

Mr Bloffwitch: What was the original problem?

Mr MARLBOROUGH: The car was not running well; it was misfiring and so on. This family - husband and wife and two daughters - has three vehicles, none of which is new; the latest model is about five years old. The sad part about this story is that they had used this mechanic for 20 years. On this occasion the young daughter took the car in. Do they go to the police and say that this business has ripped $700 off them, that a mechanic in Kwinana has looked at the vehicle and said the work has not been done? Will the police be interested? Will they lay charges? They would not.

Mr Johnson: It is a civil case.

Mr MARLBOROUGH: Exactly my point. Civil action would require outlaying money to get lawyers to represent them. That would far outweigh the $700 that they paid, so they do not do it.

Mr Bloffwitch: That is exactly the same for me when I do a bona fide repair and for some reason a person decides he does not want to pay.

Mr MARLBOROUGH: I do not know if the member for Geraldton has to do that. That may be the case, depending on the sum involved. However, disputes in the order of $700 were exactly the sorts of cases that 22 years ago Bill Grayden recognised should not go through a civil court action. He recognised that many families were losing out to rogue traders, and we needed a process by which a tribunal removed from the judicial process could sit down in an informal atmosphere - not in a court of law with a jury or magistrate, and having to be represented by lawyers - and arrive at a decision that would settle the matter. That was the basis on which Bill Grayden, a doyen of the Liberal Party, brought the matter into the House 22 years ago.

Mr Bloffwitch: A very good decision, too.

Mr MARLBOROUGH: I am glad the member for Geraldton agrees. That is the point I am making. Why change it now? It has stood the test of time for 22 years. Some amendments were passed in 1983. I am not opposed to amendments; it may need amendment. However, we do not need the dramatic determination that has now been made by the Attorney General to cut off that process and put it back into the judicial system by attaching it to the small debts division of the Local Court. That immediately changes the intent of the Grayden legislation. He wanted to get these things out of the court process. Mr Grayden's speech indicates that the court system was telling him that it was bogged down with that sort of issue.

At this stage there seems to be no detail of what the Attorney General intends to do with the excessive workload that will go back to the court system. The member for Armadale indicated that last year alone 1 700 cases were dealt with. That is a fair amount of work to bring back to the judicial process, which is already overstretched. Judges of the Supreme Court are telling the Government every day of the week that they cannot keep up with the present workload.

It may well be that the Attorney General has decided he must curry favour with the legal profession. Surely that is not necessary. He does not owe those in the profession any debt or favour. I understand he is running around within the profession thanking me for his being appointed as Attorney General. He thinks nobody worked harder that I did to get him that position. That is the feedback I have been getting, and I am not asking him to pay me anything. I was glad to help him. I thought the previous Attorney General was absolutely terrible; a disgrace to law and order in this State. I am glad the Attorney General is telling some of his colleagues that I played a significant role in getting him his job. We know he wanted it in the first place, when the member for Kingsley was first appointed - he made that quite clear at that time. I am delighted that in his lighter moments he has been telling his colleagues, who have fed it back to me, that he thanks me for the hard, vigorous work I put in during 1995 and 1996 to have the then Attorney General removed from her office. He found her an embarrassment, as was her handling of the judicial process. He owes members of the profession no debt at all. He is Attorney General through my hard work and by virtue of his legal qualifications and his membership of the Liberal Party.

Mr Johnson: You are flattering yourself too much.

Mr MARLBOROUGH: I do not think I am. I remember the Premier the day after Parliament rose in December 1995, when he stood down the then Attorney General, saying that he took that action because of her links with Wanneroo Inc.

Mr Bloffwitch: He never said that at all; it was a reshuffle.

Mr MARLBOROUGH: I will have the chance to revisit that reshuffle in the future. I think the need to set up the Smalls Claims Tribunal has been recognised by some government members. The member for Armadale is far more eloquent on these matters than I and has indicated that those people who think that tribunal process is detrimental to the traders' position should think again because the figures she has brought before the House demonstrate that is not so. I think she said that of the 37 cases that were handled in January this year, 11 went to the Ministry of Fair Trading and the rest to the Small Claims Tribunal, or vice versa. In other words, there is, and has been, a balance in these cases.

The new members of Parliament may have had some dealings with the Small Claims Tribunal in which they represented people in legal matters concerning small amounts of money. Members of Parliament regularly see people who have these sorts of complaints. It is a delight to pick up a telephone and to talk to somebody in the Small Claims Tribunal, to seek advice about how a matter can be handled, knowing that it will not cost the constituent any money to have the matter resolved, irrespective of whether the outcome is in the constituent's favour. It is a great relief. I shake with trepidation when I have to telephone a legal office on behalf of a constituent to ask how the problem can be fixed within the legal system. I immediately think the process will cost the constituent more than the amount involved in the situation that needs to be rectified.

Some new members on the government back bench might have some ability to influence the Attorney General, either because they believe what I am saying is correct and/or because, through their experience, they know the tribunal set up by Bill Grayden 22 years ago was ahead of its time. That is the truth of the matter. It was a touch of genius on Grayden's part and also that of the then conservative Government that passed the legislation. If my memory serves me correctly, it was the first State Small Claims Tribunal set up in that way in Australia.

Mr Johnson: They have been in the UK for many years.

Mr MARLBOROUGH: I know that. These tribunals have been set up in most western countries for years. It has been recognised that the law can look after certain matters, but there is a need to put in place mechanisms which do not necessarily have to rely on the law to fix issues, and this is one such mechanism. Those on this side of the House would not be opposed to some amendments that the Attorney General may want to put forward, perhaps to improve the present structure to ensure a better service is given to the consumers, in particular.

The language in the Liberal Party's policy on trade and fair trading, read out by the member for Armadale, concerns me. It indicates, even before the last state election, the direction in which the party was heading under the guidance of the Attorney General. Any mention of the consumer is omitted in any reference to the need to bring about change. It specifically says that it wants to bring about the change to assist traders to sort out matters quicker and to get their money back quicker. It omits any reference to the consumer. Of course, Bill Grayden was all about the consumer. The whole emphasis of his approach to the Small Claims Tribunal was about the recognition by Government of the need to put in place something that would benefit consumers.

I should not be surprised by the approach of this Attorney General to this issue. Yesterday I referred to his refusal to grant legal aid payments to take criminals to court, while he continues to argue with his federal counterpart over whose responsibility it is to pay the legal costs relating to certain crimes within the legal aid process and at the same time hiding the reality that he is cutting back money in the legal aid process, as is the federal Liberal Government. As a result of that, he has made decisions that see criminals like Mr Papas not even going to trial, while consumers are affected. No member, from either this side or the other, should be surprised that the same Attorney General would make this sort of draconian decision regarding the Small Claims Tribunal. It is early days yet. The legislation is not before the Legislative Assembly.

Mr Barnett: It has not held us back.

Mr MARLBOROUGH: No, it has not. It is fairly obvious from the second reading speech made by the Minister for Labour Relations that we must be forewarned and forearmed. The legislation that was brought into the House today is a clear indication that we in the Opposition must be aware of the agenda of this Government. Those opposite should go back to the history of their parties and look at one of the pillars of their organisation in Bill Grayden who brought this Small Claims Tribunal legislation into the Parliament. He had the foresight to realise it was needed 22 years ago. They should look at the arguments put forward to support the legislation not only by Bill Grayden but also by his colleagues at the time. They must recognise the Small Claims Tribunal in its present format is still needed. We still require a process under which the sorts of claims about which I spoke earlier can be settled; under which

consumers and traders can go into an informal hearing, where the parties can determine between themselves, with some direction, an agreement. If that is not possible, other avenues are available. People can enter into other legal processes. As has been suggested, the closure of the Small Claims Tribunal will leave these people with no alternative. It is crazy to think all of the 1 700 cases, which were determined last year by the tribunal, would simply switch over to the new process being recommended by the Attorney General; that is, to attach them to the small debts division of the Local Court. In cases such as the claim for $700, which I mentioned earlier, people would decide not to go into that arena because it would cost them a lot more than the amount they were able to obtain in any judgment made in their favour.

In closing, I request the Government to reconsider this matter, particularly the new backbenchers who may have had some experience in this area. I ask them to try to get the ear of the Government and those others they need to influence in the Cabinet, to indicate that this decision should be put aside. We should stick with the present model. If changes are needed within that process, let us bring those before the House; but let us not have this dramatic cutting of the umbilical cord, the protective shield, that has existed for both trader and consumer, and has worked so successfully for the past 22 years. I oppose this proposal.

Sitting suspended from 1.01 to 2.00 pm

[Questions without notice taken.]

MR PRINCE (Albany - Minister for Health) [2.35 pm]: During the election campaign the coalition released a policy which stated that the Small Claims Tribunal would be amalgamated with the small debts division of the Local Court. That policy was taken to the public and it is a policy upon which the public voted. Therefore, we have an endorsement to do it. Also in the policy there is a commitment to bring forward legislation to establish a magistrate's court. The member for Armadale and I will understand - others who have not had that much contact with the courts might not - that we have a Court of Petty Sessions, which was formerly the police court. We also have a Local Court and a number of other courts which are in the same place and have the same people operating the specific jurisdictions including criminal, civil and so on. It is now time that we moved to a magistrate's court which recognises the reality of that which exists particularly in the smaller court areas and especially in country areas where there is one magistrate and one lot of staff who operate in all of those jurisdictions - it would make a good deal of sense to move that way. The Attorney General is proceeding to formulate the way in which this will be done. In due course a much more detailed statement will be made about what is intended. No doubt that which is intended will be put out for comment by those who have an intimate interest.

The Small Claims Tribunal is to be amalgamated with the small debts division of the Local Court. In so doing, as the Attorney said to members of the other place outside the Chamber, there is no intent to change the basic philosophy of the Small Claims Tribunal. The two organisations fused into one will still be inquisitorial. They will still have a ban on legal people appearing as advocates - there will be no lawyers. There will still be a summary procedure and the same fee structure will stay in place. There will still be the same very limited right of appeal. There is a right of appeal at the moment on denial of natural justice. However, the appeal is to the Supreme Court.

Ms MacTiernan interjected.

Mr PRINCE: I know. However, it is an appeal of sorts and relates to a denial of justice. There have been very few such applications to the Supreme Court. I think there has been one, although there may have been more.

Ms MacTiernan: That is quite different from an appeal -

Mr PRINCE: Is the member finished?

In formulating the detail of this proposal, there is no intention to change that system; therefore, there would be no appeal. However, some thought is being given to changing the appeal from the Supreme Court to a Magistrate's Court on the ground of a refusal of denial of natural justice. Obviously, it would be far less expensive than the current process.

Ms MacTiernan: If there has been one case in 20 years, it is a red herring.

Mr PRINCE: Perhaps there would have been others cases, but they are promptly taken from the Small Claims Tribunal, which costs very little, to a situation which costs thousands of dollars simply to have the paperwork done. If there is a right of appeal at the level of a Magistrate's Court, it may well be that some people who go away from the Small Claims Tribunal are aggrieved, and with cause. I do not know how many people would be involved; some of them may be able to have their appeal heard by a magistrate, but it would be only on the grounds of denial of natural justice.

It is not intended to have the normal tiered appeal system like the one in the civil court. In other words, it would maintain the character and philosophy; that is, inquisitorial, no lawyers, informal and the same fee structure. A number of significant advantages will be forthcoming by bringing the two together. For most of its history the tribunal has had one referee, Mr Burton, who has done an excellent job. He has been stationed in Perth and at various times he has gone on circuit to country areas. The member for Burrup would appreciate that Mr Burton visits a country town once every now and then and country people could be faced with a considerable delay in seeing him. City people have more ready access to him. However, cases are heard in only one place in the city. The city is a large area and people do encounter difficulties in trying to have their cases heard.

I understand that a process is now in hand for the 30 stipendiary magistrates around the State to hold, concurrently with that position, the position of referee. By joining the Small Claims Tribunal with the small debts division of the Local Court the access of consumers to the small claims system will be immediately increased.

Ms MacTiernan: At the moment there are part time referees.

The SPEAKER: Order! The Hansard reporter is having difficulty hearing members.

Mr PRINCE: I said that for most of its life the tribunal had one referee, Mr Burton. In recent times there have been a number of part time referees. In the 24 years that the Small Claims Tribunal has been in existence it has had only one referee. The part time referees have helped. To extend the category of referees to the 30 stipendiary magistrates around the State must give people better access to the system than they have had since 1974.

Ms MacTiernan: The view is that there will be delays because the magistrates will not be able to operate the tribunal hearings without being scheduled to sit in the Magistrate's Court.

Mr PRINCE: That is a tortuous piece of reasoning which has no logic to it. In country areas it will mean that the magistrate will be able to operate as referee on issues which otherwise would sit in a pile until the referee or part time referee visited that area. The proposed system must result in better justice for consumers and traders because the cases will be dealt with more quickly than would otherwise be the case. The same thing applies in the city. On a regular basis cases could be considered in Joondalup, Fremantle, Armadale, Midland and in other places where there is a court. They would be sitting as a Small Claims Tribunal within the Local Court system. It must result in less delay, and better access. The fee system, philosophy and procedure will stay the same and the result will be a win for everyone concerned.

Those people who are dissatisfied with the results they get out of the Small Claims Tribunal are likely to be dissatisfied with any system which came up with a form of adjudication, whether it be by way of a tribunal or an adversarial process in the courts. People will have speedy access to the tribunal and their cases will be heard more quickly than they are now. The same right of appeal will still be limited and will be only on the basis of denial of natural justice.

The reason the Small Claims Tribunal was established was to help consumers and traders, and it has done that. The proposal will widen its ambit and it will be brought within the mainstream court system. I do not have a problem with that and I thought nobody else would.

Mr Trenorden: Will there be a movement towards mediation?

Mr PRINCE: I cannot speak for the Attorney General on that issue, but I will take up the matter with him. Another point the Attorney General made to me, which I am happy to relate to the House, is that this proposal is not yet set in concrete. It is simply a proposal for consideration and debate. The Attorney General has told the Opposition in the other place that if it wants to put suggestions to him on the matters I have mentioned or any other matters, it should do so because he does not have a closed mind on this issue. He is looking for assistance.

Ms MacTiernan: Is it contemplated that the magistrates will be able to do onsite inspections?

Mr PRINCE: I do not see any reason why not. Magistrates in the Local Court and the Court of Petty Sessions often do onsite inspections.

Mr Riebeling: How often?

Mr PRINCE: When necessary, but it is done within the rules of evidence dealing with criminal trials, which are fairly restrictive, and also within the rules of evidence dealing with Local Court matters, which are pretty restrictive. So far as I am aware, there is no intention to change that process. If it is a matter of concern to members opposite, I will convey it to the Attorney General. It is a matter of detail which must be addressed.

The intent of the proposal is to maintain a summary process which delivers speedy and efficient resolution of disputes between consumers and traders.

Ms MacTiernan: Is it inquisitorial and adversarial?

Mr PRINCE: The Attorney General assures me that it is intended that the inquisitorial nature of the tribunal in the joined function of the small debts division of the Local Court remain.

Ms MacTiernan: It is not there at the moment, but will that change when they amalgamate?

Mr PRINCE: That capacity will remain. I am outlining the Attorney General's thoughts on this issue and no doubt the member for Armadale will put forward a particular view and other members will put forward a contrary view. It still has to be worked out. The core reason for the proposal is that the State has 30 stipendiary magistrates. The metropolitan area extends approximately 100 kilometres from north to south and 40 km from east to west. It is a huge area. There are court complexes in strategic locations within the metropolitan area. In the country there are court complexes of some form in most places where there is a reasonable number of people. However, there is only one Small Claims Tribunal. The proposal would provide much better access over a wider area and a more speedy resolution of these matters. It is in the interests of both the consumer and the trader.

Ms MacTiernan: Is it correct that the waiting period for a case to be heard by the Small Claims Tribunal is less than the waiting period for cases to be heard in the Magistrate's Court?

Mr PRINCE: I have no idea what the waiting periods are. From my experience, in country areas there is a long waiting time - the member for Burrup is agreeing with me. It all depends on the visits by the referee. To give better access to justice to people in the country is a desirable outcome. If there is a similar result in the city, as there should be, it will be a win for consumers and traders. It is certainly a win for the justice system. I appreciate some of the reasoning behind the amendment, but it is premature and miscast and should not be passed.

MR RIEBELING (Burrup) [2.50 pm]: I listened with interest to the contribution of the Minister for Health to this debate. What he says is true. The State has frozen the allocation of resources to the Small Claims Tribunal and now uses the consequences of that freeze as an excuse to close it down. The Government says that people in the country do not see the referee as often as they should. The answer is not to close the service down; it is to provide it with more resources so that country people receive a better service.

The Government has tried this ploy in a number of areas. The Health Department tried this with the Wickham hospital. It took away many of its operational capabilities and then said that no-one used the service. They could not, because the Government had taken away the service. The Government is using the same sort of argument here. The Minister said it is a major problem for people in the country. He is dead right. A registrar visits my area only twice a year. As a consequence each case takes about 12 months to go through. However, if a referee visited the area once every two months the process would take four months; and if he visited every week, the process would take only a couple of weeks.

The process in the Small Claims Tribunal is different from that in the small debts division of the Local Court. Many individuals are more comfortable with the tribunal system, primarily because it is informal and they can put their cases without the restriction of rules that they do not fully understand. They can put their cases to the referee in a conversation, rather than the structured process of a court environment. The answer to the problems of people using the Small Claims Tribunal is to expand its resources rather than reduce or combine it with the small debts division of the Local Court.

It is interesting that the Minister said that the tribunal processes would be retained. I presume that will require the operations of the small debts division of the Local Court to be altered, and somehow all those actions of the small debts division will be subject to the rules that apply to the Small Claims Tribunal.

Mr Prince: That is the general intent.

Mr RIEBELING: Does the Minister know that about 1 700 actions commence in the Small Claims Tribunal, and I would think that many thousands of cases commence in the small debts division of the Local Court? The Government is now contemplating changing the rules of operation of the small debts division of the Local Court.

Mr Prince: I misunderstood the member for Burrup. The same processes of procedure that occur in the tribunal at the moment will apply to tribunal matters that are heard in the small debts division when the two are combined. The same fee structure will apply.

Mr RIEBELING: Will it be optional?

Mr Prince: I would have thought so. The method by which this will be done is still being worked out. If as a result of your experience, which nobody else here shares, you want to put forward suggestions, I am sure the Attorney would be interested.

Mr RIEBELING: The information a number of members on this side of the House have received about the methods that will be used is of concern to me.

Ms MacTiernan: And the motivation.

Mr RIEBELING: I was very concerned when the member for Armadale spoke about the actions of Marc Dale. I hope the current Attorney General reflects on the damage that was done in the early days of his predecessor. Hon Cheryl Edwardes allowed a person who worked within the Ministry of Justice to unduly influence her; namely, her husband. It will probably take another five or six years to put in the past the damage done to it by an individual with a mind set to destroy a certain group in that department. If a person is giving advice on the basis of some bias, I hope the current Attorney General will take steps to ensure that person's advice is not accepted by his department. That will ensure that any damage along those lines is minimised.

Country areas have some real problems. However, the answer is not to throw out the baby with the bath water. If the service is currently not being met in a reasonable time frame, the answer is to put more resources into country areas.

In the courts, we see a burning desire to reduce the workload of the Supreme and District Courts and to push everything down to the Court of Petty Sessions and the Local Court jurisdictions. Now we find the work of the tribunal being pushed into that area. The bulk of the work is done in those jurisdictions; they are already busy. The Government is pushing more work into what are already by far the busiest areas and, which, on a proportional basis, are the least resourced areas of the lot. The Minister should compare the resources of the Supreme Court with those of the Court of Petty Sessions. A quick walk through the buildings would be sufficient to realise who receives the biggest slice of the cake in proportion to responsibility.

Mr Prince: To a differing extent that has happened as a result of the lengthening of trials, both criminal and civil. In the Supreme and District Courts two and three month trials occur regularly; 15 years ago they were unheard of. If judges are tied up for that long, something must happen.

Mr RIEBELING: The valve always opens at the bottom of the heap into the busiest area. The Government does not have a burning desire to push resources into petty sessions. One day the penny will drop that the Government should be spending money in that area, and perhaps making life a little less comfortable for those at the top.

Mr Prince: What do you think of night courts?

Mr RIEBELING: That is an option. I do not think it would be difficult to implement. The people in the system would accept that suggestion.

Ms MacTiernan: We could have the day courts sitting a bit longer too.

Mr RIEBELING: There are many options. However, before we start saying they should sit at night and open at sensible hours, perhaps we should do the same in this place. They might use an argument that we sit at stupid times. The other place starts at three o'clock and they break 45 minutes later. If that is a good use of time I will go heave.

Mr Prince: What about all their committee work?

Mr RIEBELING: I do not believe the committees are set up yet.

Mr Prince: If you do not know what they are doing, do not criticise.

Mr RIEBELING: I know what they are doing. Perhaps we should look at our own structure before we look at the sitting hours of the courts. There is definitely room for improvement in those areas. The Government should not take the Small Claims Tribunal out into the backyard and shoot it by saying that another division can take that work on board. The Minister mentioned Bob Burton.

Mr Prince: Do you know Mr Burton?

Mr RIEBELING: I know him well.

Mr Prince: I cannot imagine doing that to him.

Mr RIEBELING: I first met Bob Burton when he was a magistrate in the Narrogin Court. He was transferred shortly after to the Small Claims Tribunal from where he never emerged. He was there for approximately 20 years and was an exceptionally good referee.

As I understand the Minister, the new system will involve the appointment of every magistrate in the State. That is the reverse of the provisions in the Coroners Act. It seems strange that for one system every jurisdiction is being

covered; yet another system - coronial inquests - is being centralised. Some consistency may help the public to understand the legal system a little better.

Mr Baker: There is a difference.

Mr Prince: There is a huge difference in the forensic nature of inquiries.

Mr RIEBELING: I acknowledge that. However, the situation would not be much different if in a few years the Perth Coroner told the Port Hedland Coroner that he was not allowed to continue with the work he was doing. The effects of centralisation under the Coroners Act will one day come into play and the community will realise that the power given to the central coroner is significant. I argued in this place against that power. One day it will come back and bite the Government. If the Government wants to centralise the court system and make the appropriate official in Perth the head of the organisation -

Mr Prince: We are not.

Mr RIEBELING: Not in this situation, but that is the case under the Coroners Act. This small claims system was similar to the inquest system which involves a central power base. However, the small claims system is to be more widely accessible. It may be that in country areas, especially in my area, people will have better access to it. However, its lack of accessibility was only because the Government provided it with scant resources.

Mr Prince: Would you doubt people's confidence in a stipendiary magistrate?

Mr RIEBELING: I am not doubting people's confidence; I am doubting the process. The Small Claims Tribunal allowed people to be heard in an office where they could feel at ease rather than have to face a magistrate in a structured, formal court room.

The SPEAKER: Order! I remind members that all interjections are disorderly. Although I have allowed many and they have been interesting we should now let the member for Burrup concentrate on his speech.

Mr RIEBELING: Thank you, Mr Speaker. The Minister for Health suggested that magistrates often visit sites to examine evidence. During 21 years working in courts I saw that happen only once. It is so rare it is hardly worth mentioning. However, a referee in a tribunal situation often goes out and examines evidence. If, for example, there is an argument about whether the head of an engine has been taken off or a wheel is faulty the items may be too large to be dragged into his rooms. That is one of the unique ways in which the tribunal assists the public.

In the Court of Petty Sessions or in a civil case most statutory declarations, which many people think are valid pieces of evidence, are rejected in favour of an affidavit. Most ordinary people think that a statutory declaration is all they require because it has been signed by a justice of the peace. However, referees in lower jurisdictions accept them because they assist people and ordinary people need assistance in dealing with the law.

The removal of this Small Claims Tribunal is a backward step. It should be expanded so that it is more accessible to country people and is able to provide speedy resolutions to their problems. This tribunal has been successful in resolving problems and has saved many people from the expense of court hearings. It continued to solve problems until its dismantling following the removal of its referee, Mr Burton. I hope members opposite, especially country members, will support our amendment. The system is vital to small business dealers and individuals in both country and metropolitan areas.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [3.05 pm]: I disagree with most of what the member for Burrup says especially that country areas will be disadvantaged by the dismantling of the Small Claims Tribunal. Its inaccessibility completely disadvantages people in the country. I understand that it is Perth based and occasionally holds hearings in the country. People living in places such as Broome who want to attend the tribunal are faced with a lengthy journey.

Mr Riebeling: If people do not like representation at the Small Claims Tribunal why are they not using the small debts division of the courts?

Mrs van de KLASHORST: I cannot answer that because I am unfamiliar with that jurisdiction; I will try to find out.

I am concerned with the social justice side of this issue. As I said, some of the many disadvantages of having to travel from somewhere such as Broome to attend the Small Claims Tribunal are the cost and inconvenience of long distance travel. Disturbance to family life can be another disadvantage; for example, it may be necessary to find temporary care for children either in the country town or in Perth while a hearing takes place. It may be necessary also for employees to arrange leave from their jobs. In addition, people must find accommodation while they are in Perth. It is sometimes necessary to attend the Small Claims Tribunal two or three times on one issue. That can treble costs and disturb social and family structure, not to mention one's employment.

Mr Riebeling: Why would you come to Perth; it travels up there?

Mrs van de KLASHORST: It goes to country areas only occasionally. Another problem for country people is the delay in accessing hearings. Irrespective of the urgency of a case, one must wait until a hearing that suits the tribunal can be arranged in Perth. That does not always suit the consumer. Places such as Broome, Kununurra and Esperance have local courts. In fact from one end of Western Australia to the other are local courts with the necessary infrastructure and personnel in place. Travelling to the Local Court in country cities and towns is cheaper and more convenient. A visit to the town centre is often necessary for business, shopping or community activities and does not usually involve a number of days' absence from home. That can eliminate the inconvenience of employing babysitters. Often people live close to the Local Court and need to arrive perhaps only half an hour before their hearing. Frequently, after travelling all the way to Perth, one must wait a whole day before a hearing because times are not scheduled beforehand. Delays cause considerable problems.

The more remote areas are part of the Local Court circuit. Not only will they be in the main centres of country towns but also people will be able to hook on to more circuits than they could when one circuit travelled the whole State. The other positive aspect is that metropolitan people will not be disadvantaged in any way. There are local courts at Midland, Fremantle, Joondalup and Armadale. Therefore, people who live in the hills, as I do, will benefit in the same way that country people will. They will not need to travel to Perth and will not be subject to additional expenses and disruption. The tribunal will travel to the locations where the people live, rather than people travelling to the tribunal. This change in procedures is a very positive move which will give equity to all Western Australians. They will no longer need to travel to Perth or to be on long waiting lists. Also those attending the tribunal may often find that they know and socialise with the people who work in the local courts. This may be of assistance when they are not familiar with the procedures. They may no longer need to interact with strangers. I have been told by the Attorney General that the same philosophy will apply as applied in the Small Claims Tribunal, with no additional costs. The infrastructure, such as staff and equipment, is already in place. This new system will improve access, be cheaper for the community, consumers and traders, be more equitable and result in a better use of resources. I strongly oppose the amendment, which I believe is not based on informed facts.

MR BLOFFWITCH (Geraldton) [3.12 pm]: I compliment the Small Claims Tribunal on its operation and, even though I have been before that tribunal and found guilty, I think it has acted fairly. In general it is an excellent system whereby consumers and business people can settle a dispute. It is excellent because it is not necessary for people to employ a legal representative and the hearings do not have the formality of a courtroom. The people in dispute give their evidence, and the system works well within the limited fashion in which it is set up.

My criticism of the Small Claims Tribunal is that a consumer may take a dispute to the tribunal but if I, as a small businessman, have a similar type of dispute, for example, with Coventry Motors, I must go to litigation. I have asked the Attorney General to include small businesses in the jurisdiction of the Small Claims Tribunal so that minor disputes can be settled in that forum. It is a very important aspect. Everything done in this Parliament is for consumers. What is ever done for small business? The Government has introduced fair trading laws. Who do they affect? They allow consumers to have a go at shop owners and business people. Do they help small businesses that may have a gripe with another business? No they do not.

I refer to the federal Trade Practices Act and the ramifications of the Australian Competition and Consumer Commission. The trade practices legislation is derived from the American antitrust laws, but Australian law does not include small business. The American antitrust laws provide small businesses with one of their biggest weapons against price manipulation, monopolies, restrictive trade and so on. Perhaps that explains why in America the biggest market share of any retail group is 14 per cent, while in Australia it is 45 per cent. The Americans cannot understand how any company could get such a grip. Under the abhorrent trade practices laws in this country, which do not protect small business, it is little wonder that the giants can manipulate the small businesses. I am not absolutely convinced that the changes to be made to the Small Business Tribunal will make it as effective as it has been. Instead of supporting the amendment, I will take up that matter with the Attorney General and seek his reassurance that under the new arrangements the same informality will apply. I will urge him to include small businesses in that administration.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [3.18 pm]: I was not in the Chamber prior to the lunch adjournment because I was looking after the Ambassador of Mexico and you, Mr Speaker, were attending the same function. However, I have been given notes on the discussion. I listened closely to the comments of the Minister for Health on behalf of the Attorney General. The transfer of the Small Claims Tribunal into the court system is under consideration. As the Minister for Health said, no firm decision has been made on this issue. I take the points raised by the member for Geraldton and his concerns on behalf of small business which, of course, are close to both our hearts. The problem is to know where to draw the line. Who shall be given the right to go to a tribunal rather than be dealt with in the court system?

Mr Bloffwitch: A dispute over credit.

Mr SHAVE: I take the member's point that levels of definition can be set. I will discuss this matter with the Attorney General. I take on board the points made by opposition members. Some of the issues raised have been raised with me directly and others have been raised with the Ministry of Fair Trading. The Government will not support the amendment, even though it has not made a firm decision on this matter. Further discussions will take place between me and the Attorney General.

Ms MacTiernan: Does it mean the tribunal might remain?

Mr SHAVE: That is a possibility.

Ms MacTiernan: That is different from what Hon Peter Foss said.

Mr SHAVE: The member was given a clear indication by the Minister for Health - if she had listened to him - that the Attorney General is open on the issue and has made no final decision.

Ms MacTiernan: He said he had not determined the precise format of the new body.

Mr SHAVE: I am inclined to differ from the member. Perhaps she did not accurately interpret what was said. I understand the matter is not set in concrete. I share that position. I will have further discussions with the Attorney General.

The Minister commented that there is a possibility that the Small Claims Tribunal will not be incorporated into that area, and that is my understanding of the situation. However, the matter is still open to negotiation; nothing has been taken to Cabinet in relation to this issue and there will be ongoing negotiations.

Amendment put and a division taken with the following result -

Ayes (16)

Mr Brown	Mr Marlborough	Mr Ripper
Mr Carpenter	Mr McGinty	Mrs Roberts
Dr Edwards	Mr McGowan	Mr Thomas
Dr Gallop	Ms McHale	Ms Warnock
Mr Grill	Mr Riebeling	Mr Cunningham *(Teller)*
Ms MacTiernan		

Noes (29)

Mr Ainsworth	Mrs Holmes	Mr Shave
Mr Baker	Mr House	Mr Sullivan
Mr Barnett	Mr Johnson	Mr Sweetman
Mr Board	Mr Kierath	Mr Trenorden
Dr Constable	Mr MacLean	Mr Tubby
Mr Cowan	Mr Marshall	Dr Turnbull
Mr Day	Mr Masters	Mrs van de Klashorst
Mrs Edwardes	Mr Minson	Mr Wiese
Dr Hames	Mr Omodei	Mr Bloffwitch *(Teller)*
Mrs Hodson-Thomas	Mr Prince	

Pairs

Mr Kobelke	Mr Bradshaw
Ms Anwyl	Mr Nicholls
Mr Graham	Mr Court

Amendment thus negatived.

Debate (on motion, as amended) Resumed

MR McGINTY (Fremantle) [3.25 pm]: I take this opportunity to call upon the State Government to recognise the plight of those hundreds of innocent Western Australians who have contracted hepatitis C through absolutely no fault of their own. These people have entered the State's hospital system expecting or hoping to be made well but emerging from that system with a life-long and often life-threatening and debilitating disease.

The Government has a very clear moral responsibility, and in many cases a legal liability, to compensate these people whose lives have been badly damaged by hepatitis C. I call upon the Premier and the Minister for Health to meet

this responsibility and to agree now to appropriate compensation for these people. No amount of money can restore their health, but compensation may abate the anger and give these people a sense that their situation has been recognised and that the Government is prepared to act fairly.

These people have already suffered from the disease and trauma that necessitated a blood transfusion in the first place and in many of those cases they faced a life-threatening situation. They have also faced the effects of hepatitis C, including the social stigma and the medical impacts of that unfortunate disease. Now the State Government is telling these same innocent victims that it proposes to subject them to the stress and cost of litigation in order to obtain their rights.

I urge the Government to follow the same principled position that was adopted by the previous Labor Government in 1991 when faced with an analogous situation. At that time, the Government considered the situation faced by sufferers of haemophilia who had received contaminated blood products that through no fault of their own led to their contracting human immunodeficiency virus. On that occasion, the Government took the correct decision of not subjecting them to the ordeal of going to court to prove that there was a claim based in negligence. It took the decision to avoid the long and costly legal proceedings to which these people could otherwise have been subjected to establish their rights and paid out $5.4m to the 22 haemophilia sufferers who had contracted HIV in circumstances very similar to those facing the people who have contracted the hepatitis C virus.

Hepatitis C is a relatively new disease. Since 1993, approximately 5 000 cases have been identified in Western Australia. According to Health Department estimates, approximately 15 000 Western Australians are suffering from hepatitis C, and approximately 1 000 new cases are diagnosed each year. Many of those sufferers have contracted the disease in the past decade or two, so they are not all newly contracted cases. In fact, the Health Department estimates that of the 1 000 newly diagnosed cases each year, only 4 per cent of the sufferers have recently contracted the disease. The overwhelming bulk of those who have contracted hepatitis C - 72 per cent - have admitted drug injecting. About 85 per cent of the people identified as having recently contracted the disease have admitted drug injecting and only 3 per cent to 5 per cent of the newly contracted cases resulted from transfusion of blood.

Hepatitis C is a virus in the blood that attacks the liver. All members will be aware that the crucial role the liver plays in the functioning of the body means that the disease also causes severe problems to other bodily functions, overall wellbeing and the health of the hepatitis C sufferer. Individuals with hepatitis C report symptoms such as tiredness, lethargy, nausea, vomiting, bruising, jaundice, fatty food intolerance, alcohol intolerance, upper abdominal pain and generally feeling unwell. The liver damage caused by hepatitis C has many other consequences.

Since the 1980s the medical profession has known that what was now referred to as non A non B hepatitis could lead to chronic hepatitis, as opposed to acute or short lived episodes, with long term impairment to liver function, flu like symptoms, fatigue, anorexia, nausea and vomiting, aplastic anaemia, cerebral oedema, liver failure and ultimately hepatocellular carcinoma, or liver cancer. Only 2 to 3 per cent of the people diagnosed with hepatitis C infection each year suffer from acute hepatitis C; many show no, or only relatively mild, symptoms. While at least 80 per cent of people who become infected remain infected indefinitely, many people with chronic hepatitis C infection develop chronic active hepatitis, and over many years this may lead to cirrhosis and also to liver cancer. The risk of serious liver disease depends heavily on the population studied - it varies from as low as 1 to 2 per cent in community based studies, to as high as 30 to 40 per cent in referral centre based studies - but it is clearly significant.

Many complex diseases can be diagnosed by blood tests. Such tests typically look for the agent of the disease - the virus or the bacteria which is causing the illness. However, when our body encounters a foreign virus or bacteria, the immune system responds by producing various proteins to fight the agent, called antibodies. Like the virus or bacteria, these proteins are unique and can be detected by special tests. Accordingly, when a person suffers from a disease, tests can be performed to look for either the agent - the virus or bacteria - or the body's response to the agent - the antibodies.

In the case of many diseases, scientists have been unable to isolate either the agent or the immune system responsible. In such a situation, the disease may cause symptoms which the medical profession can use to diagnose the condition. While many symptoms can be seen by the doctor on physical examination, some of these symptoms can be found only by performing blood tests. Damage to the liver causes liver cells to release a substance called alanine aminotransferase, or ALT, and doctors can measure ALT levels to help them diagnose hepatitis. Prior to late 1989, scientists were unable to identify the actual virus which causes hepatitis C. Accordingly, diagnosis was made by examining the patient's symptoms, including ALT levels, and then testing to see whether there was some other cause for the symptoms; for example, by testing for hepatitis A or B. If all these tests were negative and there was a persistent raised ALT reading, a diagnosis of non A non B hepatitis was made. Even though there was no specific test for the non A non B virus or the antibodies to it until late 1989, the medical profession was generally aware that a large number of patients with non A non B hepatitis also had raised ALT levels or tested positive when tested for the presence of hepatitis B core antigen.

There is now a reasonable degree of consensus in the medical and scientific communities that by testing prospective blood donors for the presence of elevated levels of ALT or the hepatitis B core antigen, 70 per cent of cases of post transfusion non A non B hepatitis can be prevented; and, most importantly, this was known in the 1980s. The question of whether the tests referred to should have been introduced in Australia and under what circumstances was the subject of considerable debate. By and large, the Australian Red Cross Society argues that it did not introduce surrogate tests because of concerns about the effect that the consequential loss of donors would have on blood supply. I think it was also the case that the emergence of HIV in the early 1980s focused both medical and scientific endeavour on that disease and discouraged health authorities from introducing yet another blood test on another virus.

Throughout the course of the debate about testing blood donors for non A non B hepatitis, a number of significant events have occurred. The major milestones in the debate were as follows: During the course of the Second World War between 1939 and 1945, there was, as members can appreciate, an increase in the number of transfusions and a corresponding increase in the understanding of transmission of disease by blood transfusion, and also the identification of hepatitis as one such disease. It was not until 1959 that the first paper linking what I have described as ALT levels to hepatitis was published.

In 1965, a specific hepatitis B test was discovered, and screening of blood transfusions was introduced on the basis of those predictive studies. However, this did not work to the extent that people expected it would, and in 1975 studies found that the introduction of the hepatitis B test reduced post transfusion hepatitis by only 10 per cent. Consequently, non A non B hepatitis was recognised as the principal agent of post transfusion hepatitis, and research to isolate and test for the virus or viruses responsible commenced in earnest at about that time. During the 1970s, studies were published which confirmed the link between ALT levels and transfusion transmitted non A non B hepatitis, and the debate about the use of ALT levels as a surrogate test began. In 1981, the transfusion transmitted viruses study was published, which suggested that ALT testing should be used as a surrogate test for non A non B hepatitis until such time as a specific test was developed.

In the same year, the National Institute of Health study was published, which suggested that ALT levels should be used as a surrogate test for non A non B hepatitis. In addition, it demonstrated a link between anti hepatitis B core antigen reactivate and non A non B hepatitis transmission. It proposed that anti-hepatitis B core antigen testing should also be used as a surrogate test for non A non B hepatitis. As a result, in 1982, the New York blood program introduced ALT testing to screen the blood that was donated to the New York equivalent of the Red Cross blood transfusion service. It was not until 1986-87 that ALT screening was introduced universally throughout the length and breadth of the United States.

In 1987, a similar pattern was followed in Australia by the Queensland blood bank, which introduced screening for both ALT levels and anti-hepatitis B core antigen. It was not until 1989 that for the first time part of the hepatitis C virus was cloned by Chiron Corporation of the United States of America. In 1990, Australian authorities introduced hepatitis C virus testing on the basis of those predictive studies. The first generation of tests used had an accuracy similar to that of the surrogate tests which were already available, which produced an effectiveness of only 70 per cent.

In May 1991, the second generation test was made available, and the accuracy for hepatitis C was estimated to be between 97 and 99 per cent. Hepatitis C was positively identified in 1989, and tests were introduced to screen blood in 1990 and 1991. This is significant, because it deals with the appropriateness of the response by the Government to the hundreds of Western Australians who have contracted the disease, particularly when the medical and scientific knowledge about the existence of the disease was such that screening should have been implemented, just as it was in New York and later throughout the rest of the United States, and in Queensland - years before it was carried out in Western Australia.

I turn now to the mortality and morbidity questions associated with hepatitis C. Once an individual has been exposed to the hepatitis C virus through a blood transfusion, current estimates suggest that the person has an 80 per cent chance that the virus will remain in the body and the person will have contracted hepatitis C. In that sense, blood transfusion is one of the most efficient conductors of the disease. It is extremely rare for the body to clear the virus. Consequently hepatitis C sufferers generally do not recover from the disease. To date, there has been no trend which significantly increases the chances of an individual clearing the hepatitis C virus. Many sufferers have been treated with the drug Alpha Interferon; however, the statistics regarding its cure rates are under review as having been too optimistic. Most patients suffer a relapse following Interferon treatment, regardless of whether they appear to have cleared the virus while under treatment.

The Health Department of WA booklet on hepatitis C describes Interferon as a medication which may be prescribed for treatment of chronic hepatitis C and states "it is fully effective only for a small proportion of people". I contrast that official view of the Health Department with a report in *The West Australian* of 10 March 1997. The article was in response to the Look Back program which identified a number of people who were given contaminated blood and

may have contracted the hepatitis C virus. In the article, Western Australian researchers suggest that the success rate of the Alpha Interferon drug was closer to 50 per cent of people responding during treatment, and even half of those remaining free of the disease after treatment. Although that was a handy device to encourage people to be tested to see whether they had contracted the disease from infected blood it was unfortunate to raise the hopes of so many sufferers, by suggesting a high rate of success in clearing the disease by the use of the Alpha Interferon drug. The reality is that it has a very low success rate, and nowhere near the success rate indicated in the newspaper article. Therefore, although it played an important role in encouraging people who contracted hepatitis C through blood transfusions in the 1970s and the 1980s, it should not have been used in that way to raise people's hopes for a cure because it was not sustainable, according to the research I have read and the experts to whom I have spoken about this important issue.

It is also important to discuss the sources of hepatitis C. Without doubt, the primary source of hepatitis C infection is intravenous drug use. As the figures indicate, approximately 80 per cent of hepatitis C sufferers report intravenous drug use. That figure is higher among people who have reported contracting hepatitis C in recent times. Another alarming statistic is that 81 per cent of intravenous drug users have contracted hepatitis C within two years of becoming an intravenous drug user. If these people continue to be intravenous drug users, the incidence of hepatitis C for people who have been intravenous drug users for eight years is 100 per cent. Therefore, an intravenous drug user is certain to contract hepatitis C, according to the research I have read.

The second source of hepatitis C infection is the State's prisons. According to the research I have read, there is a 41 per cent annual risk rate for non-infected male prisoners at or under the age of 30 years. In other words, if one enters the prison system, as a non-infected person, one has a 41 per cent chance of catching the disease in the first year. If that person survives that, he has a 41 per cent chance again. Clearly, a longer prison sentence will carry with it an extremely high likelihood of contracting hepatitis C, and that comes about from intravenous drug use.

The third major but diminishing area in which people contract hepatitis C has been blood transfusions or blood products. Prior to the introduction of second generation screening of blood in 1991 for blood to be used in transfusions, the receipt of blood products was a risky business. The effectiveness of the current testing for hepatitis C is estimated to be between 97 and 99 per cent; so we have in place a very effective screening system. The people I am talking about in my plea to the Government today are those people who, prior to 1991, contracted hepatitis C, not through drug use or any other cause, but as a result of entering hospital, receiving a life saving blood transfusion and at the same time receiving a life sentence of hepatitis C.

Mr Prince: That is, medically acquired.

Mr McGINTY: Yes. The real problem that the Government must address relates to the people who acquired hepatitis C through no fault of their own, through the health system prior to 1991. There may be the odd person who has acquired the disease since then, but that is where the problem arises.

Another point worthy of note is that sexual activity, generally speaking, is an uncommon way to pass on hepatitis C. That is somewhat at odds with the experience with HIV. Percutaneous activity - that is, needle stick injury and tattoo - again is an uncommon activity by which to pass on hepatitis C, as is vertical or perinatal transmission.

I turn now to the essence of the issue. At least by the mid 1980s and, from my information so far, as early as 1982 there was sufficient medical and scientific knowledge of the existence of non-A and non-B hepatitis and its effects. Further, at that time there was knowledge of the existence of the screening test for ALT which would have prevented 70 per cent of today's cases of medically acquired hepatitis C. This is the essence of the legal liability of those public authorities responsible for blood product supplies.

In my opinion, the hepatitis C test case - N.J. v Australian Red Cross Society - which is listed for hearing in the Supreme Court of Victoria on 14 July 1997, is likely to succeed. Then, the State will have a clear legal liability to a large number of the innocent sufferers of hepatitis C who received blood products in our hospitals. I urge the Government to show goodwill and sympathy to those hepatitis C sufferers and not require them to prove legal liability by the Government or the Red Cross Society in court, but to accept the appropriateness of paying compensation and to act accordingly.

Assuming the test case is successful and the Government maintains its current attitude - I see it as being mean spirited - serious inequities will result. A range of classes of people will not be entitled to compensation, even though the test case is established and compensation has been ordered to be paid. I refer to the situation facing sufferers of haemophilia, who have received blood from perhaps hundreds or even thousands of different sources because of the frequency of their blood transfusions. Because the blood came from too many sources, legal liability will not attach to the agency from which they received the blood. Similarly, this applies to a number of cancer sufferers. Negligence cannot be proved because the blood came from too many sources and the likelihood of one of those sources escaping

the test, were it to exist, would be seen to be too remote. The same applies to those people who contracted hepatitis C before the mid-1980s or early 1980s who will also be denied legal compensation. In each of those cases I put it to the Government that it has a very clear moral responsibility to meet the needs of those people. I believe the people about whom I am speaking are owed a moral responsibility, irrespective of whether a legal responsibility coexists. The hepatitis C sufferers, particularly those in the last three classes to which I have referred, still have the pain, the disease and the life effects; but they will be excluded from compensation by an accident of time.

I have taken it upon myself to offer a service to these people. In articles in *The West Australian* I have been able to publicise the fact that I will be putting pressure on the Government to meet its moral responsibilities. If the Government does not measure up, pressure will be exerted through legal means to obtain just compensation for these people. That is the two-pronged strategy that we have set about. So far 62 ordinary Western Australians - ranging from young kids who had a blood transfusion at birth, to young people who are haemophiliacs, to people who have been suffering from leukemia; the sort of person who might well be our next door neighbour - have come forward. Many of those have now been given free legal advice and will have legal action commenced against the State Government or the Australian Red Cross (Western Australia) to make them measure up to their responsibilities.

I urge all people who are suffering from this disease, where it was medically acquired and where we can discount intravenous drug use and the other possible causes of hepatitis C, to make contact with opposition members. We will take up their case and make sure their interests are well and truly protected. I also urge them to come forward in light of the relative failure of the Look Back program, from which a very small number of people - at last report, 24 out of 187 potential hepatitis C sufferers - have come forward and been tested with the majority of those, unfortunately, being found to have this disease. These people deserve to know their medical condition. Researchers need to know, to assist them to find a way to combat this disease in future. Members of the public deserve to know so that the disease is not passed on to others.

Amendment to Motion, as Amended

Mr McGINTY: In closing, I move -

> That the following words be added to the motion -
>
> > and advises Your Excellency that this House condemns the Government on its continuing poor management of the environment highlighted in the EPA's annual report to Parliament.

MS WARNOCK (Perth) [3.54 pm]: Pity the poor environment! This Government has been copping a fair caning from the media, the environmental lobby and conservationists throughout this State since it first came to office in 1993. One index of this is the media coverage of the issue, particularly matters concerning the Environmental Protection Authority, that once tough watchdog which used to keep a very close watch on our very fragile environment in Western Australia but which, of late, has been coming in for all sorts of criticism and comment from the media. Although members of the media are not lobbying for the Government, they have never lobbied for the Labor Party and may be regarded as unbiased viewers of the political events in this State.

The West Australian is the principal organ to which I am referring, since there are so few newspapers in this State. As I say, it could not be regarded as pro-Labor and could be regarded as a disinterested observer of the local political scene. On 28 March 1996 that newspaper carried an editorial headed "EPA harmed by its incompetence". It referred to the judgment in the State Full Court that the Environmental Protection Authority compromised the environment for commercial and political reasons when it approved shell sand mining in Cockburn Sound. That is the issue that gave rise to that editorial. The editorial said that this judgment cast doubt on other recommendations made to government by the EPA since the Government overhauled it in 1993. It is important to note that, because the EPA changed quite dramatically at that time when it was split in two and separated from the Department of Environmental Protection which is its source of funding. The editorial said that an EPA that has the people's trust is tremendously important and that the judgment of the State Full Court raised serious doubts about the effectiveness of the new system, which was brought into place by this Government when it came to power in 1993.

One might say that that is a couple of years ago; however, more recently both *The West Australian* and the *Sunday Times* have featured editorials on the EPA. An article by Geraldine Capp appeared on 17 March, just this week, headed "EPA dilemma for Edwardes". The article referred to the Minister for the Environment, rather than the opposition spokesperson on the environment, and states -

> Something is rotten in the environment portfolio and the Court Government faces an embarrassing backdown if the Environmental Protection Authority gets its way.

The explanation behind that story is that the EPA made a public plea for more money and resources in the hope that it could fulfil its role better as an independent advisory body - and that is what it is supposed to be. According to this

story, Dr Ray Steedman is refusing to act as a rubber stamp on departmental advice. He wants the EPA - this is very important because it seems to us that this is what the EPA is supposed to be about - to be truly independent and properly resourced. After all, it provides protection for the environment for which we all care, and it needs to be truly independent, acting as its guardian for all of us.

The *Sunday Times* is also not a newspaper that is notably anticonservative, pro-Labor. On 16 March 1997 an article in the *Sunday Times* carried a headline "EPA no longer a mighty force". That sums up pretty well our concerns about the EPA. It refers to the EPA being important at one stage and retaining its advisory role to government, but states that many believe it was emasculated when the Court Government separated it from the Department of Environmental Protection. Like the Opposition in this place, the *Sunday Times*, not notably a supporter of the Labor cause, seems concerned about what is happening to the EPA. Where does this leave our environment and those who care about it?

The extraordinary decision by a previous Minister for the Environment not to grant an appeal or require a full environmental assessment of the Northbridge tunnel, the city northern bypass, left us all feeling amazed and let down, and concerned about this Government's empty posturing on the environment. I remind members about the episode to which I refer. In December 1995 the then Minister rejected an opposition request -

Mr Minson: You're just talking about your electorate; you're not talking sense.

Ms WARNOCK: I am talking sense. If the member for Greenough does not want to hear it, I am sorry to offend his ears. This story reminds us that the State Government rejected an opposition request that the Environmental Protection Authority be ordered to assess the Northbridge tunnel. I remind members that that large project will cost the community between $300m and $400m. My federal colleague Stephen Smith, my state colleague the member for Maylands and I were equally concerned that, for reasons best known to the Government, despite many people calling for a full environmental assessment - a public process by which a number of matters concerning the environment could be examined - the then Environment Minister in a rush to judgment knocked it back and that assessment was not carried out. We were told that a full environmental assessment would not be carried out and that the proposal would be passed just on the voices.

Mr Minson: I suppose you are going to tell us what the big environmental issues are. I will be glad to hear that.

Ms WARNOCK: I will most certainly get around to those. I know the Minister's attention is gripped by this issue, since he was so prominent in the Environment portfolio and such an extraordinary success as Environment Minister.

I remind members about another matter following this episode. In February 1996 - rather to the surprise of people like me, but nonetheless of great interest - the chairman of one of the companies that was preparing to build the Northbridge tunnel said that he believed a tougher environmental assessment should have been carried out on that large project because it would have helped to end controversy surrounding the project. That was a sensible thing for Harold Clough to say.

Mr Minson: That's not a scientific decision.

Ms WARNOCK: It may not be a scientific decision, but it was a proper decision. It was not a proper decision on the part of the then Environment Minister to refuse that full environmental assessment. I found myself, rather surprisingly, agreeing with Harold Clough on that issue.

Over the past years wherever one looked one found articles or reports indicating that Perth's air pollution was increasing and that encouraging more cars onto Perth's roads and into the city area was not the way to solve it - quite the opposite. The Government spoke about wanting to do something about the situation and wanting to cut the air pollution problem. However, it failed to do that; in fact, it set out to build more roads instead of trying its utmost to establish more public transport and to encourage people to use it. It was extraordinary that while the Government was saying one thing, it was doing another. That was reprehensible. That is why the Opposition was busy criticising the Government for that at the time, and it is why I am reminding people about that episode.

It is not as though the Government is not aware of these problems. Everyone in the community must be aware of them by now because a great deal has been written in the media. Some of the most authoritative reports on this issue were written by and produced for government departments. The Government has been prepared to acknowledge publicly the concern we all have about air pollution; however, it is not prepared to act on that matter. That is what concerns opposition members.

The community is constantly being told about this problem. Not only people who might be regarded as eccentric or extremist, but sensible people, such as public servants working in government departments, have said that this is a problem that the Government must try to resolve. However, the Government has not been prepared to do that: It has opted for more roads, including the city northern bypass. I have made clear my view about that matter many

times in this House. The Government has not been prepared to follow the advice of its own departments. Many authoritative reports have been produced by government bodies, smog specialists and those concerned with reducing, rather than increasing, the potential for air pollution in Perth.

I refer again to *The West Australian*. An article on 9 October 1996 by Geraldine Capp, who has made a specialty out of writing about the environment and the EPA, comments on the newly released Perth photochemical smog study. A concern of opposition members last year was that that study was around somewhere, but the Government was in no hurry to release it. Eventually it was released and environmentalists and others were interested to read what it had to say. The essence of that report, as outlined by Geraldine Capp, is as follows -

> The stark reality is that Perth is developing a smog problem similar to that of much bigger cities . . .
>
> Motor vehicles are the main source of smog emissions and it is clear the State Government must come up with a strategy to reduce our dependence on cars.

That is in essence how opposition members feel about the matter and it is the point we have been making for some time. What did the Government do about this? It put in another inner city freeway, against the advice of people who have worked overseas on these matters and who study the new trends in transport policy elsewhere. The current trend elsewhere is to persuade people to use the good public transport systems that countries are establishing, simply because too many cars on the road mean too much photochemical pollution and cause a problem for people's health as well as for the environment generally. The Government has not given the State a sensible public transport system, nor moved to put one in. We are given a freeway in the inner city that will carry around 87 000 cars a day, 25 000 of which will be extra to the number expected in the area without a new freeway. The Opposition is not the only group talking about this matter. As Geraldine Capp's article reminds us, conservationists have claimed for some time that -

> . . . the Government has shown no similar commitment to improving public transport despite last year's metropolitan transport strategy which stated the need for big reforms.

The Government's own people are telling it what to do, but the Government is ignoring that advice. The article continues -

> Conservationists want the Government to put more money into expanding rail links to drag it out of the vicious circle of building more roads and needing more money to maintain them.

However, what is the Government doing? It is ignoring this advice. Conservationists have argued also that Western Australia needs air quality guidelines that apply to the whole State. The Opposition agrees with that. I do not suggest for a moment that air pollution is something that can be solved in five minutes; it is a long term project. However, we should be moving in the right direction, instead of in the wrong direction, on that long term project of cleaning up our air. The Government appears to have no strategy to cut car dependence and to reduce air pollution, and many people will not be happy with the Government's record on the environment.

I remind members that the Government de-powered the EPA, which causes concern to the Opposition and many conservation minded people in the community. Members opposite have ignored advice to cut car dependency and, therefore, air pollution. Where full public consultation could be pursued, the Government has decided upon a cursory, once over lightly, check of matters; that certainly occurred with the Northbridge tunnel and, from what I hear from the conservation fraternity, with many other issues. Full environmental assessments are occurring less frequently and another technique is used to assess environmental issues when any large project arises. This is not good enough. Therefore, the Government's environmental record should be condemned.

DR EDWARDS (Maylands) [4.12 pm]: I support the amendment. One of the best examples of the way the Government has treated the environment with disdain is its approach to the Environmental Protection Authority. For a few weeks early this year we did not even have an EPA as that entity, the number one environmental watchdog in the State, did not legally exist as a result of the actions of the previous Minister for the Environment. It was known that the terms of the members of the authority expired on 31 December last year. In fact, reappointment was initiated and advertisements placed for people to apply to become chairman or members of the authority by 22 August last year. I am aware that a number of people who applied had not heard what was happening in January this year.

It was not until the current Minister had been in the job for a number of days that the Chairman of the EPA was re-appointed and the quorum of three members was re-established so the authority could legally meet to make decisions. For a number of weeks this year the community was told it did not matter whether the State had an EPA. It was told the State has a Department of Environmental Protection - it does - but if problems had arisen it could have been in serious trouble. The Environmental Protection Authority is established through the laws of this Parliament, yet it legally did not exist.

I wonder whether that is a statement about what is contained in the EPA's annual report. Was the annual report not tabled by the previous Minister because he did not like what it contained? Is that why he delayed making a decision in December about appointments to the authority, even though a number of other Ministers were making decisions around the time of the election? I am curious about the serious issue of why appointments to the EPA were not made.

The EPA's annual report raises serious questions. One of the first comments it contained was that it did not know the Government's expectation of the EPA. I hope the Minister has met with the authority and cleared up that matter. It is a serious statement to be made by such an important body in relation to this State's environmental management. That comment and other statements about its operation indicate that the authority is not clear about this Government's environmental policy. The current Chairman of the EPA has said in public forums in the past year that he is not certain about government policy. For example, he spoke in that way in one forum about land clearing.

The authority also made the amazing statement that it could not control the activities of the Department of Environmental Protection, and referred to the risk of differing views between the two entities. It is clear from the report that the gulf between the department and the authority is extremely wide; it is probably so wide that people in both organisations are concentrating on the gulf rather than truly concentrating on their jobs, and if that issue is not cleared up quickly environmental management will miss out.

One aspect of the report which amused me was the proposed solution to that problem: The compromise suggested would take us back to the previous structure with the EPA to become the board of management over the DEP. The EPA would control the money and decision making power with the DEP operating under it. We would not benefit from returning to that structure. We hope the Government will develop something more constructive, and I will be interested to hear what the Minister proposes about that suggestion in the report.

Also, the Opposition is concerned that it heard the story from the EPA, not the department. The EPA is unhappy about and uncomfortable with what is taking place, but the Opposition does not know how the department feels about the same situation. Its annual report was extremely professional and concentrated on issues rather than the process.

Another issue raised in the EPA's report was the Ramsay review of 1992 which examined the Environmental Protection Authority after it had been in operation for five years. The Opposition has long argued from its side of the fence that the recommendations of the Ramsay review have not been implemented, and that the Government should properly implement them. I am pleased that the EPA has a similar view; it states that all the Ramsay research recommendations are not implemented. I urge the Minister to use those recommendations to look at the entire Environmental Protection Act. The Government must look to the future. The Act was passed in 1988 and is out of date and a nine year old Act is not the model it could be.

The EPA also stated that it was sorry it was not using the tool of environmental protection policies, one of the strongest tools available to the EPA in looking after the environment and ensuring it is protected by law. In the year covered by the report, not one EPP was progressed. I hope we will see more action in that regard in the future.

Before the last election, the Labor Party put out 13 environment policy statements on important areas, one of which dealt with environmental protection law. It was alarming that the then Minister responded that none of the Labor Party's recommended changes was needed. That is nonsense. He maintained that no problems remained with the Statute of limitations as the matter had been sorted out. That is not the case. During the last 18 months, people should have been prosecuted for serious breaches of the Act, but it was stated that the Statute of limitations precluded the prosecutions. I hope this State will have proper environmental law which truly protects the environment. Few prosecutions are initiated through the Environmental Protection Act, and if the department and the EPA work together and state that a prosecution is needed, the Statute of limitations should not prevent that action.

In the Governor's speech to Parliament we were again promised marine parks legislation. I will not hold my breath because a year ago the same Governor said exactly the same thing. We waited all year and did not see marine parks legislation. I am concerned with a question asked in the other House which was not fully answered and which asked what this Government intended to do about the Acts Amendment (Marine Reserve) Bill. I ask the Minister if it will be introduced into the upper House rather than the lower House, as has been indicated to some people; how quickly will it go through; and is there a need on her part to put it through before 22 May? When we see this Bill, will she then answer the question which was not adequately answered in the other place about preventing access by professional fishermen but at the same time freeing up access by mineral and petroleum explorers? All of us look forward to seeing this Bill.

I will comment on what I refer to as the Ningaloo debacle. Late last year the Opposition was very concerned that two proposals for oil and gas exploration in the area near the Ningaloo Marine Park received only informal environmental assessments. One on state land was called the Melanie 1 proposal, which involved drilling very near the Ningaloo Marine Park. A second one on commonwealth land was called White Opal. It was a similar proposition

and again very near the waters of the Ningaloo Marine Park. We all found it a bit strange that the Minister would write to the Conservation Council rejecting its appeal about the Melanie 1 decision but, when asked by *The West Australian*, would change her mind and give it a formal level of assessment. We welcome the change of heart. I hope there will be a change of policy. I was quite astounded to learn that not one of 40 petroleum exploration wells and not one of 100 groundwater extraction wells in the Cape Range area had received a formal environmental assessment. There is no doubt that this environment is extremely sensitive. The karst report commissioned by the Department of Environmental Protection, which we are waiting to see officially, showed how sensitive the area was. There is a need for proper integrated management of the area. I welcome the Minister's statement in which she said she was looking at some sort of plan for the area so that a framework would exist in which environmental decisions could be made. That must come about as quickly as possible.

Another environmental management issue is to do with Shark Bay. On 22 February this year the Minister released with much fanfare the Shark Bay Marine Reserves Management Plan from 1996 to 2006. The media statement that accompanied it highlighted the important and significant environmental and conservation features of this region. We were surprised to find that the same Government had granted an exploration licence over part of this very valuable area and that nobody except the member for Greenough appeared to know about it. When one looks at the map released in February showing tenure and mining tenements over the Shark Bay area, one sees it does not show this exploration licence. The only exploration permit it shows is essentially land based with only a tiny proportion of it over the ocean. I ask the Minister, given that this report took so long to prepare and given that the draft went out into the community, when the Department of Conservation and Land Management was made aware of the exploration licence and why it is not shown in the report. One of the strategies set out in the report is to ensure management of marine reserves and obligations under the World Heritage Convention. In some ways that is now under question. Another part of the report refers to drilling in the Shark Bay region and to previous exploration leases having lapsed. Anyone reading the report on 22 February would assume that it was up to date, yet it was months out of date. That is very serious. Questions need to be asked. For example, when was the Department of Environmental Protection notified about this exploration licence; when was the Minister notified about it? We have been told that there is a memorandum of understanding between the departments covering mining. It is unclear what stage the petroleum proposal has reached. Even so, there is no excuse for this process to break down. I hope the Minister can reassure us that this will be rectified as soon as possible and that in the future we do not need to worry about World Heritage areas and whether mining will occur in them.

A couple of other environmental management issues relate to the Omex site. It is reasonable to assume that there is now bipartisan support for cleaning up the Omex site. I will be interested in any comments of the Minister about that. I am concerned about an apparent trend when getting hold of information about a subject such as this. In January a report by Golder Associates, commissioned by the Department of Environmental Protection and looking at options for cleaning up the Omex site, was released. I tried to get hold of a copy of the report. I contacted the DEP and was told that none was available but I had the option of purchasing one. I am happy to purchase a significant report which I need to read. When I was told it was $70 I raised my eyebrows. However, when I finally purchased the darn document it was $120. It is one of the most expensive bits of reading I have ever done. I hope this will not be a trend that we will see in the future. The Minister will know, as members opposite know, that when one is an opposition spokesperson and important reports come out, people phone and ask for one's opinion on those reports. I am most unhappy about commenting on documents of which I have seen a summary. I prefer to see the whole document and to take my time to read it and then to make a considered comment further down the track.

Mr Bloffwitch: I can remember buying a copy of the Commonwealth Corporations Act which was $95. It is not unusual for Joe Citizen to have to pay.

Dr EDWARDS: Given that the Minister and the department were receiving all these reports and given that over $250 000 of taxpayers' money was used to commission the report and the studies associated with it, Parliament should have access to such reports. I could have driven to various places and hoped that I was not breaching copyright law by photocopying somebody else's report. I am not prepared to fork out $120 every time there is a significant issue. The best way to cut us out of the process is to put these charges on and keep telling us that we have to pay for them. I hope that is not the strategy. In recent times it has become harder and harder for me. I hope it is not being written down as a revenue raising idea!

Mrs Roberts: It took some time, but eventually we got a report at no cost.

Dr EDWARDS: I wanted it on the day so I could respond. I could have jumped in and made some gratuitous statements which were not particularly helpful to the process. I wanted to know that I had read the report.

Another issue is salinity. In November last year the salinity action plan was released. I believe there is bipartisan support from all members of Parliament to do something about salinity. I am concerned about how it is to be funded. When the plan was released the Premier stated that the Government was to inject additional funds into antisalinity

work. He said he was looking at getting $30m a year from the Federal Government. He said that the negotiations with the Federal Government were aimed at raising a further $30m a year. The next day, on 12 November, there was a full page advertisement in *The West Australian*, part of which read -

> The Government has also started negotiations to get Federal funding of $30m a year - with an encouraging response to the preliminary approach.

I was surprised then to read the federal *Hansard* and see that in February in the Senate estimates committee, Senator Hill did not seem to be of the same view. He pointed out that he had not given a commitment that the Court Government in Western Australia would get the funding of $30m a year for 10 years. His officers who were with him pointed out that they were not working at officer level on any sort of plan like this and that the only work they were doing at that stage was under the LandCare program.

How will the Minister fund the work that must done? The salinity crisis is desperate in some areas of the wheatbelt. We need to work together as a Parliament to make sure we do the maximum work to get it resolved. However, I question the comments made by the Premier last year because the current federal Minister does not appear to know about it. The federal Minister said that the Commonwealth Government has not given any commitments to any of the States for specific funding programs. When Senator Faulkner asked Senator Hill to confirm whether he was aware of any commitment given to Premier Court for funding of $30m a year for 10 years for the Western Australian salinity action plan, Senator Hill said that he was not aware of it. Therefore, at the end of February the Federal Government was not aware of giving that money to us. With all the budget deliberations going on at the moment, and with the crisis with salinity, this is extremely important. I hope the Minister will clarify from where the funding will come.

I want to make a final comment on air pollution. In all studies of how people view the environment, the issue that worries people most is air pollution. The Government promised a select committee into air pollution. I hoped we would have an early announcement about it. We have not heard anything yet. I urge the Government to get moving so that we can tackle these problems.

The member for Perth and I have touched on only a few issues. However, the Environmental Protection Authority report indicated there are serious deficiencies in environmental management in this State. I believe we do not know all of the deficiencies and therefore urge the Minister to get on top of the problems and assure us that the environment is being managed satisfactorily.

MRS ROBERTS (Midland) [4.33 pm]: I want to make a brief contribution to the debate on this amendment. In particular I want to refer to the Omex site which is in Bellevue in the electorate of Midland. Last year in this Parliament I spent half an hour recounting the history of the Omex site as detailed in the various news articles and copies of briefing material which I obtained from various notes written for the EPA at various periods, some of which gave a potted history of what happened at the Omex site. It is an old problem that commenced around 1957. Over the past 10 years it became an exceptional problem. By the end of 1995, the real significance of the problem had been realised. That is when authorities began to realise that, contrary to earlier beliefs, the toxic sludge was not being contained within a clay pit. During 1996 tests revealed that the Leederville aquifer had been contaminated 40 or 50 metres down with material typical of that which was supposed to be contained in the pit. I used the analogy at the time that the bucket was not sealed; it was leaking and it was leaking into the aquifer.

Various explanations have been give about the insignificance of that fact. We have heard various explanations of how slowly the toxic sludge penetrated the aquifer. The difficulty is, as explained at the time, that Perth is becoming increasingly reliant on groundwater resources. While currently we are fairly reliant on groundwater, the predictions are that by early in the next century, about 70 per cent of the water used in the metropolitan area will be groundwater. Mistakes have been made in America and other parts of the world and groundwater has become contaminated. The costs associated with remedying groundwater sources after they have been contaminated are phenomenal. We are in the happy position of having a very healthy groundwater resource and we must keep it that way.

I am concerned on two levels about the Omex site in Bellevue. The first is the danger of contamination of groundwater, be it the Leederville aquifer or the Guildford aquifer. However, I am more concerned for the health and well-being of people living around that pit. I met a young boy who lives in that area. He has exceptionally high lead levels in his blood and his parents are very worried about him. I referred to other instances related to a compensation agreement which was reached between the coalition Cabinet and a nearby resident because of an overflow onto his property.

At the time of the state election, the Opposition and the Government agreed that something should be done about the problem. The Opposition committed itself to spending sufficient money for a complete clean-up. The Government committed $200 000 to the first stage of assessing the total problem. For that $200 000, or a figure somewhere near

that, we got the Golder Associates Pty Ltd report, which was referred to by the member for Maylands. As the local member and someone who has taken a strong interest in the issue both locally and in this Parliament, I was disappointed that I did not receive a copy of that report as a matter of course. In many other portfolio areas it has been my experience that, as a matter of courtesy, local members receive copies of reports that are significantly related to their electorates. It is a matter of courtesy and, as the member for Maylands pointed out, important for the functioning of the political process. Too often, the Opposition is criticised for not having the full facts. However, it is difficult when the reports become hard to get. I am not aware of being asked to pay for the report. However, I am aware that it took a considerable time for us to get hold of a copy of the report. I obtained a copy at the request of my office.

The Bellevue Action Group has raised a number of concerns about the report. I believe that the President of the Bellevue Action Group, Lee Bell, and others, including Jane Bremmer, have approached the Minister to find out what is the Government's commitment to the Omex site. The group has also approached the Minister about the shortcomings in the report, because some of the conclusions of the report vary from other known facts. For example, the report suggests that the second bowling green of the local RSL club has not been contaminated; yet aerial photographs reveal that the pit extends onto that site and there is likely to be damage. What is then brought into question is from where the sample was taken and whether more than one core sample should have been taken in the vicinity of the RSL club's bowling green. That bowling green is totally unplayable. The lawn will not grow and there is something environmentally wrong with that area.

Mr Bloffwitch: Has the soil been tested?

Mrs ROBERTS: Yes. Many kinds of soil and water tests have been done; they have come up with low levels of contamination in some of the soil, but have not concluded that the pit extended onto that site. People claim they have aerial photographs showing it did extend onto that site. In the meantime the RSL has an unusable bowling green.

My principal concern is the effect this site will have on people's health. Some of the suggestions from the Health Department have not been very helpful. It is of no comfort to parents to suggest that they have their children's blood levels checked for lead content on a regular basis. It is like legal advice: What is put to the community is in qualified terms. The Health Department assessed that the risk was low and there was no need for concern. Most of the advice which has been received is equivocal. The residents are still very concerned about the impact of the site on their health. There are a lot of anecdotal stories about the health of people and their pets who have lived and still live in the vicinity of the Omex pits.

The Government must make a clear commitment to cleaning up contaminated sites and to legislation. More importantly, it must make an absolute commitment to the people of Bellevue. To undertake any one of a number of remedial options does result in large expenditure. Whatever option is taken up will be expensive. Even the cheapest option is, at the very least, $2m. The more expensive option of complete removal is probably of the order of $5m or more. The benefit of the complete removal of the site is that the problem will be resolved once and for all. If it is contained on that site, the recommendation must include regular air and water monitoring.

I raise those concerns with the Minister in the course of the debate on this amendment because it is an imperative problem. It must be dealt with straightaway. It cannot be delayed for a few years, because people will continue to live a life of uncertainty. People with young families who live close to the pit are having to assess their options to decide whether to move elsewhere. They are not 100 per cent sure whether they are putting their children's health in jeopardy. No-one wants to do that to their children. They have to make a choice whether to forgo the true value of their home and move elsewhere. My Liberal opponent during the election campaign suggested to some people who live in the area that if they did not like it, they could move. These are not people of independent means. Some of them owe more on their houses than their houses are currently worth. Moving house is not a financial choice for some of the people living in the vicinity of the pit.

There is general agreement that the Bellevue site is the worst contaminated site in the metropolitan area. I am not aware of any site that is contaminated to a greater extent. We must get a commitment from the Government that it will solve the problem once and for all. I hope it will be sorted out this year rather than sometime in the future.

MR MacLEAN (Wanneroo) [4.44 pm]: I do not support the amendment for a number of reasons. Quite often in this place we hear a lot of words and people opposite are the greatest exponents of using hollow language when talking about the environment. Committees and boards do not make up the environment; it is made up of a range of issues, many of which are local issues which do not rate a mention by anyone apart from the local residents. When the Opposition was in government these issues were not only swept under the carpet, but actively campaigned against by that Government.

In the area where I have lived for 16 years there is an area of bushland which is predominantly tuart and banksia. It is the largest stand of banksia woodland in the metropolitan area. The defenders of the environment who sit opposite wanted to turn that bushland into a housing estate; not for standard housing, but for housing that would fit onto a block of land that would cost $100 000 plus, because this land had views of the hills and city. They did not care about the environment or that this was the last big stand of banksia in the northern suburbs. They did not care that the local people wanted the area kept as the Kings Park of the northern suburbs. They wanted to turn it into housing. The only thing that saved the Koondoola regional bushland was that Hepburn Heights had already been bulldozed and the then Government received a public lashing for taking that action. Hepburn Heights was one of the nicest areas of bushland that existed in the northern corridor. It was mostly tuart on the Bassendean sand mound and it had on it a wide range of flora and fauna, but it did not stop the environmental vandals opposite from bulldozing it and turning it into a housing estate.

Members opposite speak about public issues, but they are unwilling to do anything about them. We have heard members speak about contaminated sites, the transporting of the contaminated substances through suburbs and how the substance can be contained onsite. These contaminated sites did not suddenly appear in 1993. They have been there 40 or 50 years. When members opposite were in Government they did not do anything about it. They hid the fact that some houses were being built on land impregnated with arsenic. They told the developers that if they put more yellow sand down as a house base, it would be all right. The previous Government did not attempt to do anything about contaminated sites. The only reason contaminated sites became an issue is that this Government started to do something about it. Members on this side of the House are actively trying to protect the environment. Western Australia is a rapidly growing State and my electorate is the most rapidly growing area in the State. The Government is constantly confronted by environmental issues and this Government is trying to overcome them so that, even with a rapidly growing population, we do not destroy everything. Members opposite did not do that. If they could make a dollar out of it, they would bulldoze the land, yet they sit in this place in a sanctimonious fashion and point their finger at members on this side and say, "You people are doing that." I do not have an even temper and it annoys me to the back teeth when members opposite talk about this Government taking action which they know they would not take.

MR CARPENTER (Willagee) [4.50 pm]: I support the amendment. I will speak briefly about one aspect of the environment which is an important issue in my area. I would like the Government to do something about noise pollution, particularly aircraft noise. The southern suburbs of Perth are in the firing line as far as aircraft noise is concerned. It is most unfortunate, because neither the State Government nor the Federal Government wants to do anything about it. It is a problem which impacts considerably on people's quality of life.

I live in Melville which, for most of its history, has been fairly free of aircraft noise. People who have lived there for 30 or 40 years expected that the place would be reasonably quiet. In the middle of last year out of the blue, so to speak, came the problem of aircraft noise. I was foolish enough to buy a house on a high rise of land near Melville Senior High School. The real estate agent neglected to tell me I would be living under the flight path from Jandakot Airport. I wondered why he was not keen for me to visit on a Sunday. The problem soon became obvious when I moved in.

In June last year Airservices Australia decided to redirect air traffic out of Jandakot Airport over an area of Perth which includes the suburbs of Kardinya, Melville, Willagee, Palmyra, Bicton and probably Murdoch and a few other areas.

Mr Tubby: We get the big jets from Guildford as well.

Mr CARPENTER: I know; however, I am talking about Jandakot Airport. Jandakot is one of the two busiest general aviation airports in Australia. The projection is that by the year 2000 there will be about 430 000 movements of aircraft through Jandakot. That is a lot of noise over my roof. The planes are light aircraft, often dual winged or biplanes - seemingly pre-World War II training aircraft. They fly slowly and very low and they are very, very noisy. One of the most consistent complaints from people who live in my electorate and from other electorates, including the electorate of the member for Alfred Cove, is that nothing is being done about this problem with which we have been afflicted.

I have contacted various people about it including Mr John McAleer, Air Traffic Control Manager of Airservices Australia in Western Australia to explain what I consider to be a serious problem, and to ask if any alleviation was possible. He wrote back and sent a number of documents to explain why the flight path had been changed, what the various degrees of flight were, how many aircraft movements were anticipated and so on. The general expectation when the change was made was that a mere 60 000 households would be affected. To me 60 000 households is a considerable number, especially when I am one of them. The rationale for the change of flight path was that the landmark previously used by pilots leaving and arriving at Jandakot as a line of sight was to be removed. That landmark was the old South Fremantle power station. I accepted that rationale because I did not know any better.

The pilots had to look for a new landmark, and they chose a headland further along the coast to the north. When one of my canny constituents pointed out that the power station had not been demolished I contacted Mr McAleer. He wrote back to me and said -

> You are correct in that the reason for a change to flight paths in the Jandakot area was as a result of the decision to demolish the Power House. The demolition has been delayed due to unexpected problems but is still intended.

The change of flight path occurred in June last year. We are heading towards April. I have since contacted Western Power to ask about the priority of the demolition of the South Fremantle power station. The priority is low, and it could be a considerable time before any further action is taken on the power station. One of the reasons was that the power station building contains considerable levels of asbestos, and that presents great problems for demolition work. I have also been told, though not by Western Power, that there are considerations of heritage and other reasons which may indefinitely delay the demolition of the power station.

That presents a simple answer to the problem which has blighted the lives of at least 60 000 householders plus their families in the areas close to that which I represent; that is, return the planes to the original flight path, because the reason given for the change of direction has not occurred and it is not likely to occur in the near future. It defeats my logic to understand why that simple change does not take place. If it was necessary to redirect planes because of the demolition of a building, and that did not take place, surely it would be just as easy and as logical to return to the original flight path. I cannot see why there should be any delay in doing that. Mr McAleer continues -

> The reasons for the current flight paths are sound and safety based. However, I am very conscious of the problems generated when any change to flight paths occur and at my request a review has been initiated. . .

This review is ongoing at the moment and people in my electorate are making submissions to the review. The review should be as simple as looking at the power station that is still standing and saying, "Well, it is still there. We do not need to redirect our traffic any more, let us put it back where it was." The problem would be solved for people in my immediate area. I urge this Government, the Minister for Transport and particularly the Minister for the Environment, because this affects the urban environment of the people I represent, to pressure Airservices Australia and the Commonwealth Government, if that is necessary, to do something about this problem.

Many people have lived in that area all their lives, including people who are my neighbours. They cannot accept that for no reason they are now being afflicted with very noisy aircraft flying over their houses when they have not had to put up with it for the past 40 years. They expect me, as their newly elected member and newly arrived neighbour from the northern suburbs, to do something about it. I have promised them that I will try to do something about it. It is not an easy task. Airservices Australia seems to have become a law unto itself. That is not good enough.

I have read a lot of the correspondence going backwards and forwards from various members' offices. Some of that correspondence may have been from the office of the member for Alfred Cove. Certainly, the federal member for Fremantle has corresponded at great length with Airservices Australia and various other departments to try to resolve the problem, but nothing has been done.

It is part of a wider problem surrounding Jandakot Airport. When the removal of some of the air traffic from Jandakot to another airfield has been suggested the matter has come to this Parliament. This State Government can act promptly, or as quickly as is fiscally conceivable, to get moving on the creation of a new airfield for this sort of light air traffic. I urge the Government to expedite planning for a second general aviation airport on the metropolitan outskirts or country areas to draw off some of the traffic from Jandakot. I urge the Government to ensure that marketing to attract any more flying colleges to Jandakot specifies that they will be located at the second airport when it becomes available. In the meantime I urge the Government to initiate urgent government-to-government discussions with the federal Minister to introduce a noise amelioration package for residents around Jandakot and to have the air traffic over the suburbs redirected to its original flight path.

Noise pollution is a problem which, unless one is subject to it, one cannot understand how debilitating it is. It is more than annoying lying in bed every Sunday morning while a Gypsy Moth aircraft flies low over the roof emitting a sound at very high decibels. I can understand why people are driven to extreme actions over that. When they are travelling over the roof every 15 minutes on a Sunday it is more than a trifling annoyance; it becomes a serious problem.

Mr Bloffwitch: They reckon after about five years you get used to it.

Mr CARPENTER: I am glad the member for Geraldton raised that. That is exactly what we do not want to occur. I refuse to become accustomed to the noise. One thing is certain regarding the amount of traffic out of Jandakot -

it will increase. It is not good enough to expect the residents, the subject of this problem, to put up with it and hope that they will get used to it.

Mr MacLean: In another place I was a member of a committee that dealt with the issues you have raised. I am sure that a decision will be made by the end of this year.

Mr CARPENTER: I hope that is the case. Is the member talking about a second airport?

Mr MacLean: Yes.

Mr CARPENTER: In the meantime the most immediate problem for the people I represent is the Jandakot flight path. There is no reason for it to stay on its present line. Air traffic should be redirected over the industrial areas south of my constituency as soon as possible. I urge the Government to take action to achieve that outcome.

MR McGOWAN (Rockingham) [5.01 pm]: I have two items of concern not only to my electorate but also to the wider Western Australian community about the environment. The first concerns an area of great environmental importance in my electorate; that is, Garden Island. When I served in the Navy, in about 1992 the Navy received an expression of interest from a mining company seeking to mine 200 000 tonnes of sand on Garden Island and to either truck it out over the causeway through the streets of Rockingham or ship it by barge from Garden Island's eastern coast to a plant on, I think, the Kwinana strip.

At that time the Navy objected strenuously to the proposal. Eventually, through the efforts of the Navy, and the commanding officer of the base, the project was rejected out of hand by the former Federal Government. The rejection was based firstly on security concerns and, secondly, and equally importantly, on the fact that Garden Island is the most pristine example of remnant vegetation on the Swan coastal plain.

Mr Omodei: Have you ever caught any crays there?

Mr McGOWAN: Not personally, although I have done some diving.

Mr Omodei: What a shame. If you had, maybe you could share some with us.

Mr McGOWAN: The Minister should not call me; I will call him. The plan was rejected by the then Federal Government for good environmental reasons. Garden Island is pristine and extremely important. It was and probably still is the finest piece of vegetation which was in existence at the time of European settlement, certainly within hundreds of kilometres of Perth. The Navy has retained in excess of 90 per cent of the original vegetation. That is contrary to what has happened on Rottnest Island, where probably only about 9 per cent to 10 per cent of the vegetation is in pristine condition.

After the loss of government by the former federal Labor Government the mining company, aided and abetted by the state Liberal Party, sought to overturn the earlier decision of the former Federal Government and institute mining on Garden Island of 200 000 tonnes of sand a year. This was a potent weapon for me during the last state election campaign. It is of extreme concern to the people of Rockingham. This Government should unequivocally reject that proposal to mine as being totally inappropriate for both the environment and the country's security. Garden Island is an area we should preserve forever. Legitimate decisions of former Governments should not be overturned just because an election has passed and the State Government is trying to curry favour with the mining companies involved.

The second subject I wish to address is the south metropolitan coastal water study which was released on 24 December last year. This study was commissioned in 1991 by the former State Government. Its brief was to examine all waste inputs to the Fremantle to Mandurah area including Owen Anchorage, Shoalwater Island and Cockburn Sound. Such waste inputs can come from industrial groundwater or estuarine inputs. The study was extensive and monitored physical, chemical and biological water quality and made a number of findings. In fact it made 44 recommendations to the State Government. However, it found matters of great concern to the people of not only my electorate but also Western Australia. It found that if current practices in relation to the leaching of nitrogen into the ocean were to continue, the nitrogen pouring into Perth waters would increase from 6 000 to 10 000 tonnes by the year 2021. It recommended extreme caution in extending nitrogen inputs into Perth waters.

I refer particularly to Cockburn Sound and the Point Peron outfall. In the area of Cockburn Sound, particularly Rockingham, many people swim and many tourists enjoy boating, jet skiing and a lot of fishing. In the 1980s the water quality in Cockburn Sound was on the improve from a very low base in the 1970s. It is obvious that until the 1970s there was little concern for what was poured into our oceans, particularly in Cockburn Sound. The water quality in the 1990s is again deteriorating and may reach the level it reached in the 1970s. The southern metropolitan coastal water study found that 70 per cent of the nitrogen which flows into Cockburn Sound comes from groundwater. Eighty per cent of that 70 per cent comes from contaminated industrial sites, primarily the Kwinana strip.

The effect of this nitrogen is to increase cloudiness in the water in the Sound. That in turn cuts out the light which filters to the seagrass and consequently it dies. Since industrial development commenced on the Kwinana strip more than 90 per cent of the seagrass meadows in Cockburn Sound have been lost. Hence, the EPA study recommended extreme caution in extending nitrogen inputs into the Sound. The problems are not limited to nitrogen. They extend also to tributyltin which has been banned since 1991 on vessels under 25 metres in length. However, there are still major concentrations of TBT in marinas, harbours, the Fremantle fishing harbour and the area around Careening Bay, Garden Island. It was also found that the mussels collected in these sites pose a health risk. The study recommends that urgent action be taken to address the problems of TBT. It is an issue of extreme concern.

The study also found concentrations of heavy metals in Cockburn Sound. Although at present they do not represent a serious risk, they will have a negative impact on the structure of animal communities in the future.

Another problem in the Sound is the presence of foreign organisms. Eighteen species of exotic worms have been found, which have come from ballast water from foreign shipping. Another element of concern, on which the report did not comment, is the mining activity of Cockburn Cement Ltd and its effect on seagrass meadows. A further concern to people living in Rockingham is the bacterial concentrations in Cockburn Sound. It was found by the study and the Rockingham City Council that the seafood collected in the vicinity of the Palm Beach jetty and the Safety Bay jetty - which of course is outside the Sound - may pose a health risk at certain times. It means all the people who collect mussels, oysters or lobsters and those who fish from these jetties are at risk from bacterial concentrations if they eat the food they collect. That is not acceptable and something must be done about it. The study makes certain recommendations in that regard.

Of greater concern, and I am extremely worried about this aspect, is the Point Peron outfall, which extends 5 km into the ocean from Point Peron. It releases most of the waste water produced in the south metropolitan region. It comes from the Woodman Point treatment plant after primary treatment, and is pumped through a pipe 5 km out into the ocean. It is released from a number of holes in that pipeline directly into the ocean. My major concern is that the water pumped into the ocean receives only a primary level of treatment, which means that only solids are removed from the sewage produced. The remainder is pumped into the ocean off the coast of Rockingham. It is anticipated that the nutrient loads produced by the Point Peron outfall will increase in coming decades unless improved treatment and disposal practices are instituted. I see no evidence at the moment that the Government is committed to that, although I hope to hear otherwise in the near future.

It has been found that in the Sepia Depression the mercury level within 1 km of the Point Peron outfall exceeds health guidelines. With regard to microbiological quality, faecal coliform concentrations in distances within 2 to 4 km of the outfall occasionally exceed the recommended levels for water in which people swim and collect edible seafood.

I am most concerned that although the report made adverse findings about the microbiological quality and concentration of heavy metals, at the same time a senior officer of the Water Corporation wrote a letter to one of my local newspapers which states, among other things -

> The fact is that the effluent discharged at Cape Peron has never exceeded the very stringent standards placed on the Water Corporation by the Department of Environmental Protection.
>
> Our regular monitoring shows that fish are particularly abundant in the area of the outfall and there is absolutely no evidence that either flora or fauna are adversely affected, another point substantiated by the Perth Coastal Waters Study.

The study states one thing - I read it not more than 10 minutes ago - but a senior officer of the Water Corporation is trying to rewrite history and say something completely different. This Government must give a direction to the Water Corporation to take this study seriously, follow up its recommendations and ensure action is taken.

In conclusion, the State Government must give an absolute commitment that it does not support mining on Garden Island. This must be followed by an indication to the Federal Government, contrary to that given last year, stating that it has absolutely no intention of conducting mining in that area. Secondly, this Government must give a firm indication that it is committed to the recommendations of the Southern Metropolitan Coastal Waters Study, and that it will take action on the Point Peron pipeline, the health risks in the seafood collected from Cockburn Sound, the loss of seagrass in Cockburn Sound and the health threats to the people who use that area.

MRS EDWARDES (Kingsley - Minister for the Environment) [5.17 pm]: I thank members opposite for the opportunity to comment on behalf of the Government. As the new Minister for the Environment, I will comment on the Government's record and indicate its proposals for the future. I will not support the amendment.

First, I address the critical point of the availability of reports to the opposition spokesperson on these matters and the local member. I had a quick discussion with the Chief Executive Officer of the Department of Environmental

Protection in order to ensure that in future a request will be made for more copies of reports so that they are available to the opposition spokesperson and the local member. That is particularly important where they are publicly available.

I have yet to receive the final report on the Omex site after the public assessment. The Government would prefer the polluter to pay for the cleanup of that site. I hope this matter will be resolved in the near future. I do not accept that sites should be contaminated in this way so that they pose a health risk to the community. The Government takes a serious view of this matter and will introduce legislation to deal with it.

The review of the Environmental Protection Authority was carried out after five years. A public discussion paper was distributed and it has been brought to my attention together with the recommendations for legislative change. It is now time for a further review, but a number of things have happened since the report was first commissioned and which can be addressed by further changes to the EPA Act.

I have responsibility for all noise pollution except for aircraft noise. I will raise that issue with the Minister for Transport and he can then raise it with his federal colleague. I can perhaps provide the member with some information about what is happening in relation to a new site and the power station. There is no power station in the southern suburbs, but the member for Roleystone believes aircraft line up with the power station from his side and aim for it. I will raise the issue with the Minister for Transport.

Mention was made of the Environmental Protection Authority's report. Members opposite also spoke about the level of dissension between the EPA and the Department of Environmental Protection. I believe differences of opinion are healthy. Therefore, I do not have a difficulty with the EPA, which is an advisory body to the Minister, being separate from the DEP.

Dr Edwards: We would not change it back.

Mrs EDWARDES: Section 17 requires the Minister to ensure that the EPA, as an independent body, has sufficient resources to carry out its work. My one concern - and this has been raised with me - is the question of timeliness. I have asked the chief executive officer of the DEP and the chairman of the EPA to work out together how they can overcome the issues that have been raised and address the questions I am raising with them in relation to timeliness and how they go about producing their reports. That process and those meetings have already commenced.

I hope that we will introduce a motion in this House shortly to deal with air pollution. I hoped that it would be introduced six days ago. Air pollution is a matter of priority for this Government. The select committee process has worked very well in this House - partisanship does not come into it - and waste management is one issue that can be addressed. The Government will look very closely at getting that committee up and running. However, it will not wait for the committee to be set up to work through the submissions; we cannot afford to wait.

The member for Perth referred to the Northbridge tunnel. The photochemical smog study identified motor vehicles as the primary source of the problem. The Northbridge tunnel will allow the traffic to bypass the city. From the study's point of view and an environmental perspective, whatever else the member thinks about the tunnel, it is a very good solution.

Ms Warnock: It is still a problem because of the amount of vehicular traffic. It will encourage people to use their cars rather than public transport.

Dr Edwards: The reports produced by the Minister for Transport show that.

Mrs EDWARDES: As the suburbs grow we must encourage greater use of public transport. We must find other ways of encouraging people not to use their cars. There are options.

Mr Grill: Is there any way of collecting and processing the air coming from the tunnel?

Mrs EDWARDES: I do not know, but I will ask the question.

The Government is very serious about establishing the committee to investigate air pollution.

Mr Grill: When will you do that?

Mrs EDWARDES: I will provide the information next week. I will talk to the member about it later.

Some serious issues were raised, including Ningaloo and Shark Bay. I have had the opportunity to visit both areas. Members were correct about the view I took in relation to Melanie 1 in ensuring a greater level of consultation.

The karst report contains some serious issues that mean that it cannot be released at the moment. It is back with the authors and, as soon as those issues have been addressed, the Government will make the report available publicly.

The report refers to the honeycomb of tunnels at the site and the wide variety of species. While Melanie 1 is not within the Cape Range National Park or the Ningaloo Marine Reserve, the karst report identifies that honeycomb of underground caves. I am obviously waiting for that assessment.

The White Opal proposal is still with the Federal Government. It has not been designated as an issue to be addressed. It appears to be a long way down the priority list and it is on federal land so the State cannot address it.

Dr Edwards: Are you saying that the Federal Government will look at it?

Mrs EDWARDES: It has not designated it yet. It must be designated by the decision maker - in this case the federal Minister for Defence - in order for it to be environmentally assessed. It had not even gone past the first step when I spoke to Senator Robert Hill a couple of weeks ago.

There are some misconceptions in relation to Shark Bay and world heritage. The agreement signed in 1990 by the former federal Minister for the Environment, Ros Kelly, and the state Minister for the Environment, Bob Pearce, was based on the 1988 Shark Bay regional plan. That plan quite clearly identified that petroleum exploration and mining were permissible uses in the area where they would not be incompatible with conservation. It was stated that exploration for petroleum could continue, but there was no indication that exploitable resources existed. As members will know, with improved technology that is a possibility, and it was clearly contemplated. It was also indicated that access for mineral exploration would be permitted in accordance with the Mining Act. The 1990 agreement established where we would go and hopefully we will sign the World Heritage Agreement with the current Federal Government in the middle of this year.

The Shark Bay World Heritage area incorporates the Shark Bay Marine Reserve and consists of a mix of land tenures. That has obviously allowed for a sanctuary zone; that is, a no-go zone that will never be touched. An area which is subject to an exploration permit and which touches on, for instance, the stromatolites, will never be touched. I took a very simple approach to exploration permits and the like: Why did they not exclude that activity from the permits? However, the system used involves dividing the State into squares, rectangles and so on. I think it is called a graticular system. Therefore, when the permit is issued, it has corners on it.

One of the things that I have discussed with the current Minister for Mines is that if an exploration permit is issued - no permission has been given at this initial stage for exploration; therefore, it will have to go through the full environmental process - there is a process whereby I as Minister for the Environment am informed; and because of the World Heritage status of that area, we are obviously looking at similarly informing the federal Minister for the Environment at the same time. We are putting in place a process which makes good sense, even though at the moment there is no legal requirement to do so, and we are looking at how we can include that in a marine reserves Bill, which I hope to introduce next week.

Dr Edwards: Will you bring it in here?

Mrs EDWARDES: That is good legislation, and it has been through a lot of consultation. However, we are looking at one issue with respect to my ministerial colleague the Minister for Industrial Relations. We do not want good legislation which is supported strongly to get caught up in a debate about industrial relations legislation. We are looking at that issue at the moment, and we hope to introduce that Bill next week. The Legislative Council is in need of work, too. I have not addressed all the issues that have been raised, and I hope to do so in future. If anything has been raised to which members would like me to respond directly because they want to take it back to their electorates, I would be happy to take it up if I have not addressed it in my response. I thank members for the opportunity to put some of those issues on record.

MR HOUSE (Stirling - Minister for Primary Industry) [5.32 pm]: I rise in my capacity as Minister for Primary Industry and Fisheries. I realise there is a time constraint on this debate, and I will be as quick as I can, but it would be remiss of me not to make a few comments about this amendment, because I cannot support it on behalf of the people whom I represent. It is also fair to say, as some members have indicated in this debate, that matters of this nature have always received a lot of bipartisan support in this Parliament.

I was privileged to chair the Select Committee on Land and Soil Conservation some years ago, and that committee, which comprised members from both sides of the House at the time, made some strong and good recommendations to the Parliament of the day. The vast majority of those recommendations have now been acted upon. I am pleased to say that much of that has happened during the term of this Government.

It seems to me to be a bit of a political myth that when we get into the election modes that overtake us from time to time, it is always the province of members of the Opposition to claim that nothing has been done environmentally in the term of the Government of the day and they will fix it all when they get into government. The fact is that Governments of all ilks over the years can take some credit for having progressed environmental issues. We have

certainly made some environmental mistakes, but we have had a common goal of fixing the problems. Agricultural participants, farmers specifically, have made enormous gains in rural Western Australia over the past few years that have led to a revolution in the way that agriculture is practised in this State. For example, minimum tillage and no tillage, which have meant that we are not burning stubble the way we used to and we are not belting our soil around the way we used to, have had a terrifically positive effect that has yet to be recognised. I opened a conference on no tillage in the central wheatbelt last year, which was attended by 600 farmers. Had that conference been held four, five or six years ago, we would have been battling to get a dozen farmers.

Dr Edwards: Is it really expensive for farmers to move to that?

Mr HOUSE: Yes. That is one of the things that is causing farmers to hold back a little on the changes. Those farmers who can afford the new machinery that is needed have moved very quickly to put that in place, but those farmers who are smaller operators and have not been able to afford that machinery are obviously taking a lot longer. That is one of the problems. I have urged both Bob Collins, when he was the federal Minister, and the current Minister, John Anderson, to try to get Treasury to agree to accelerated tax deductions for no tillage and minimum tillage machinery, because that will be a large step forward for farmers and we will not have to write out a cheque as a Government.

I also want to touch on the ocean, because that will be one of the great environmental issues of the next decade. If land care was the environmental issue of the last decade, then the things that are going on in the ocean will be the environmental issue for the next decade. We have a lot of work to do there. Fishermen acknowledge that we must protect that environment. One of the reasons that we have not done a lot is that it has not been very visible to the participants. We can see a forest being knocked down or a field blowing away, but we cannot identify as readily the environmental pollution in the ocean. The community must come to terms with that matter.

The State's salinity strategy is a step forward. It will not solve the problems in a short time - we are looking at probably a 30 to 50 year time frame - but we have made a start. I am pleased to see that that has been supported by the opposition spokespeople for environmental matters, because it will need all the support and assistance that we can muster. In addition, about 12 months ago I ordered a total review of all the legislation that oversees natural resource management in this State. The final report of that group is about three or four months away. It has been an enormous task. I am confident that when we bring that new legislation to the Parliament after a proper consultation process, it will receive the bipartisan support of this Parliament.

In many smaller ways, the remnant vegetation scheme, the new clearing regulations that we have put in place that have had the effect of ensuring that we have plenty of remnant vegetation, and assisting landowners with revegetation, have been positive for this State. Some of the larger projects, such as the Albany sewerage project, which has meant that rather than have ocean outfall we have land outfall and timber production from that land outfall, have been enormous changes from the strategies we had in the past. That strategy was begun by the previous Labor Government and was carried through by our Government.

Mrs Roberts: We had a ministerial statement on that a couple of days ago.

Mr HOUSE: Who did?

Mrs Roberts: Your Government.

Mr HOUSE: I am pleased to hear that. That is good.

Mr Tubby: You can almost see them growing on the effluent!

Mr HOUSE: That is right. Those are positive examples of the way we are advancing this matter, particularly in rural Western Australia. I am pleased to contribute to this debate, but I cannot agree with the amendment.

MR GRILL (Eyre) [5.40 pm]: This time on a Thursday afternoon is probably regarded as the graveyard shift, but I will do whatever I can. I want to speak about the mining industry, as I have done before, and I hope to speak about it again on a number of occasions. I normally begin my speeches by endeavouring to underline how important the mining industry is for this State and how, in spite of that importance, it can be neglected. At this stage, I feel that the mining industry in this State, despite the fact that it dominates our economy, is not being treated in the way it should be treated. We have a comparative economic advantage in this industry, and it has served us well. That clear comparative economic advantage should not be eroded. If it is eroded too dramatically or substantially, we will suffer a substantial diminution in the quality of life and standard of living enjoyed in this State. Kim Beazley said to me recently, "Julian, you don't need to convince me about the importance of the mining industry. It is not only the most important act in town, it is just about the only act in town." Considering the comparative sizes of the economic output of, say, the mining industry and the next largest industry, the mining industry overshadows any other industry. Therefore, it is important, and we must look after it.

Many people living in the cities do not understand that even an industry as robust and as efficient as the mining industry must be looked after. In this State we rely on the mining industry, and it relies on us, because the mining industry can prosper only when the conditions for prosperity are ensured by the regulators - and we are the regulators. The mining industry will prosper only where the environment for mining is healthy, where the regulatory processes are not inimical to the industry.

Mr Trenorden: It is hardly that now. It has pressures on it.

Mr GRILL: That is right, and that is the gist of the speech I am about to deliver. The regulatory environment, for many federal and some state reasons, is turning against the mining industry. That is very much to the detriment of everyone here, even to those sectors of the community that oppose the mining industry. Unfortunately, ignorant sections of the community oppose the mining industry as such. However, we need the right sort of regulatory environment and environmental laws - not the environmental laws that allow the robber barons to trample all over the environment of our State - that allow mining to progress on a sustainable basis, just as other industries do. In that sense, one could point to the other States which all have the same potential for mining output as has Western Australia. They do not reach that potential. I could single out Victoria, which has a history of producing more gold than Western Australia. Most geologists will say that the potential for further exploration and discovery of gold deposits in Victoria probably exceeds that of Western Australia, judging by past history. However, it has not happened because Victoria by and large has had a hostile environment to mining - although the indications are it might change. It has an environmental regime and a regulatory regime which oppose mining, and a situation relating to access to land which is opposed to mining.

We have such a regime in the south west here, where private landowners have the right to veto mining activities, and a de facto right to royalties. I would like to change that situation, and other people in the Labor Party have wanted that change. I hope that some time during the period I am spokesman on resources development we will move a further motion in this House to change that situation because we need the right sort of environment. Access to land in this State is becoming harder for a range of reasons, some of which relate to the veto on mining, and others of which relate to the de facto veto we have given to elements of the Aboriginal community. Some of them relate to the de facto right to royalties which some people in the Aboriginal community think they have a right to. I am a purist in that respect. I do not believe anyone has the right to a royalty or to a de facto royalty, apart from the people of this State generally. That has been my position, whether people be farmers, Aborigines or the Lang Hancocks of this world. They do not have the right to supersede and override the rights of the people of this State to those royalties.
However, we have the right to impose royalties and the right not to. The situation historically with gold is that for a range of economic and social reasons - in Kalgoorlie one can see the social reasons - we have not applied a royalty to gold. That has been the subject of some debate over past weeks, and it will be the subject of further debate in future. It will be the subject of considerable discussion in the mining industry. We can be very proud of the mining industry because it is now environmentally sensitive. Historically it has done very little damage to the environment. Comparing the environmental damage that mining has done with the damage that farming has done, there is no contest.

Mr Trenorden: What about the metropolitan area? It makes the farmers look like sheep.

Mr GRILL: The late Keith Parry, the residential director of Western Mining Corporation, said that if we put all the mining activities in Australia together in one place, it would not equal the Perth metropolitan area. The encroachment of mining on sensitive areas such as the Swan Valley is a matter that we should consider carefully because it does diminish our quality of life. Just as I would not like to see that area overtaken by residential or industrial development, I would not like to see mining take place there, although substantial mining has occurred in the Swan Valley in the past, principally for clay but for other materials as well, and we must be careful.

The mining industry is very sensitive to environmental factors. Rehabilitation programs are now sophisticated and well done. The amount of land being revegetated in the goldfields is very extensive. Therefore, we can be proud of that outcome. We can be proud of the technology being embraced and created by the mining industry in this country. We can be proud of the way this very efficient industry is going overseas. Some people lament the fact that the mining industry is going overseas. Sometimes it is used as a threat against governments by the industry saying, "We will take our bat and ball, but we will not go home; we will go to another country." That is an empty threat, and I have always told the mining industry in its various forums that it should not use that form of intimidation because more often than not it falls on deaf ears. Very often what is mistaken for petulance is just the healthy growth of an industry which has the ability to compete effectively and go overseas with not only its direct expertise in mining but also its indirect expertise in the industries which service the mining industries.

As the member for Avon has hinted, we are in danger of taking away the leading edge achieved in the mining industry. With regulatory and tax regimes we are starting to hit at the very core of the industry, to take away its

ability to compete overseas and its competitive advantage. We have seen that happen. We have seen mining decimated in other countries. We have seen it decimated and overtaxed in third world countries. We have seen it decimated and placed under pressure in developed countries, like Canada, where access-to-land regimes have been so onerous that companies have decided they cannot prosper there. States like Victoria have been hostile to mining and have eschewed the notion of mining within their boundaries. That posture has not been adopted by any State Government in Western Australia. When we talk to the mining associations and the individuals who comprise them, they always say that in Western Australia we have had a bipartisan approach to the extractive industries and that they have been able to get on with Governments of both colours.

That is changing. The mining industry is now coming to believe there are hostile elements within the current Federal Government and hostile elements developing within the current State Government. I want to talk about that. The bipartisan approach that has been adopted in the past is now in some jeopardy, and the mining industry cannot be looked at like some ripe fruit just ready for the picking. The Federal Government is looking at it in that way, as is the State Government, to some degree. I will give some examples. The first is the diesel fuel rebate. It created some controversy nationally last year prior to the last federal Budget when Treasurer Costello indicated that he wanted to go down the path of removing the diesel fuel rebate from the mining industry. I would have thought that was almost unthinkable by a coalition Government; however, Costello, in his enthusiasm in his new post, in his wish to please the new bureaucrats of whom he was supposed to be the master, almost unilaterally decided to take this diesel fuel rebate from the mining industry.

Mr Trenorden: The Democrats and the Greens have referred to it as a subsidy by those in the big cities, but you know and I know that it is not.

Mr GRILL: I do not even like referring to it as a rebate, quite frankly. It is not a rebate. The form of it was changed 10 years ago to make it a rebate.

Mr Bloffwitch: The people in the big cities don't pay it, but I do. General industry pays it.

Mr GRILL: Certain industries which are critical to the welfare of Australia do not pay it, and there are very good reasons for that. It confers on those industries an essential comparative advantage. If the member opposite is one of those people who believe it should be removed totally -

Mr Bloffwitch: I don't; I just like John Hewson's plan where nobody would pay any of the rebate. That would give all businesses an opportunity, rather than just a select few.

Mr GRILL: If that is the case the member needs to convince his colleagues in his party that is the way to go.

Mr Bloffwitch: I am trying.

Mr GRILL: I do not think he has much prospect of succeeding. Until he does, I do not think he can make these sorts of comments from that position. It is fairly hypocritical of him. If he behaved in the way in which Costello was about to behave, he would commit himself to a body blow to one of our most important industries nationally, and certainly the most important industries in this State. Last year Costello floated that notion. It was very seriously considered and it caused a tremendous flurry in mining circles. It even stirred up this State Government to some extent, but not to any great degree. Ultimately the hue and cry concerning the diminished prospects of the industry under a no rebate scheme caused Howard to instruct Costello to back off.

After that came the treachery. I will mention the word "treachery" on a few occasions. After that, through the back door, Costello decided to implement a partial removal of the rebate in any event. He instructed a couple of his colleagues - the Minister for Finance and the member for the federal seat of Forrest, Mr Prosser - to conduct secret negotiations with the mining industry in a situation of intimidation. They quietly went through the back door to the mining industry associations and said, "You will undertake a secret dialogue with us about the partial removal of this rebate, or else in the next Budget we will move to remove the rebate totally." That was the first act of treachery.

Of course the mining industries, by and large being compliant - in my view too complaint - said, "It is worthwhile having some discussions with the industry; we are always prepared to have some discussions with the Government; we are not too happy about the secrecy bit, but we will have the discussions." Why any democratic Government needs to bind any industry of the like of the mining industry, or any other industry if it comes to that, to secrecy about discussions, escapes me. Nonetheless there was supposed to be no mention of the secret negotiations to the Press or anybody else. The discussions went ahead on the basis that the industry did not disclose to the Press or the public that they were taking place. As I said, that was the first act of treachery.

The second was that after agreement had been reached whereby approximately 20 per cent or 25 per cent, depending on whose figures we are prepared to believe, of the diesel fuel rebate was to be removed by an amendment to the Act, the Government then treacherously included among those items which were to be removed from the rebate a whole

list of new items which had not been agreed to by the mining industry. That is when the mining industry finally woke up and said, "We will go public on this particular issue; we will make some statements about what is happening, how it is happening and the nefarious way in which we are being intimidated." This information started to leak out. The subject is still before Federal Parliament. Only yesterday a Senate committee into the matter reported. An article in the *Kalgoorlie Miner* on Thursday, 20 March 1997 headed "Fuel rebate report 'unsound'" states -

> A federal Senate report on amendments to the diesel fuel rebate scheme was economically unsound and ignored submissions from the mining industry, according to a peak mining body.

It went on to say -

> The Bill is expected to deliver the Government yearly savings of about $160m - vital in the lead-up to delivering its next Budget - through beneficiation changes and tighter rebate eligibility.
>
> The committee's finding has angered the Association of Mining and Exploration Companies and WA Labor Senator Peter Cook, who said the report was "not consistent with the evidence provided to it and the facts upon which this Bill is based".
>
> "All of the industry associations testified that the Bill explicitly dishonoured the agreement reached . . .

The chief executives of the mining industry in this State are saying that the Federal Government Ministers cheated, that the mining industry was defrauded by this process. Having been intimidated into entering into these secret talks, which in themselves were treacherous, the mining industry was then treacherously defrauded by those Ministers who had been instructed to negotiate on behalf of the Federal Treasurer.

Mr Barnett: What are you quoting from?

Mr GRILL: Today's *Kalgoorlie Miner*. George Savell is chief executive of AMEC Australia Pty Ltd. He was a very active lobbyist for the pastoral industry and is now a spokesman for the mining industry. Members will agree that he is well respected. The article states -

> AMEC chief executive George Savell slammed the report and accused the Government of "going back on its word".
>
> "They (the Government) are mesmerised by the Budget underlines and have overlooked any economic argument," he said.

Mr Barnett: Successive Governments have been mesmerised by competition policy.

Mr GRILL: I agree, although I am surprised to hear the Leader of the House say that.

Mr Barnett: I am not mesmerised; the federal bureaucracy is.

Mr GRILL: As time has gone on I have seen a progressive change in the Leader of the House. He has become a lot more practical. When the Leader of the House came to this place, he was mesmerised by the neo-classical model. The Leader of the House has changed for the better, and I like to think that I have been partially responsible for that!

Mr Barnett: I demand you withdraw that!

Mr GRILL: I might add that the Leader of the House has a long way to go.

[Leave granted for speech to be continued.]

Debate thus adjourned.

WESTERN AUSTRALIAN SPORTS CENTRE TRUST AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Marshall (Parliamentary Secretary), read a first time.

House adjourned at 6.03 pm

QUESTIONS ON NOTICE

PERTH DENTAL HOSPITAL - CLEANING SERVICES

2. Mr PENDAL to the Minister for Health:

(1) Is it correct that consideration is being given to contracting-out the cleaning services for the Perth Dental Hospital to private contractors?

(2) Has a decision yet been made on whether such privatisation will proceed?

(3) If that decision has been made in the affirmative, when will private contractors take-over the work?

(4) Will the Minister guarantee that present Government hospital cleaner employees are notified well in advance of any such change, given the personal ramifications for these employees?

Mr PRINCE replied:

(1) No, consideration has been completed.

(2) Yes, privatisation will not proceed as it has not been demonstrated to be cost-efficient

(3) Not applicable.

(4) Yes.

RAILWAY SERVICE - ESPERANCE-KALGOORLIE

7. Mr GRILL to the Minister representing the Minister for Transport:

(1) In reference to an article in the *Kalgoorlie Miner* of Tuesday, 17 December 1996, where the Minister indicated that an Esperance-Kalgoorlie Rail would become an available option, when is it likely that such an option will become viable?

(2) When is it likely that such a service will commence?

(3) Is the Minister prepared to make a commitment that the present Prospector rolling stock will be made available for that purpose?

(4) Can the Minister point to any private operators who are interested in running the service?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

(1) The acquisition of new rolling stock for the *Prospector* train will be determined by a report commissioned by Westrail. It is expected that new rolling stock will be in service within five years, at which time, the present rolling stock will become available for use on other rail routes.

(2) I will examine any proposal from the private sector to operate passenger services on the Kalgoorlie-Esperance railway prior to the *Prospector* becoming available.

(3) Any decision will be determined closer to the time of rolling stock becoming available.

(4) No.

MINISTER FOR LABOUR RELATIONS - PORTFOLIO RESPONSIBILITIES

32. Dr CONSTABLE to the Minister for Labour Relations; Planning; Heritage:

What is the name of each committee, board, tribunal and all other similar bodies within the Minister's portfolios?

Mr KIERATH replied:

Department of Productivity and Labour Relations -

Railways Classification Board
Construction Industry Long Service Leave Board
Western Australian Labour Relations Advisory Council
Western Australian Industrial Relations Commission
Industrial Magistrate’s Court
Industrial Appeal Court

Boards of Reference
Public Service Arbitrator and Appeal Board

WorkSafe Western Australia -

WorkSafe Western Australia Commission established under Section 6 of the Occupational Safety and Health Act 1984.

Commissioner for Workplace Agreements -

Commissioner for Workplace Agreements

Department of the Registrar, Western Australian Industrial Relations Commission -

The following are established under The Industrial Relations Act 1979 -

The Western Australian Industrial Relations Commission.
Boards of Reference.
The Public Service Arbitrator.
The Public Service Appeal Board.
The Railways Classification Board.
The Industrial Magistrates Court.
The Western Australian Industrial Appeal Court.

WorkCover Western Australia -

The Workers' Compensation and Rehabilitation Commission -

The Premium Rates Committee
The Industrial Diseases Medical Panel
The Insurers' Advisory Committee

Note: Under section 100(A) of the Workers' Compensation and Rehabilitation Act 1981, the Workers' Compensation and Rehabilitation Commission has appointed several advisory committees to assist in the performance of the Commission's functions and duties. These advisory committees are the -

Accreditation and Monitoring Committee
Audit Advisory Committee
Budget Advisory Committee
Medical and Allied Services Advisory Committee
Research Grants Advisory Committee
Insurer/Self Insurer Advisory Committee
Insurer Performance Indicator Working Party
Ministry for Planning
Western Australian Planning Commission
Executive, Finance & Property Committee
Statutory Planning Committee
Perth Region Planning Committee
Transport Committee
Infrastructure Coordinating Committee
South West District Planning Committee
Western Suburbs District Planning Committee
North West District Planning Committee
South East District Planning Committee
Eastern District Planning Committee
Board of Valuers
Town Planning Appeal Committee
Town Planning Appeal Tribunal
Port Kennedy Management Board
Swan Valley Planning Committee

Committees created by the Western Australian Planning Commission (under section 19 of the Western Australian Planning Commission Act 1985) -

Poultry Farm Relocation Working Group
Urban Bushland Advisory Group
Whiteman Park Board of Management
South West Region Planning Committee
Parliament House Precinct Committee
Coastal Zone Council
Araluen Botanic Park Board of Management
Northbridge Urban Renewal Committee
Subiaco Oval Impact Management Committee
Peel Region Planning Committee

Greater Bunbury Region Planning committee
Avon Arc Steering Committee
Gascoyne Coast Planning Coordinating Committee
Central Coast Planning Coordinating Committee

Office of the Minister for Planning (Planning Appeals) -

Town Planning Appeal Committee
Town Planning Appeal Tribunal

Heritage Council of Western Australia -

The Heritage Council of Western Australia.

East Perth Redevelopment Authority -

Board, East Perth Redevelopment Authority
Planning Committee

Subiaco Redevelopment Authority -

Board, Subiaco Redevelopment Authority

HOMOSEXUALITY - AGE OF CONSENT

Commonwealth Legislation

103. Ms WARNOCK to the Minister representing the Attorney General:

(1) What is the basis for the Attorney General's belief that 21 is the best age at which adults may consent to sodomy, rather than 18?

(2) Is 18 the legal age of adulthood?

(3) If no to (2) above, why not?

(4) Did the Attorney General support the expressed view of the Tasmanian Attorney General, that the Human Rights (Sexual Conduct) Act 1994 (Commonwealth) overrides State law?

(5) If no to (4) above, why not?

Mr PRINCE replied:

The Attorney General has provided the following response -

(1) This seeks an opinion.

(2) This is a question of law and in any case in the present circumstances is rhetorical.

(3) Not applicable.

(4) No.

(5) Not applicable.

CIVIL RIGHTS - ANTI-DISCRIMINATION LAW

Attorney General

107. Ms WARNOCK to the Minister representing the Attorney General:

(1) Did the Attorney General state that anti-discrimination law is a fundamental interference with civil rights?

(2) If yes to (1) above, will the Attorney General take action to repeal all anti-discrimination laws from Western Australian statutes?

(3) If not, why not?

(4) Will the Attorney General take action to remove criminal sanctions against homosexual behaviour between adults aged between 18 and 21 on the grounds that it is a fundamental interference with civil rights?

(5) If no to (4) above, why not?

Mr PRINCE replied:

The Attorney General has provided the following response -

(1) Yes.

(2) No.

(3) In certain circumstances it is justifiable to override an individual's right to discriminate. Such circumstances include protection against discrimination on the grounds and in the areas stipulated in the Equal Opportunity Act 1984.

(4) No.

(5) It is not.

HOMOSEXUALITY - ANTI-DISCRIMINATION LAWS

Opposition

111. Ms WARNOCK to the Minister representing the Attorney General:

(1) Did the Attorney General state that he considers people who discriminate against homosexuals to be narrow minded and bigoted?

(2) If yes, does this statement include people who oppose anti-discrimination laws for homosexual people?

(3) If no, why not?

(4) If yes to (1) above, does this view include people who argue in favour of discriminatory age of consent laws for homosexual people?

(5) If no to (4) above, why not?

Mr PRINCE replied:

The Attorney General has provided the following response -

(1) Yes.

(2) Some who oppose anti-discrimination laws for homosexual people may be narrow- minded and bigoted. Others are not.

(3) Not applicable.

(4) No.

(5) Because they are not. The member really ought to use questions for their real purpose - to obtain information rather than to seek to argue by limited correspondence.

CRIMINALS - PENALTIES

Review

172. Mr BROWN to the Minister representing the Attorney General:

(1) Did the Attorney General receive a number of letters from the member for Morley dated 5 June 1996, 15 July 1996, 6 August 1996 and 20 September 1996 requesting the Attorney General meet with the member for Morley and two constituents concerning convicted criminals not being required to carrying out the penalty imposed by the court?

(2) Did the Attorney General refuse to meet with constituents and the member for Morley?

(3) If so, why?

(4) Why were the concerns of the constituents not taken seriously?

(5) When the Attorney General rejected the request to meet with the two concerned constituents, did he take into account the facts of the case as outlined in the letter from the Executor Director - Courts Division of the Ministry of Justice dated February 1996?

(6) Does the Attorney General intend to -

(a) review this case; and
(b) review the law,

so that penalties imposed are carried out?

(7) If so, when?

(8) If not, why not?

Mr PRINCE replied:

The Attorney General has provided the following response -

(1)-(2) Yes.

(3) I refer to my letter to the member dated 24 September 1996 explaining that I am unable to comment on the decisions made by judicial officers and therefore a meeting was unnecessary.

(4) The concerns were taken seriously I had hoped my letter would be too.

(5) Yes.

(6) No.

(7) Not applicable.

(8) See my letter. [See paper No 302.]

RAILWAYS - TOURISM

Kevin Pearce

184. Mr BROWN to the Minister representing the Minister for Transport:

(1) Does the Government intend to promote its train services to tourists?

(2) If so, what initiative/s have been taken in this regard?

(3) If not, why not?

(4) Does the Government have any plans to scale back or reduce in any way its passenger and/or tourist lines or services?

(5) Does the Minister and/or Westrail take into account the impact on the tourist industry of any decisions it makes to reduce services?

(6) Did the Minister and/or Westrail take into account the impact on the tourist industry of ceasing to provide tour rail operator Kevin Pearce with facilities to continue to conduct his train tours?

(7) What assessment was made by the Minister and/or Westrail about the impact on the tourist industry of this decision?

Mr OMODEI replied:

The Minister for Transport has provided the following response -

I presume the member is referring to Westrail's country passenger services and my answer is provided on that basis.

(1) The Government does promote Westrail's country passenger train services to tourists.

(2) Promotion of Westrail's country passenger services is by newspaper advertising, through booking and travel agent publications and Westrail's published timetables.

(3) Not applicable.

(4) Patronage has increased and Westrail is continually reviewing operations to attract additional passengers.

(5) Yes, in so far as Westrail's scheduled services are utilised by tourists.

(6)-(7) Westrail's core business with respect to country passenger services is the operation of scheduled rail and road coach services in response to community requirements. The decision to cease hiring railcars to Kevin Pearce was based on the requirements to provide scheduled passenger train services to Kalgoorlie - the *Prospector* - and Northam - the *AvonLink* - due to the increase of patronage. It is possible for a private

operator, such as Kevin Pearce, to operate his own services by obtaining track access from Westrail and hiring rolling stock himself.

YOUTH - COMMITTEES AND BOARDS

Membership

230. Dr CONSTABLE to the Minister for Youth:

(1) With reference to your answer to question on notice No. 39 of 1997, who are the current members and chairpersons of the following committees and boards -

(a) Youth Minister's Advisory Council;
(b) Youth Training Scheme Advisory Council; and
(c) Youth Coordinating Committee?

(2) When was each member appointed and for what period of time?

(3) How much remuneration is each member paid?

Mr BOARD replied:

(1) (a) Youth Minister's Advisory Council -

Mr Ray Della-Polina	Chairman
Ms Ruth Armstrong	
Mr Peter Collier	
Mr Mel Fialho	
Ms Natalee Fuhrmann	
Ms Anne Griffiths	
Assistant Commissioner Mel Hay	
Ms Kathryn Heaton	
Mr Jonathan Huston	
Ms Kate Reynolds	
Professor Steven Schwartz	
Dr Howard Sercombe	
Mr Sven Silburn	
Mr Jason Walkerton	
Ms Gina Williams	
Ms Cheryl Vardon	
Mr Mike Daube	

(b) Youth Training Scheme Advisory Council -

Mr Barrie Wells	Chairman
Squadron Leader Tony Komorowsky, RAAF	
Sergeant Bob Terms	
Ms Jo Harrison-Ward	
Mr Jim Eftos	
Mr Kim Hutchinson	
Ms Noelene Reeves	

(c) Youth Co-ordinating Committee

Mr Michael Daube	Chairman
Ms Meredyth Crossing	
Mr Larry Davies	
Mr Jim Eftos	
Mr David Farrell	
Mr Martin Gribbon	
Mr Dick Hallson	
Assistant Commissioner Mel Hay	
Ms Anne Hill	
Ms Caron Irwin	
Mr David L'Verty	
Mr Greg McLennan	
Mr Julian Munrowd-Harris	
Mr Terry Murphy	
Mr Damien Power	
Mayor Jan Smith	
Ms Noela Taylor	
Mr John Unkovich	
Ms Lesley van Schoubroeck	

Ms Annette Wells
Mr Terry Werner

(2) Youth Minister's Advisory Council - Members were invited from late January 1997 to participate and letters of confirmation were posted on 7 March 1997. Members were not appointed for a specified period.

Youth Training Scheme Advisory Council -

Mr Barrie Wells (Chairman as from 25 February 1997)	appointed	21 June 1996
Squadron Leader Tony Komorowsky, RAAF		4 November 1996
Sergeant Bob Terms		21 June 1996
Ms Jo Harrison-Ward		21 June 1996
Mr Jim Eftos		13 September 1995
Mr Kim Hutchinson		21 June 1996
Ms Noelene Reeves		4 November 1996

Members were not appointed for a specified period.

Youth Co-ordinating Committe - Members represent Government agencies and are not appointed in a personal capacity.

(3) Youth Minister's Advisory Council - Nil.

Youth Training Scheme Advisory Council - Nil.

Youth Co-ordinating Committee - Nil.

PEARLING INDUSTRY - GOVERNMENT POLICY REVIEW

233. Dr EDWARDS to the Minister for Fisheries:

(1) Is Government policy on pearling based on -

(a) environmental issues and the protection of wild stock; or

(b) upon environmental and other issues?

(2) If so, what are the other issues?

(3) When will the review of the pearling industry by Mr Edwards be completed?

(4) When will the report be available for public consideration?

(5) Has the report been received by the Minister?

(6) Have copies been released to anyone else?

(7) If so, to whom?

Mr HOUSE replied:

(1)-(2) Government policy on pearling is based on a number of factors, including protection of wild stock; optimising value to the community; and environmental issues, as appropriate, such as disease control and translocation.

(3) Mr Edwards has completed a review of the Pearling Act 1990.

(4)-(7) The report was tabled on Wednesday, 19 March and is now available for public comment. I would be pleased to arrange a briefing on this issue if the member so wishes.

YOUTH MINISTER'S ADVISORY COUNCIL - MEMBERSHIP

248. Mr BROWN to the Minister for Youth:

(1) Further to question on notice No. 194 of 1997, on what date in March 1997 was the Youth Minister's Advisory Council appointed?

(2) Did all the members of the Council express an interest in serving on the Council following the Government advertisement/s in March 1996?

(3) On what date did each member of the Council lodge such expressions of interest?

(4) How many members of the Council are -

(a) between the ages of fourteen and twenty five, both inclusive; and

(b) between the ages of twenty six and thirty, both inclusive?

(5) What resources will be made available to -

(a) the Council; and

(b) individual Council members?

Mr BOARD replied:

(1) Formal letters of confirmation were sent to members on 7 March 1997.

(2) No.

(3) Not applicable.

(4) (a)-(b) The ages of individual members are not recorded. The council comprises a mix of ages and relevant experience.

(5) (a)-(b) The Office of Youth Affairs will provide support to the council and individual council members as required

GOVERNMENT CONTRACTS - MINISTER FOR WORKS

250. Mr THOMAS to the Minister for Works:

Can the Minister advise the number of contracts in the departments and agencies under his control which have been let in 1995-96 and in the current financial year above and below $50 000?

Mr BOARD replied:

There were 397 contracts let by the Department of Contract and Management Services in the 1995-96 financial year and 392 in the current financial year, above $50 000. There were approximately 94 000 contracts let by the Department of Contract and Management Services in the 1995-96 financial year and approximately 40 000 in the current financial year, below $50 000.

AGRICULTURE - HEMP

Trial Period

293. Ms MacTIERNAN to the Minister for Primary Industry:

(1) In what areas are each of the eight hemp licence holders conducting trials?

(2) When will the trial period be completed?

Mr HOUSE replied:

(1) Carnamah; Wagerup; Burekup; Mullalyup; Manjimup; Scott River; Denmark; Albany.

(2) The agronomic trials will be completed by mid-1999. The project will then be reviewed and its future decided.

NURSING HOMES - LEGISLATIVE CHANGES

Aged Care

295. Mr McGINTY to the Minister for Health:

(1) Will the current Federal aged care funding and legislative reforms, due to commence on 1 July 1997 -

(a) abolish the requirement for nursing homes to be licensed and inspected by the State; and

(b) allow nursing home proprietors to staff a nursing home without qualified nursing staff?

(2) Are Western Australian aged persons under serious threat of having their care administered by untrained labour if the State does not ensure minimum numbers of registered nurses in nursing homes?

(3) How does the Government intend to protect Western Australian aged persons from being mistreated physically and financially under the Commonwealth aged care reforms?

Mr PRINCE replied:

(1) (a) The commonwealth proposed Aged Care Bill 1997 comes into law from 1 July 1997. The term nursing home will no longer be used by the Commonwealth. The commonwealth Bill refers to a residential care service which will include existing aged persons hostels and nursing homes. All residential care services will have to meet national accreditation standards by 1 January 2000 in order to receive vd funding. National accreditation will include requirements to conform to the quality of care principles which will be set out in subordinate commonwealth legislation. The Commonwealth has indicated it will be releasing an exposure draft of the principles to the Aged Care Bill in April. Until the State has had time to examine the proposed principles and consulted with residential care service providers and consumer groups no decision will be taken on the future of state licensing of nursing homes after 1 July 1997.

(b) It is not possible to comment on this matter in advance of the Commonwealth releasing the proposed principles to the Aged Care Bill 1997. The Western Australian Hospitals and Health Services Act 1927 regulations require all licensed nursing homes in Western Australia to have 24 hour per day registered nurse coverage.

(2) There is nothing to indicate from the information which the Commonwealth has so far distributed about its planned aged care reforms to suggest that the reforms will reduce standards of care currently received by residents of nursing homes in Western Australia.

(3) The Government will only relinquish its existing controls over nursing homes if it is satisfied that the commonwealth aged care reforms do not diminish nursing home resident safeguards currently in place under state legislation.

QUESTIONS WITHOUT NOTICE

GLOBAL DANCE FOUNDATION - INCORPORATION

Application

78. Dr GALLOP to the Deputy Premier:

(1) Is it true that the contract between the Western Australian Tourism Commission and the Global Dance Foundation tabled in Parliament yesterday was made on 26 May 1995?

(2) Is it true that Global Dance Foundation lodged its application for incorporation on 1 June 1995?

(3) Is it true that under the contract $215 000 was to be paid to Global Dance Foundation on 26 May 1995?

(4) Is it true that Global Dance Foundation was only incorporated on 1 June 1995?

(5) Is it true that one month later, on 1 July 1995, another $215 000 was paid?

(6) Is it also true that the WA Tourism Commission was required under the contract to conduct a study, at its own cost, of the economic impact after $430 000 had been committed to the Global Dance Foundation?

The SPEAKER: I ask that some notice of this question be given because of the large number of parts to it.

Mr COWAN replied:

Some notice of the question was given to the relevant department, but unfortunately I do not have access to the information to answer that question. I suggest that the Leader of the Opposition place it on notice.

LOCAL GOVERNMENT - SHIRES

Realignment

79. Mr BLOFFWITCH to the Minister for Local Government:

Will the Minister indicate the position regarding the amalgamation or realignment of shires surrounding the City of Geraldton? Is a change of boundaries forecast; if so when will this happen?

Mr OMODEI replied:

I thank the member for some notice of this question.

Council boundaries in the Geraldton region along with those of Northam, Narrogin, Albany, Bunbury and Mandurah regions were identified in the report of the structural reform advisory committee as requiring some examination. As Minister for Local Government I referred the recommendation to the Local Government Advisory Board for assessment with a report due by the end of August 1997. At the same time the board was asked to report by the end of March 1993 on the feasibility of splitting the Cities of Stirling and Wanneroo. The board will meet with the councils in Geraldton on 7 April to discuss its terms of reference and processes. If I as Minister believe a recommendation should be formally assessed after the board reports at the end of August, a further consultation process will begin. Consultation with affected residents and councils is mandatory. When the board reports, probably early in 1998, as Minister I can only accept or reject its recommendations on the proposal. A further safeguard remains for the residents or ratepayers where the board recommends amalgamation of two or more councils. If sufficient electors petition for a poll and a majority opposes the board's recommendations it will be vetoed. As Minister I can also call for an indicative poll on any proposal. There is no doubt that some change is needed, but any change will be well measured and carefully analysed before any action is taken.

POLICE - BUDGET CUT

Effect

80. Mrs ROBERTS to the Minister for Police:

I refer to the Premier's acknowledgment that at least a $10m cut will be made to the Police budget over the next four years.

(1) Does the Minister agree with the Police Union that the cuts will damage confidence in the Police Service?

(2) Will he guarantee that no cut in real terms will be made to the Police budget next month?

Mr DAY replied:

(1)-(2) The Premier answered a question on Tuesday about the forward estimates for the Police budget. He effectively demolished the Opposition's claim last week that cuts of $124m would be made over the next four years. Plainly, there will not be cuts of anything like that amount over the next four years. The Premier demonstrated that the Opposition does not understand the method by which the forward estimates operate and the fact that they provide a snapshot at a point in time of what is expected. That point in time was November. I do not agree with the Police Union's claim that community protection and the public's sense of security will be casualties under this coalition Government. Demonstrably exactly the opposite has been the case under this Government. Over the past three to four years there has been a $130m increase in the budget for the Police Service, from $240m to $370m. Eight hundred additional operational police have been put into the field.

Mrs Roberts: Are they there right now?

Mr DAY: Yes.

Mrs Roberts: The Commissioner of Police said last Friday that would be in July 1997.

Mr DAY: They are either in training or out there in the field at the moment and they are part of the Police Service. I have attended three graduation ceremonies in the short time I have been Minister. That is an example of the significant rate at which new police graduates are being put onto the streets in Western Australia.

Finally, under this Government, an extensive capital works program has been undertaken. Members might like to ask the member for Peel whether he believes the opening of a new police station in Kwinana was a worthwhile activity. They can ask the member for Belmont whether he supports the construction of a new police station in Belmont. They can ask the member for Mitchell whether he thinks the new police station in Australind is a good idea.

Several members interjected.

The SPEAKER: Order! I remind members that any interjection is disorderly. I have allowed some interjections from the person who asked the question and from the leadership on the opposition bench. However, too many interjections have been made. I ask the Minister to bring his answer to a close.

Mr DAY: The Police Service in Western Australia has been allocated a large amount of resources and has undertaken a large number of new capital works. This Government has supported, and will continue to support, the Police Service doing its job effectively. I suggest members opposite and the Police Union wait to see what is in the 1997-98 Budget. Everybody will be pleasantly surprised.

INDUSTRIAL RELATIONS - JOB SHARING

Community Support

81. Mr AINSWORTH to the Minister for Labour Relations:

Some notice has been given of this question. Recently the Australian Council of Trade Unions attacked the idea of job sharing. Does evidence of community support for job sharing exist?

Mr KIERATH replied:

I thank the member for raising the issue of job flexibility because the idea of family friendly policies goes to the heart of the Government's industrial relations policy. That policy is about workers who in many cases try to juggle the responsibilities of family and work. We know the old, rigid, centralised awards would not accommodate that and allow for the level of part time work and job sharing arrangements that are needed. It goes to the heart of a flexible labour relations policy. There is no doubt that it allows a system to be adapted to individual needs rather than to the needs of the collective majority.

I am pleased that one or two of the federal Labor members have decided to support job sharing. Unfortunately, that same progressive thinking is not apparent in members on the other side of this House. However, we all live in hope that one day they will catch up and support the people they claim to represent. I shall not hold my breath waiting for that. Some people in the Labor movement are nowhere near as progressive in their thinking. I refer to the ACTU which has attacked job sharing as poverty sharing. It is the usual doom and gloom we have come to expect from this negative Opposition. Instead of looking on the positive side and encouraging this move, its members look at the negatives. The ACTU is supposed to serve the working men and women of this country. What do people think about it? Let us bypass the ACTU because it is out of touch.

Several members interjected.

The SPEAKER: Order! Once again, members are straying into that area where several members interject at one time. I remind the member for Armadale that in this Chamber members are described by the electorate they represent.

Mr KIERATH: What do the people want in this area? In response to a recent survey of 500 businesses, 35 per cent said they had job sharing in place. Another 36 per cent said they intended to establish it because they wanted to keep their valuable staff. It is done either to accommodate family responsibilities or to extend the number of business hours worked. They said job sharing was vital to their businesses. In many cases, where there is a high percentage of women in the workplace, the workers have said overwhelmingly that they prefer to work fewer hours because it helps them with their family commitments.In this place I try to lead by example and I advise members that I have a job sharing arrangement in my ministerial office whereby one job is shared by two persons, one of whom works for two days of the week and the other for three days. This allows them to accommodate their family responsibilities. It is working successfully and everybody is happy with that arrangement. Perhaps one day - not this term - this Opposition will support very positive, family friendly initiatives at the workplace.

MINING - GOLD ROYALTY

Impact on Regional Unemployment

82. Dr GALLOP to the Deputy Premier:

Again, I refer the Deputy Premier to the upsurge in regional unemployment in Western Australia.

(1) Have any government departments or agencies analysed the likely economic and employment impact of the proposed gold royalty?

(2) Have any of the Deputy Premier's agencies given him advice on the likely impact on regional employment?

(3) Given the growing concerns about this new tax proposal, will the Deputy Premier consider a full inquiry into its implications before proceeding any further?

Mr COWAN replied:

(1)-(2) No government department to my knowledge has done anything other than conduct a rudimentary investigation into the application of a gold royalty. I understand the type of detailed survey requested by the Leader of the Opposition relating to employment opportunities, will be presented to the Government by a number of industry groups, such as the Chamber of Mines and Energy or the gold industry itself. They will look at the potential for the use of funds from a royalty, and how they can be applied to areas to provide more employment opportunities.

(3) No. It is the responsibility of the Government to set parameters around which any such royalty may be applied and then, perhaps in conjunction with the private sector, some examination can be made of what may or may not be done with regard to using additional revenue to boost employment in the area from which that revenue is raised.

EDUCATION - LITERACY TESTING

Benchmark

83. Mrs van de KLASHORST to the Minister for Education:

Two local schoolteachers have contacted me and asked: Will any compensatory scoring be applied when comparing results of the proposed literacy testing to be given to years 3 and 5 in primary schools in Western Australia and all other States and Territories? Often the children in this State are younger than those children in the same grades in other States, and they could be disadvantaged when comparing one State with another.

Mr BARNETT replied:

Members will be aware that under the monitoring standards in education in this State, we have traditionally tested not only literacy, but also maths, science and other areas in years 3, 7 and 10. The literacy proposal at this stage, and it will probably apply to numeracy in due course, will be to test at a national standard in years 3 and 5. The current work is to establish the benchmarks against which this State's students will be tested. The work is progressing. It is a sophisticated task, as many members, particularly those with an education background, will understand. The next task will be to develop those tests - again, a sophisticated procedure - which will be standardised and will compensate for age differences between children. I do not know this, but it also may well compensate between geographic locations and other factors. It will be a standardised and sophisticated procedure to be developed and adopted nationally.

MID-WEST STEEL PROJECT - GOVERNMENT FINANCIAL COMMITMENT

Open-ended

84. Mr GRILL to the Minister for Resources Development:

I premise my question by indicating that the Opposition has wholeheartedly supported the mid-west steel project. However, I refer the Minister to the massive and unprecedented capital and open-ended subsidy commitments made by the State Government to that project.

(1) Is this arrangement not extremely contrary to the expressed recommendation of the Royal Commission into Commercial Activities of Government and Other Matters in that the commission recommended that the Government should not become involved in underwriting the commercial viability of resource projects?

(2) Can the Minister point to any other major project where the Government has taken responsibility for the provision of a new port, railway line, roads and other capital expenditure, and an open-ended subsidy to the project?

Mr Shave: The petrochemical plant.

Mr GRILL: Is that the analogy?

The SPEAKER: Order!

Mr BARNETT replied:

(1)-(2) I think the member was absent when I delivered the second reading speech on the agreement legislation for this project yesterday. If he were to read that speech, he would see that a series of steps must be undertaken.

Mr Grill: I was here.

Mr BARNETT: Okay. The first of the steps is that the parties agree that there are no show stoppers and they will continue studies. Eventually, through two or three steps, we will reach the stage at the end of July this year at which, if the project is feasible, and the studies indicate it is viable from an economic, engineering and technical point of view to develop a port and industrial site at Oakajee, the State, under the agreement, will commit to develop a port. All it does is commit us to see a port in place.

Mr Grill: Which the company concedes is a loser for a long time to come.

Mr BARNETT: No. The Government will commit to develop a port, an industrial estate and the associated infrastructure. However, the Government will not be committed to undertake the expenditure - particularly the port expenditure - to have the port operational until five years after the start of construction, which is defined as the expenditure of $100m on-site. In other words, the proponents will be well into the construction of a steel mill before the Government is committed to have a port in operation five years later.

Ms MacTiernan: That is irrelevant.

Mr Grill: It is open-ended, and you know it.

Mr BARNETT: The geniuses opposite do not like to hear the answer. I am told by interjection that it is irrelevant, and members opposite will not listen. I told members the structure under the agreement Act, and now I am reaching the underwriting issue - the point, I presume, in which members opposite are interested. The Government has agreed, as Governments traditionally do, and should continue to do, to develop economic infrastructure which is available to all projects regardless of who might be involved.

Mr Grill: You're underwriting the project and you know it.

Mr BARNETT: The Government has not committed to underwrite a port; the Government has committed to see a port developed.

Mr Grill interjected.

Mr BARNETT: I do not mind or care what the company says; I am telling members what the Government has agreed to do!

Several members interjected.

Mr BARNETT: I would like to answer the question.

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

Mr Grill: This is extraordinary.

The SPEAKER: The member for Eyre will come to order.

Mr BARNETT: It is not extraordinary because the Government has agreed to develop a port.

Mr Thomas interjected.

The SPEAKER: Order! I formally call the member for Cockburn to order for the first time.

Mr BARNETT: It could well be that the Government at the time will decide to build the port itself; in other words, it may well fully fund the infrastructure.

Mrs Roberts: You mean the people of Western Australia.

Mr BARNETT: The Government may well decide to provide all the funding for that development and, for the first time since the development of Kwinana, it could develop new port facilities and a new industrial site that would create tens of thousands of jobs over the next 100 years in this State. That is what Governments are meant to do. That is why the pipeline goes to Kalgoorlie and that is why we have an airport and Fremantle Harbour. The Government partially funded infrastructure for the Beenup project on the south coast.

Members opposite should compare this to the royal commission that reported on WA Inc. While they were in government they took equity positions in projects and property developments and they paid $400m for a bit of blue sky. All we have said in that agreement is that if the project goes ahead, and once the company has spent $100m, the Government might provide assistance. The Government wants to develop a new industrial estate and a new port, making it probably the most attractive area for investment in the Asia-Pacific region. It will be attractive because of the availability of cheap energy and raw materials and because it will provide a pleasant environment in which

people can live. It will give this State a major competitive advantage. We are not hiding anything; we are not nervous. This is a quite deliberate pro-development, pro-value adding and pro-employment policy, and I am proud of it - it is great.

MID-WEST STEEL PROJECT - GOVERNMENT FINANCIAL COMMITMENT

Open-ended

85. Mr GRILL to the Minister for Resources Development:

Is the Minister aware that no provision has been made in the forward estimates for the Government's costs in relation to the mid-west steel project? In retrospect, can we not now say that the Premier was wrong in reprimanding the member for Greenough prior to the last election for disclosing details of government subsidies in excess of $300m for the project and demanding that he correct his advertising to that effect during the campaign?

Mr BARNETT replied:

It does not seem to have dawned on the member opposite.

Several members interjected.

The SPEAKER: Order!

Mr BARNETT: The agreement Act negotiations were concluded in the last month. I make the point again: The decision on whether this project will be government funded or privately developed has not been made, and that decision will probably not be made for three years. This port may well be constructed after the expiry of the current forward estimates. If members look at the infrastructure arrangements, they will see that Westrail will deal with the rail services, Western Power will deal with the power and the roads are the responsibility of Main Roads Western Australia.

Mr Grill interjected.

The SPEAKER: The member for Eyre will come to order.

Mr BARNETT: It is part of an ongoing capital program in many GTEs, which are outside the budget process as the member well knows. The Government cannot be more open about this. Members should compare -

Mr Grill interjected.

Mr BARNETT: This is foolish. I spent 40 minutes in this House reading the most detailed presentation it was possible to make on this project at this stage of its development.

Mr Grill: It is an open-ended commitment, which the Minister well knows.

Mr BARNETT: The member opposite should read the 57 pages of the agreement Act.

Mr Grill: I have read it.

Mr BARNETT: It is outrageous for a member who was in Government during the 1980s to stand here and criticise this Government for not being accountable.

TAFE AND UNIVERSITY - MIDLAND

Railway Crossing

86. Mrs van de KLASHORST to the Minister representing the Minister for Transport:

The community of Swan Hills and districts wish to have easier access for their students who are currently attending the Midland TAFE and university courses at the Midland university site. Will the Minister please advise when he will organise for a railway crossing to be built so that vehicles and pedestrians can travel from Helena Street to the university site?

Mr OMODEI replied:

I thank the member for some notice of this question. The Minister for Transport has provided the following answer -

Prior to the Government Property Office agreeing to the workshops' building being leased to the Midland College of TAFE, a number of issues concerning access to the site were discussed at a meeting between the college and the Government Property Office. As a result of those discussions it was agreed that the footbridge is the safest method of crossing the railway. The footbridge gate is opened each morning and closed at night by Westrail staff after the

last classes. This arrangement was implemented in mid-1996, after consultation with TAFE staff at Midland. All security and safety aspects with regard to the college using the workshops' building were to be enhanced through development of specific college policy and student rules. The Assistant Director (Planning and Development) of the college was contacted about these arrangements in August 1996. The assistant director advised Westrail that the arrangement for the footbridge was operating satisfactorily.

Two years ago, following the deaths of several people on the suburban railway, the following comments were made by the coroner in his report into those deaths -

> It is agreed by all that grade separated crossings provided a far greater degree of safety than at grade crossings. Where a railway line is elevated or passes through a cutting, subways or bridges can be readily provided as an alternative to grade crossings.
>
> Where a railway line passes across level terrain, it is necessary to provide either a subway or bridge and the approaches to each construction must either descend beneath the railway line or ascend above the electrified system. Access has to be provided for the aged, the disabled and for children in strollers or prams and, accordingly, ramps or lifts have to be provided.

As a result of the coroner's report, Westrail renewed its policy and will ensure that plans for future railway lines or any substantial reconstruction of existing lines on the urban system, will provide for pedestrian crossings by means of subways or footbridges. Although the coroner's comments were about the suburban railway, they are relevant to the Midland location because of the volume of passenger and express freight services which pass through the area at a high speed. Accordingly, as the member for Swan Hills has been previously advised, a ground level pedestrian access across the railway to the Midland College of TAFE will not be provided. Also, there is no intention to construct a vehicular crossing from Helena Street to the Midland College of TAFE.

FUEL AND ENERGY - ELECTRICITY

Uniform Tariff

87. Dr GALLOP to the Deputy Premier:

I refer to a matter of National Party policy. Given the comments yesterday of the Minister for Energy that the matter of a uniform tariff for all consumers has not yet been resolved, will the Deputy Premier guarantee that National Party policy on this matter has not been, and will not be changed?

Mr COWAN replied:

I can give that undertaking. There is no doubt that everyone is waiting for a conclusion of that issue. I have had discussions with the Minister for Energy. We have agreed that this matter will be resolved before 30 June.

MINIMUM WAGE - WESTERN AUSTRALIA

Criticism

88. Mr SULLIVAN to the Minister for Labour Relations:

The minimum wage in Western Australia, currently $332 a week, has been criticised as being too low. Is the Minister aware of any awards which have full-time adult rates less than the Western Australian minimum wage?

Mr KIERATH replied:

I thank the new member for Mitchell for the question and congratulate him on his election. I have not had a chance to do that publicly.

Our minimum wage has been attacked by this Opposition as being inadequate. I assume that means that the award wages were adequate and much higher.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: I investigated the matter, and guess what? That is not the case at all. I wrote off to the federal Department of Industrial Relations, asking about the possible existence of one award which was less than $332, because somebody had brought it to my attention. I was stunned by the reply I received. According to the reply, 13 awards are less than our minimum wage of $332.

Several members interjected.

The SPEAKER: Order!

Mr KIERATH: They range from $326 down to $250.80. However, it gets worse. The departmental officials tell me that they cannot be sure that there are not a lot more. They say the list is by no means comprehensive and that a comprehensive list will be very time consuming and will unduly delay a response to the Minister. I am happy to table this list of 13 federal awards that are below our minimum rate. One is the base rate for a general aviation pilot. Imagine someone with pilot training receiving a minimum of $289.60 a week! That is downright miserable. That is the system members opposite have been defending. That is the system that they say is better than our system, under which we will legislate and give all people on awards under the state system a higher increase in pay. That is what they would get under us. I ask the members of the Opposition to elevate themselves above the cheap politics of the issue and endorse a system that delivers low paid workers far better benefits than the federal system has ever done.

HOSPITALS - ARMADALE-KELMSCOTT MEMORIAL

Construction Date

89. Ms MacTIERNAN to the Minister for Health:

(1) Is the Minister aware that on 23 May 1996 the then Minister for Health said that the construction of the new Armadale-Kelmscott Memorial Hospital would commence mid-1998?

(2) Is he aware that the four-year estimates published a month later showed no provision for the funding of such a development?

(3) Is it true that during the 1996 election campaign, the Liberal Party candidate for Armadale promised a feasibility study for the redevelopment of the new hospital?

(4) Which of these conflicting positions represents the Government's plans for the Armadale-Kelmscott Memorial Hospital?

Mr PRINCE replied:

Was the first date that the member referred to 1996?

Ms MacTiernan: Yes.

Mr PRINCE: I was not the Minister for Health? Is the member sure she has the right year - that is what I am asking?

Ms MacTiernan: Yes, I have the right year. Mr Foss was the Minister and he made the statement. I am sorry.

Mr PRINCE: That must have been two years earlier.

Ms MacTiernan: He made a statement in the Legislative Council.

Mr PRINCE: Okay.

(1)-(3) Funding for planning has been provided in Budgets for at least the last two years that I am aware. A considerable amount of work has been done on planning and so on. During the election campaign the member will recall that she and I, and a fair few members from her side of the House, including the Leader of the Opposition, were at a meeting in Armadale called by the Mayor of Armadale, I think.

Dr Gallop: Called by the surgeons.

Mr PRINCE: That is right. It was called to talk about the state of the hospital. At that meeting I gave a commitment that there would be a new facility and it may be on the same site, but there must be a proper analysis of what is needed and where.

Ms MacTiernan: Haven't you done that yet?

Mr PRINCE: It is in hand at the present moment. The Premier has announced a task force which is working now to evaluate the needs of the public in the south-eastern corridor on not only health, but also transport. Transport, and particularly public transport, has a lot to do with where the facility will be, especially for those people, of whom there are quite a number in the Armadale region, who are very reliant on public transport. The location of a replacement is a critical factor. Health, transport and education are being looked at by the one task force. I expect that task force will complete its work in June this year. That is part and parcel of what is being done to evaluate what and where but it will service the people of that area. The precise location is in the process of being determined now as is the

exact nature of what it should be. That is related to demographics, particularly given the fairly high proportion of elderly people in the area who are on low or fixed incomes.

HOSPITALS - ARMADALE-KELMSCOTT MEMORIAL

Construction Date

90. Ms MacTIERNAN to the Minister for Health:

In 1994 the Government made a commitment to the redevelopment of the hospital on that site. It was a revision of the plan that had been underway since 1991. At that time the Minister said this was the proposal with which the Government would definitely go ahead, and that detailed planning including architects' plans and specifications have now been completed. Is the Minister saying this is now back into the melting pot again and that planning that has been undertaken for the last three years is now being revisited?

The SPEAKER: Order! I draw the attention of the member for Armadale to a sheet of information for supplementary questions. Unfortunately, I rule that question out of order.