WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Wednesday, 30 April 1997

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 11.00 am, and read prayers.

PETITION - PUBLIC TRANSPORT FARE CONCESSIONS

MS WARNOCK (Perth) [11.03 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We the undersigned petitioners call on the State Government to reverse their increases in public transport fares and the changes to concession fares and time constraints on transfers as they will impact most severely on pensioners, the unemployed and other low income earners.
>
> 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 94 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 17.]

PETITION - ROADS, WESTERN SUBURBS

DR EDWARDS (Maylands) [11.04 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We request the M.R.S. Road Design Concept Plans Amendment No 982/33 as proposed, be deferred.
>
> Also we request the whole issue of an East West road through the Western suburbs be re-examined and the results of the re-examination be made available for comment.
>
> 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 450 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 18.]

PETITION - GREAT NORTHERN HIGHWAY, REALIGNMENT

MR McNEE (Moore - Parliamentary Secretary) [11.05 am]: I present the following petition -

> To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.
>
> We, the undersigned, members of the highly productive farming community of the Central Midlands area wish to express our opposition to the proposed major realignment of the portion of the Great Northern Highway from south of Walebing to Miling. This will decimate a number of very valuable farms and seriously disrupt the agricultural industry of this area, both directly and indirectly. We are concerned that maintenance of the existing alignment will become the responsibility of Moora Shire and will place an enormous burden on ratepayers.
>
> We request that immediate consideration be given to directing funds towards a major upgrade of the current alignment to the standard required of a major road serving both agricultural and mining areas.
>
> 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 122 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 19.]

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Leave to Sit when House is Sitting, Thursday, 1 May

On motion by Mr Cowan (Deputy Premier), resolved -

> That leave be granted for the Public Accounts and Expenditure Review Committee to sit when the House is sitting on Thursday, 1 May.

BILLS (2) - INTRODUCTION AND FIRST READING

1. Fishing and Related Industries Compensation (Marine Reserves) Bill

   Bill introduced, on motion by Mr House (Minister for Fisheries), and read a first time.

2. Energy Coordination Amendment Bill

   Bill introduced, on motion by Mr Board (Minister for Works), and read a first time.

LIMITATION AMENDMENT BILL

Second Reading

Resumed from 10 April.

DR GALLOP (Victoria Park - Leader of the Opposition) [11.10 am]: The Bill repeals section 37A of the Limitation Act and substitutes a new section 37A as well as introducing new sections 37B and 37C. Section 37A of the Act limits actions suing the Crown for any tax or other impost "paid under the authority or purported authority of any Act" being brought outside 12 months. The measures in the Bill are designed to ensure greater certainty in state finances. The Opposition supports this legislation because of the certainty it will bring to revenue collection in Western Australia.

In a 1994 decision, the High Court held that money paid by way of a tax under a mistake as to one's obligations under the law - for example, an Act subsequently held to be invalid - is not paid "under the authority or purported authority of any Act". This means that any tax paid to the State pursuant to an invalid Act can be recovered outside that 12 month time limit. All other Australian jurisdictions have since amended their limitation legislation in response to the High Court's decision.

The Bill substitutes a new section 37A. This new section specifically refers to taxes paid pursuant to an Act subsequently held invalid and limits the period within which actions can be brought to recover such payments for 12 months. This new section is in effect preserving the status quo and ensuring the High Court's decision does not have any adverse effect on state revenue. It also applies the limitation to actions to recover taxes paid under a mistake either of law or fact. These taxes would also have been caught by the High Court decision and it therefore provides greater certainty for the State's revenue. This is reinforced by a subsection specifically disallowing any order permitting any proceeding to be commenced after the 12 months. The Bill does not affect proceedings brought before the commencement of the Bill.

New sections 37B and 37C are also inserted. These sections provide a "passing on" defence to the State for actions brought within the 12 months period permitted by section 37A. Successful claimants can only recover taxes which have not been or will not be passed on to another person, or if they have been refunded, or have not been incorporated into the price of any property or services, which is not an option for refunding purposes. The onus is on the claimant to show any amount that has not been passed on. This limitation applies only to court actions and not settlements outside court. Justification for these sections includes the fact that most other States have already implemented a similar form of passing-on defence.

The overall rationale for this Bill is that it will ensure greater certainty for state finances, thereby enabling the Government to plan its delivery of public services with greater confidence. The need for this is shown by recent High Court challenges to state business franchise fees. In a case in New South Wales this year the plaintiffs argued that tobacco franchise fees are excises and therefore illegal under section 90 of the federal Constitution. The decision in that case should be handed down by August. If successful, according to the second reading speech, WA alone could be exposed to retrospective refunds of up to $600m per annum, being current annual revenue from tobacco, fuel and liquor franchise fees, a not insignificant amount and an issue of great significance for Western Australia.

In supporting this legislation, we are in effect supporting the status quo as this Bill is designed to ensure that legal actions affected by the Bill will be limited to 12 months as was thought to be the case until the 1994 High Court decision.

Given that the decision was handed down on 7 December 1994, it raises the issue of the Government's inaction in introducing the legislation. Is the Treasurer aware of any actions brought against the State that rely on that High Court decision? How many actions have been brought against the Government seeking refunds of state revenue which rely on that case? What is the value of those actions?

Mr Court: I will try to get the answers to those questions for the Leader of the Opposition.

Dr GALLOP: I ask those questions to determine whether the delay in introducing the Bill has put at risk any state revenue.

I turn briefly to the High Court case. In the conclusion of the second reading speech, the Treasurer said -

> . . . there is even the potential for the States to be exposed to such enormous refunds of revenues on which they have relied for many years highlights not only the urgency of the measures in this Bill but also the need for fundamental reform of the national tax system.

In a sense the Treasurer is restating his view that we need a fundamental reform of the Australian tax system.

I now raise the issue of the commonwealth-state financial relations. The Treasurer will be aware that I share his view that the redistribution within our commonwealth system that has occurred in recent years that has put such pressure on State Governments has not been in the interests of the federation or the delivery of services by State Governments. A fundamental reform of commonwealth-state financial relations is needed. The Treasurer describes that as a need for reform of the tax system. I use the language "reform of the commonwealth-state financial system". It is not important to haggle over words; the fact is we need reform in this area. Is the Premier aware that the Victorian Parliament has established a committee to consider the issue of commonwealth-state relations from the point of view of Victoria's interests and from the point of view of the federation? We will need to tackle this issue at not only the government level but also the parliamentary level. I suggest to the Treasurer that both sides of the Parliament could agree to set an agenda to consider the issues and to consider what impact a continuation of the trends we have seen in the last decade might have on Western Australia, and suggest reforms to the system that we could take into the national debate. Perhaps that is something the Parliament could consider in the future.

The Opposition supports the Bill. It is important that we have certainty in respect of revenue. I raise with the Treasurer those issues relating to the delay that has occurred since the High Court decision and also the issue of commonwealth-state relations and urge him to involve the Parliament in a discussion on the ways and means by which we might reform that system. The Victorian Parliament may have provided a model for us to do that.

MS MacTIERNAN (Armadale) [11.18 am]: I will use this debate to consider the Limitation Act a little more broadly. My leader queried the delay in this legislation coming before the House. However, taken in a broader context, the response when compared with the response to other important decisions has been relatively prompt. The High Court case which exposed the State potentially to large financial liability in the event that a tax measure was found to be invalid was a 1994 case and this provision is being dealt with in 1997. That may seem to be a substantial delay for some. However, it pales into insignificance with the delay we have seen in reforming the other provisions of the Limitation Act. Although we understand the State's very clear self-interest in moving to protect its revenue base - we do not demur from the propriety of protecting that revenue base - I wonder why this State has been absolutely tardy in responding to a similar, very important 1963 House of Lords case of Cartledge v Jopling, which is now 34 years old. In that case it was found that a person's cause of action in a personal injuries matter runs from the time the injury occurred, not from the time in which it became manifest. A person - for example, a sufferer of a lung disease - who could not become aware of the lung disease until 20 years after the act of damage had first occurred was not in a position to take a common law action because of the limitation periods. At that stage the House of Lords pointed out that this was extraordinarily iniquitous and that it had to make its ruling in this way. It was not as adventurous as the High Court of Australia. It felt the need to bring a decision which, in its words, was manifestly unjust. The House of Lords called upon legislators in common law countries to address this real problem.

Unfortunately this State remains the only jurisdiction in common law countries that has failed to take on board the recommendation made 34 years ago. Of course, it is not the State that is suffering as a result; it is the many thousands of Western Australians who have been denied justice, denied an opportunity to take their causes of action to the court. We know the reform has been put in place in other States around Australia. Essentially it is to provide that in circumstances where a person was not in a position to know of the injury or the loss which that person had suffered, there would be a discretion on the part of the court to allow that person to bring that cause of action forward after the end of the six year limitation period. It is not an absolute right, but in every other State this right has been granted to people to allow them to put their case to the court and if the court believes these people have not acted in a dilatory way or have not sat on their rights deliberately but are clearly disadvantaged by the application of the six year limitation period, they have the discretion to allow the action to go forward outside the six year limitation period.

Any consideration of justice will show the House of Lords was absolutely right. Legislators in common law countries have an obligation to do something about this matter. I must acknowledge that not only Liberal Governments, but also Labor Governments have failed in a real way to address this issue. I urge members to accept that we must move forward.

An additional problem with our legislation is not found in any other Australian jurisdiction. We have a very curious section 47A which places many obstacles in front of people who want to sue government agencies. In the past five years 50 or 60 cases have been brought before the courts, where an enormous amount of court time and money has been wasted with people trying to come to terms with the quite unreasonable demands imposed by section 47A. It provides a host of detailed rules about the need to give notice to various government agencies before a writ is served. This provision does not apply to anyone outside government. No other private company or individual must be given notice before a writ is served. The failure to give that notice - many solicitors overlook it - becomes cause for a great deal of litigation.

Even more unfairly, all these time limits are imposed upon those suing government agencies. This affects, in particular, employees of the Education Department, who do not enjoy the general right to sue their employer for common law damage within six years. Under section 47A the rights are prescribed for one year. This is not commonly understood. The same applies to people who may have negligence actions against public hospitals. They, too, are affected by the problem presented by section 47A. They have only one year in which to mount an action, unless a special dispensation is given by the court.

When we are looking at any sort of microeconomic reform, we must start by looking at the Limitation Act. Two issues are involved. The first is about providing justice to many litigants who are being denied justice in Western Australia and who, in many instances, must go through enormous legal hurdles to take their causes of actions in the Eastern States to overcome the provisions within Western Australia. That escape route has been closed off recently by some changes to the Limitation Act. Secondly, it means an enormous amount of court time is taken up in dealing with these issues that do not in any way serve the interests of justice. The provisions in section 47A are outdated and useless and must be reviewed as a matter of urgency.

I will go through what has happened about reviewing this legislation in this State. In 1982, with a Liberal Government, a report came from the Law Reform Commission advocating a wholesale adjustment of the Limitation Act; in particular, adjustments to the fetters on the rights of people to make personal injury applications after six years. That was rejected by the then Liberal Government on the basis that it would open the floodgate to all sorts of litigation, notwithstanding the fact that it was not an as of right extension of the limitation period. What was proposed was what has been given in every other State; that is, the discretion on the part of the court in certain instances where justice requires it to provide that extension of the limitation period. In any event, the Government of the day rejected that.

We saw no further progress for some time. During the Labor Government the case of the asbestosis and mesothelioma sufferers from Wittenoom loomed very large and certain amendments were made to provide exemptions from the application of the limitation period for persons suffering from those conditions. I guess those in charge of law reform in the Labor Government were perhaps also of the view that there might be a floodgate problem if we introduced a wider discretion. However, the experience in all other jurisdictions has not been that the long recommended amendments have in any way caused a flood of litigation; there has been no discernable increase in the rate of litigation; it has not caused people to sit recklessly on their rights beyond the expiration of the normal limitation period. It is important to remember that what has been proposed time and again is not a wholesale abandonment of limitation periods but that the courts be given a discretion to allow limitation periods to be extended. It is not an extension as of right but an extension at the discretion of the court. In the intervening 10 years, plenty of evidence has been gathered to show that the prophesies of doom in Western Australia have not been borne out in other States.

In 1990, the Labor Government decided this issue should be addressed more fully and that the granting of this discretion for sufferers of asbestos related diseases and mesothelioma alone was not necessarily logical. Therefore, the matter was referred again to the Law Reform Commission for a report. A 1992 discussion paper contained strong argument in favour of reform. In fact, the report found that in all areas the Act was antiquated in substance and language and in many instances contained provisions that were mutually inconsistent.

Members know that Law Reform Commission reports are tabled in Parliament and circulated broadly in the community for comment. Final recommendations from the commission are made and provided to the Attorney General and to Parliament. The Attorney General has delayed this process enormously. I understand that the commission's final report on this matter was completed in about January 1996. However, because the Attorney had not appointed persons to the commission, it did not actually have a quorum to sign off on the report for 10 months;

there was no quorum in the Law Reform Commission from January to October 1996. I understand that the commission's final report and recommendations have been completed and are now with the Attorney General.

I ask the Premier, who is handling this Bill, to do what he can to ensure that the provisions of the Law Reform Commission Act - which require that those reports, having been completed and presented to the Attorney, be laid on the table of Parliament - be addressed at the earliest possible opportunity. As I said, in an overall sense there has been an inordinate delay - 34 years - before this Parliament has properly addressed this issue, and there have been particular delays on the part of the current Attorney. This is a very important issue. There is great irony in the State's acting with such relative promptitude in amending the Limitation Act in order to protect its own revenue base but swinging the lead for 34 years in protecting the position of many people who have suffered personal injury and economic loss and in ensuring the quality of administration of justice generally within this State.

MR COURT (Nedlands - Treasurer) [11.35 am]: I thank members for their support of the legislation. I must admit that I am not familiar with the issues raised by the member for Armadale. This goes back 34 years. I got a bit worried when the member mentioned the House of Lords and what a fine decision it made because I have heard only criticism from members opposite about that House.

Ms MacTiernan: I did not say it was a fine decision; I said it was not as good as our High Court.

Mr COURT: I recall reading a book written by a person who became one of Mrs Thatcher's Ministers responsible for employment strategies. One day he was invited into her office and Mrs Thatcher said she wanted to make him a Minister. He informed her that he was not a member of Parliament, to which she responded, "I will make you a lord." So, he walked out a lord and a Minister. However, she did not tell him that it was an honorary position and he was not paid for many years. I interjected that if the Leader of the Opposition were to play his cards right, he could become a lord next week and perhaps a Minister in the Blair Government.

I will follow up the matters raised by the member for Armadale. However, I am not familiar with the cases or the Law Reform Commission work that has been done in that regard.

In relation to the comments made by the Leader of the Opposition, I have been told that no actions have been brought against the State relying on the December 1993 High Court decision - that is, the Capital Duplicators decision - which upheld the validity of tobacco, fuel and liquor franchise fees but which struck down fees imposed by the Australian Capital Territory on the sale of x-rated videos.

I thank the Leader of the Opposition for pointing out that this legislation protects the status quo. At the last Premiers' Conference on financial matters the Prime Minister said that, if the case went against the States, the Commonwealth would guarantee our revenue position. It does that by imposing a 100 per cent tax, which would come back to the States. The Prime Minister tried to trade off that guarantee for the States' support of the commonwealth superannuation legislation. He suggested that if the Commonwealth provided that guarantee, the States should ensure that the amendments enabling that to be done constitutionally were passed. The States responded by saying that that is not the way one plays this game. As far as we are concerned, if the States did not have access to this revenue, it would make an absolute mockery of what is already a very pressured commonwealth-state financial arrangement.

I see an agenda in relation to commonwealth-state financial arrangements. We have heard extensive debate about a goods and services tax and political parties have been reluctant to run campaigns on tax reform. Despite the fact that it was seen to be very winnable, the coalition lost the 1993 election. However, stripping away all the rhetoric, this country will move to a system with significantly lowered income tax rates and a broadly based consumption tax. In effect, we already have a broadly based sales tax. The problem with our current tax system is that it does not address the black economy.

The next stage of this debate is the argument about whether States will impose an income tax or a goods and services tax. Campbell Sharman recently said that the States will back off at that point; they will not say that they will introduce an income tax or a GST. I do not see the argument going that way. We must address the States' need to be given a share of growth revenues. We must put in place in the federation a discipline whereby the Commonwealth Government has a certain percentage of, for example, income tax collections and the States have a certain percentage. Those revenues go up and down. When the revenues were down the Labor Government protected a level of funding to the States, but not a very high level. The economy tends to grow most of the time, although it has some downturns. When the economy moves into major growth the Federal Government takes all revenue and says, "When things were bad we gave you a bit extra." That is a fallacious argument. It would be better if the States were disciplined to the revenue going up and down.

Mr McGowan: Do you think that each State should receive a per capita grant?

Mr COURT: We have not supported that argument until now, but we do now because it has started to work in our favour. That is the crude politics of it. We are at present in the middle of the equation but we will move into a more favourable position. I do not have a difficulty with a State that is doing well providing extra funds to a State having difficulty. That is how a federation should work; stronger States should be able to provide funds. However, a complete imbalance has occurred. We have huge growth revenue going out of Western Australia. Latest estimates are that $1.5b more goes into Canberra than comes back into the State. On a per capita basis the State provides more money than any other State.

Mr McGowan: Are you saying the Government supports the per capita grant as a fixed share of state revenue?

Mr COURT: Yes.

Mr McGowan: What about a State like Tasmania, which is obviously in dire need?

Mr COURT: Tasmania would be a special case under any system. At the last Premiers' Conference the Premier of Tasmania quite openly said, "I reached agreement a year ago to make our contribution to the deficit of the Federal Government." He said that he could not meet the commitment this year. Tasmania has a declining population caused by about 3 000 people leaving each month. It is in a very difficult financial situation. There was total agreement by the States, and reluctant agreement by the Federal Government, that Tasmania should not be made to meet its share of those moneys. The Federal Government quite meanly said, "If you forgo it this year, you can make it up in the future." Tasmania's problem must obviously be accepted. I do not have a difficulty with one State subsidising another.

The only way we will achieve the general principle is to have the support of all States. That is what we are currently working on. We must get away from the argument of whether there will be a state income tax or consumption tax. We do not need another tax because the system is already in place. All we need is a fair sharing arrangement. The discipline that would impose on the Federal Government is that it would have to live within its means. The discipline for the States would be that they could not expect to be bailed out when revenues went down and would have to cut their cloth according to their means. That is the major change.

Dr Gallop: Is a formal working party looking at that?

Mr COURT: Yes. We cannot get a Federal Government of either persuasion to get involved in a tax reform debate. The last leaders' forum agreed to put together a number of options. The reason we agreed on a number of options is that a State is always going to an election and, therefore, does not want to put its name on a proposal on tax. The same position arose with the Wik decision. We quite deliberately put a number of options at Christmas because a number of States, for example, New South Wales, could not live publicly with some of the proposals being put forward.

The republican issue is important to people in this constitutional debate, but as our local constitutional committee showed a couple of years ago, of more concern to the rank and file in Western Australia is the declining position of our financial muscle in Canberra. As I mentioned in the budget speech, in the last 10 years we have gone from receiving 26 per cent of the commonwealth tax collected down to 21 per cent, which represents a 5 per cent drop in 10 years. If we had the same share now as we had in 1986-87 and 1987-88, we would have $700m more in our Budget and would not have any budgetary problems.

Mr Carpenter: Was that figure 10 years ago consistent with the figure 10 years before that?

Mr COURT: I cannot tell the member at present. However, when we launched our paper on rebuilding the federation, we used figures from 1982-83 to 1992-93, because we wanted to tie them in with the beginning of a Labor Government. There was a similar change. We have simply updated those figures to the last 10 years to be realistic. It would be fair to say that from 1980 onwards a more rapid shift occurred.

Mr McGowan: The Budget shows the most dramatic fall in the Western Australian share of earnings occurred in the last four years with the greatest falls in the last two Budgets.

Mr COURT: The earliest figures we referred to were from the 1980s. In the document on rebuilding the federation we quote those figures. The position in the last 10 to 15 years has deteriorated significantly. Members opposite will notice in dealing with their federal Ministers that when Labor Governments deal with federal Labor Ministers they know the personalities. The Melbourne, Sydney and Canberra axis means that if a Minister has surplus funds, they tend to go to those areas. Western Australia never quite comes into the equation, because we do not have a lot of Ministers in Federal Governments of either political persuasion.

Mr McGowan: Are you saying that we need a Western Australian Prime Minister?

Mr COURT: No.

Mr McGowan: Would it not be good for the State?

Mr COURT: The States - I do not care whether Western Australia, New South Wales or whichever - need a guaranteed share of growth revenue instead of having to rely on a narrow revenue base. There are two arguments. The first is the income tax or consumption tax framework that we have in place. It is inevitable that we will move towards lower income tax rates and a more broadly based tax. The second is how the States have guaranteed access to those growth revenues. If we could put that in place, we would solve the major problem in the federation.

Mr McGowan: Is that option well developed or simply an idea?

Mr COURT: When I was asked to comment on what would be the support of commonwealth bureaucrats, I said they would have more at a rally than the Trades and Labor Council did yesterday. Because the Federal Government will not discuss the issue, it will progress through the States only. That is why we are doing it through the leaders' forum.

Dr Gallop: May we have a briefing on that process?

Mr COURT: Yes. I cannot brief the Opposition on much at present, in the sense that the States do not have a draft paper for tax options. I have no difficulty at all in making the paper available to the Opposition when it is developed.

The Prime Minister gave a commitment that he would ensure our revenue would be protected one way or another depending on how this case comes down. Can the States move to have a consumption tax? Instead of States having a tax they must have access to a percentage of those taxes collected by the Federal Government.

Question put and passed.

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

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL

Second Reading

Resumed from 10 April.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [11.50 am]: This Bill repeals a fairly significant number of Acts and amends an even larger number. It is an omnibus Bill which is supposed to deal only with the repeal of spent Acts or with minor amendments which do not impact upon the rights or obligations of citizens. However, because many different changes are proposed and many different Acts are the subject of this legislation, it is not that easy to deal with it in a second reading debate. Therefore, the second reading debate on this Bill will be fairly short, because we intend that various shadow Ministers will deal in Committee with the particular changes that occur within their area of responsibility.

The second reading speech states that this legislation will improve the efficiency of the Parliament by putting all of these changes into one piece of legislation rather than have dozens of different Bills come up in the parliamentary program as Ministers respond to requests from their agencies for minor amendments. That demonstrates that a large proportion of our legislative program is driven by the machinery of government - the demands of the bureaucracy - rather than by the members of this place. This Parliament deals with many more Bills than do other Parliaments which represent larger populations and have broader responsibilities. It could be argued that to put all of these changes into one Bill does go some way towards rectifying that position.

This is not an easy Bill for the Opposition to deal with because of the large number of changes proposed, and to a certain extent we are required to rely upon the assurance from the Government that the changes are all minor and inconsequential. We should give some thought to the process by which we deal with legislation of this type. Many of these changes are similar to changes that are introduced by regulation. Therefore, it might be appropriate to have Bills such as this examined by a committee such as the Joint Standing Committee on Delegated Legislation, because we are talking about allegedly minor and inconsequential changes which must be examined to see whether they will impact upon the rights of citizens or will substantially change arrangements which have been put in place by the Parliament.

The considerations which apply to the changes in this legislation are in some ways similar to the considerations which are taken into account by the Standing Committee on Delegated Legislation. In future, if a Bill like this were referred to that standing committee for examination and report before it was dealt with by the House, that would result in its speedier passage through this Parliament, and also in more effective scrutiny.

Mr Court: Do you think we made the right decision in not putting the IR amendments into this Bill?

Mr RIPPER: I did look through the alphabetical list to see whether labour relations or industrial relations was mentioned, and it was the correct judgment not to put the industrial relations amendments in here. Not many of these amendments relate to the portfolios of the Minister for Labour Relations. That was probably a wise move as well!

The Opposition will support this legislation. I am interested in the Premier's response to my suggestion that Bills of this nature could be examined by the Joint Standing Committee on Delegated Legislation if its terms of reference were expanded to consider these sorts of changes and a report could be prepared by that committee before the Bill was brought to the House.

MS MacTIERNAN (Armadale) [11.56 am]: A committee is in place in the Legislative Council - the Standing Committee on Constitutional Affairs and Statutes Revision Committee - which has a charter to look at issues such as this, and from time to time that committee has looked at a broad sweep of legislation that needs to be repealed or requires minor technical amendments. The Premier should consider whether we should duplicate that committee in this place or have one committee deal with matters of this nature, which I would think would be more effective.

I am concerned that this Bill includes amendments of different types. Some of the amendments are purely minor or consequential and will change wrong section or subsection numbers or adjust the terminology. For example, in one of my portfolio areas, Fair Trading, the amendments will delete the words "Consumer Affairs" and substitute the words "Fair Trading". Those matters can be dealt with quite routinely. However, other provisions in the Bill deal with matters of substance.

I am concerned that we have lumped together amendments of those two distinct types. The Premier said jokingly that perhaps he should have popped the IR amendments into this Bill. Some of these amendments appear from a first reading of the Bill to be more than minor technical amendments, and it is not appropriate that they be dealt with in this omnibus fashion.

MR COURT (Nedlands - Premier) [11.59 am]: I thanks member opposite for their support. The suggestion that Bills of this nature go before a committee is reasonably constructive, and I will discuss that. This Bill is largely the same as one that we introduced last year but did not get through before the prorogation. We had intended to add to that Bill this year, but it would have made it too large. Every year, a number of minor amendments need to be made. The concept of this type of legislation is good, but the member for Armadale is correct: The Bill should not have in it matters that are relatively minor and also matters that are basically controversial or -

Ms MacTiernan: Substantial.

Mr COURT: I do not know how the member for Armadale defines substantial.

The member for Belmont mentioned that he wanted to go through some areas of the Bill during Committee. The legal officer who is handling this Bill is not well today. I will do my best to answer the questions that are put forward. However, as the Bill covers a wide range of portfolio areas I might have to provide the answers at a later stage. I thank the members for their support of the legislation.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Mr Osborne) in the Chair; Mr Court (Premier) in charge of the Bill.

Clause 1: Short title -

Mr GRILL : Where are the explanatory notes to which the Premier referred in the second reading speech?

Mr Court: The explanation is provided at the end of each clause in the pink Bill.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Assistance by Local Authorities in Wiring Dwellings for Electricity Act 1953 repealed -

Mr BROWN : Clauses 3 to 13 in part 2 of the Bill repeal various Acts. Will the repeal of any of those Acts diminish the role of a department of agency or, as indicated in the pink Bill, are the agencies obsolete and there would not be any savings for the administration of government?

Mr COURT : I assume that any so-called savings would be minimal. I cannot give the member for Bassendean a categoric answer on all those Acts; however, there is no administrative role in the Wood Distillation and Charcoal

Iron and Steel Industry Act as the charcoal iron and steel industry has been disposed of. If the member wishes, I can ascertain the situation from the different departments and Ministers.

Mr Brown: I would like that advice recorded in *Hansard*.

Mr COURT: I will request that advice and provide it in one form or another to the member.

Mr BROWN: Will any of the changes affect businesses and, if so, how? Will these provisions impact on individuals? Finally, will any real legal changes be brought about by the repeal of these Acts?

Mr COURT: I believe there will be very minimal impact on businesses or individuals. Again, I need to obtain a legal response in order to provide specific details. Because most of the Acts are obsolete, very few legal changes will result. The effect will be minimal but, again, I need to seek legal advice.

Ms MacTiernan: These considerations are crucial.

Mr COURT: I cannot say that there will be no impact, because even if I had legal advice, further advice would be necessary on any specific impact. I have provided an example of an industry being sold, and there being no need for obsolete legislation; therefore there would be no impact. I cannot say there will be no legal impact, because I am sure that everything we do in this place has a legal impact, in one way or another. I cannot provide the detail requested at this stage; I need to return to individual departments and Ministers to seek advice. I am prepared to do that.

Mr Brown: I am pleased the Premier will do that, because many of us in this place are not legal practitioners and the time taken to study this issue would be enormous. Will the Premier table any advice he receives, so that we can refer to it?

Mr COURT: I can do that. This Bill is substantially the same as one introduced last year. At that time it was made clear that briefings would be provided on any aspect of the legislation, because we did not want to debate legislation last year or this year without its receiving general agreement. As I said, I have no problem with seeking advice. However, briefings were offered both last year and in relation to this legislation. Legislation will work only if it is non-controversial and more related to machinery matters than matters of substance.

Mr Brown: I appreciate the opportunity for briefings. However, it is also important sometimes, because briefings are not reported in the proceedings of this place, to have a mechanism to record exactly what these provisions mean.

Mr COURT: I will make sure that is done, and I will ensure that someone talks to members if they require specific details.

Mr RIPPER : Answers to these questions may be provided during the third reading debate, which presumably will occur tomorrow. Perhaps the Premier can seek advice and provide the information at that time.

Mr Court: I give that assurance.

Clause put and passed.

Clause 4: Death Duty Act 1973 repealed -

Mr RIPPER: The explanatory notes state that these clauses extinguish any obligation to pay duty, to lodge documents, etc, and any prohibition on dealing with a deceased person's property, that might have subsisted despite the repeal of these Acts. It states that the State Revenue Department has advised that there are now few estates to which these Acts would apply.

I appreciate the point made in support of the clause but I wonder if some estates are still affected by these laws and question why they should escape the laws when other estates in a similar position are caught. In other words, a person may have died before the date on which death duties were abolished, and the estate is still subject to these duties. It appears that estates where final settlement of all matters relating to a person's death and disposal of the estate has taken a long time, will have some advantage over others where matters were handled more expeditiously. I cannot imagine that many estates would still have matters outstanding, but I seek advice on the number and the value of them. I query why this legislation should be repealed if some estates are still affected. Why not wait until there are no estates left which were subject to these duties in the 1970s?

Mr COURT: The main reason is that we are concerned that members opposite might start using the legislation again!

Ms MacTiernan: The way your revenue is falling because of your appalling management of this State this is a way of obtaining revenue - it is pretty clever!

Mr COURT: It is not easy! The member for Armadale has been averse to death duty, but to protect members on both sides we thought we had better get it off the Statute books quickly! I will request the State Revenue Department to provide information on outstanding estates. The number would be minimal, because very few estates would be involved after 24 years. I will endeavour to obtain the number of estates outstanding and the amounts of money involved.

Mr RIPPER: The Opposition will support the clause. However, I am concerned that it may give an advantage to a very small number of people where for one reason or another there has been some extraordinary delay in the finalisation of an estate. Perhaps the Minister can provide these answers during the third reading debate tomorrow. We support the clause, but we do not want it to advantage some people who may not have acted as expeditiously as others in meeting their obligations.

Mr Court: I will provide that information.

Clause put and passed.

Clauses 5 to 17 put and passed.

Clause 18: Agricultural Products Act 1929 amended -

Mr BROWN: Section 7 of the Agricultural Products Act deals with the enforcement of penalties in relation to requirements covering the packing and selling of specified grades and sizes of agricultural products. This amendment seeks to remove from section 7 of the Act the words "Part VIBA of the Justices Act 1902 and section 8A" and include the words "section 8A and Part 3 of the Fines, Penalties and Infringement Notices Enforcement Act 1994." This Act sets out enforcement procedures that the Ministry of Justice must follow in collecting unpaid fines.

The first step of the process after appropriate warnings have been given to pay a fine is suspension of a person's driver's licence. If that does not prompt the person to pay the fine, the person can be required to forfeit goods. If there are no goods, the person can be required to serve a community service order. If he refuses to do that, he can be committed to prison. Is this amendment a technical change? That was not the procedure regarding fines imposed under the Agricultural Products Act.

Are people aware that this new enforcement mechanism imposed by the Fines, Penalties and Infringement Notices Enforcement Act will be activated rather than the previous method of collecting fines under the Agricultural Products Act?

Mr COURT: Obviously the previous method of collecting fines was overridden by the amendments to the Justices Act 1902. I will find out what notification was given or what public comment was made about the changes and advise members during the third reading stage of the Bill.

Clause put and passed.

Clauses 19 and 20 put and passed.

Clause 21: Bail Act 1982 amended -

Mr BROWN: This amendment seeks to delete the definition of "child" in the Child Welfare Act and replace it with the definition of "young person" as proposed by the Young Offenders Act. Perhaps during the third reading the Premier will indicate whether that will result in any net widening or whether it is a matter of legislative conformity.

Mr COURT: I am not aware that it widens the net. My advice is that it is basically a name change to bring it in line with the legislation. I will find out and provide the member with that information.

Clause put and passed.

Clauses 22 to 27 put and passed.

Clause 28: Casino Control Act 1984 amended -

Ms WARNOCK : I am not usually a conspiracy theorist but having been a journalist for many years I was always taught to ask why. I am interested in why the Casino Control Act is being amended in this way. It seems to me that the definition of "casino" under section 3(1) of the Casino Control Act is being amended to bring it in line with the Gaming Commission Act of 1987. I would have preferred a more lengthy explanation for the change than the one given in the pink document. Are we clearing the shelves with this amendment, which seems to be the case with many matters in this kind of legislation, or is there another reason? Is there any flow-on effect of this action?

Mr COURT: I am not aware of a conspiracy. My advice is that the amendment will make the legislation consistent with the definition of the word "casino" in the Gaming Commission Act 1987.

Mr RIPPER: As we will be raising a number of issues across different portfolios some other Ministers may want to participate in the debate. My colleague the member for Armadale intends to raise some fair trading issues and the member for Kalgoorlie intends to raise some community service issues. There could be scope for Ministers with those portfolio responsibilities to participate in the debate and answer some questions.

Mr COURT: I do not have any difficulty with that. As I said, we invited people last year to have briefings on the changes. It has again been offered. If Ministers can provide additional advice, we will try to accommodate members. Does the Opposition have much to cover in these clauses?

Mr Ripper: Opposition members will ask questions on 15 clauses.

Mr COURT: When there is a Minister in the Chamber who can provide the requested information, an attempt will be made to do that.

Ms WARNOCK: I refer to subclause (2) which will amend section 13 of the Casino Control Act. I understand the authorisation of certain activities, including the communication of information, will be extended beyond the chief casino officer to include the Gaming Commission. I also understand this information is otherwise protected under section 20 of the Gaming Commission Act. No reason is given for extending the authorisation and, bearing in mind that the communication of information concerning the affairs of a person to another regulatory body within or outside Australia could be very sensitive, further information is requested on the reason for this amendment.

It is not possible on the information provided in the pink document to judge the merits of the amendment. I have no reason to disagree with the proposed amendment to section 23. It is a good idea to expand this provision in order that the people working in the casino be above reproach. It is a commendable amendment because of the possibility of conflict of interest.

Mr COURT: I shall seek a further explanation for extending the authorisation of release of information which would otherwise be protected. When the legislation was introduced last year not many people requested any detail, and neither were requests for further information received this year. I am considering deferring the legislation for the moment. In the meantime, I will arrange for the information requested to be provided to the member.

Clause put and passed.

Clause 29 put and passed.

Clause 30: Child Welfare Act 1947 amended -

Ms ANWYL : The substance of this clause relates to nomenclature and nothing else. However, a number of changes have been made to the name of the department over the years, and it is interesting to note that there is no need to make any amendments relating to the second change of name, because a third change has been made in the meantime. Originally, it was the Department for Community Services, it then became the Department for Community Development, and it is now Family and Children's Services. How soon will another amendment be needed to the legislation? What potential is there for a further name change? I note the Minister for Family and Children's Services is shaking her head but we are aware that changes have been made to the juvenile justice department. These continual name changes create difficulties for those working in the field.

I refer also to the potential for amalgamation or rejuvenation of the Child Welfare Act. I believe some amendments may be made to the Community Services Act, and a third Act. I seek information on any plans to amalgamate these three Acts and when it will take place.

Mrs PARKER : No name changes are anticipated. The name changes reflect more the department's purpose and its current focus. The three Acts referred to are being updated and it is planned to amalgamate them, although it will not happen in the autumn session.

Clause put and passed.

Clauses 31 to 33 put and passed.

Clause 34: Community Services Act 1972 amended -

Ms ANWYL: On the face of it this clause simply replaces "Community Services" with "Family and Children's Services". Will the Minister explain whether this change means a change of focus in the overall purpose of the department? The previous change was from community services to community development, but the concept of

community has now been dropped from the name of the ministry. Community development and community services generally are vital to families. Has consideration been given to the method of changing that wording?

Mrs PARKER: I cannot give the member the rationale for the change, as I was not the Minister at the time it was carried out. In terms of the focus of the department and its contribution to the community, the department still has a very clear commitment to the community and community groups that provide support for families. I have just finished signing off some funding allocations to community and family groups that will provide holiday programs for children during the next school holidays. I cannot explain the rationale for the name change which occurred during the first term of this Government because I was not the responsible Minister at the time. Family and children's services are fundamentally based on the family as the cornerstone of the community. Family and children's services, therefore, must be a part of the broader community. Community groups must be funded so that they can support families and children whether in need or crisis, or simply to enrich them.

Ms ANWYL: Clause 34(5) will amend section 61 of the principal Act to change the name of the body corporate without affecting the identity of the body corporate. As a solicitor I am not familiar with the notion of corporate identity. As the legal status of the body corporate does not change, will the Minister explain the need for this clause? It does not seem necessary. Also, is the identity of the body corporate related to the media identity which the department has developed?

Mrs PARKER: The name change will not affect the rights and obligations of the department. Although I cannot fully answer the member for Kalgoorlie's query about the department's corporate identity, I can confirm that it does not relate to the department's so-called media identity.

Ms Anwyl: But do you concede there is one in terms of the promotion of the department?

Mrs PARKER: The Government has gone to some lengths to ensure that families and individuals do not rely on the department for only crisis-driven welfare provision. The Government has tried to ensure that the community identifies the department not only with crisis care and the support of children at risk, but also with early intervention and support services, and has received a pleasing response to that. Parenting Plus programs and parent information centres are part of that. For example, when the Joondalup Parent Information Centre was first opened more than 1 000 people accessed its services in the first four weeks.

Ms ANWYL: I refer to the insertion of proposed section 6A. The Minister may need to get legal advice on these matters at a later date. Are the further delegation powers granted to the Minister necessary? Why is it necessary to extend the existing powers provided for in legislation that has been in place for some time? There is also no restriction on the persons to whom those powers, functions and duties may be delegated. The clauses covering the Child Welfare Act contained such delegation provisions. Would it not be usual for the legislation to state some limitation on whom those powers might be delegated to or, if not, at least limit those powers to a particular department so that some clear delineation is made?

Mrs PARKER: Proposed section 6A provides for general or specific delegation. I cannot provide the detail of that now but I will be happy to provide it later to the member for Kalgoorlie. I suspect it is only a provision that brings the Community Services Act into line with other legislation.

Clause put and passed.

Clauses 35 to 38 put and passed.

Clause 39: Consumer Affairs Act 1971 amended, savings, and consequential amendments -

Ms MacTIERNAN : Some of the issues the member for Kalgoorlie raised in debate on other clauses arise in this clause. This clause makes amendments consequential on the decision of the former Minister to change the name of the former Department of Consumer Affairs to the Department of Fair Trading. No doubt heavy ideological reasons were behind the decision of the now Attorney General to make that change. Before imposing their own personal fantasies and fetishes on the names of government departments Ministers should consider the costs and the dislocations caused -

Mr Court: Do you think it is a more appropriate name?

Ms MacTIERNAN: Not really. If one were to start afresh, one could perhaps pick equally between "consumer affairs" and "fair trading". However, my concern is that the department has a name and the need to change it should have been considered seriously. Even if one were of the view that "fair trading" was a more appropriate name, the expense and dislocation must be justified. The member for Kalgoorlie identified the need for identity in departments. Departments are accessed by ordinary people and name changes can often be confusing and interfere with the proper

delivery of services. This name change was made in the first year of this Government, yet a range of amendments must now be made to deal with that name change.

I do not oppose the amendments. The name of the department has been changed but Ministers have been far too cavalier in stamping their mark on departments without thinking about the costs and dislocation that creates. Much of this legislation caters for those fantasies. Nothing was more stupid than the gratuitous changes to make the occupational health and safety legislation the Occupational Safety and Health Act. Lingering in this legislation is a range of amendments that are designed to reverse the order of the words "safety and health". It is mindless and puerile to waste departmental and Crown Law Department effort and parliamentary time to achieve minor changes that will do nothing to improve the quality of the laws contained in those Acts.

Mr SHAVE : In some ways I agree with the member on one issue; that is, I do not believe the names of departments or ministries should be changed just for the sake of it. Although I was not the Minister at the time the department was changed from consumer affairs to the Ministry of Fair Trading, having been in this job for two and a half months I recognise the specific reason for changing the focus of the department. It was perceived that the consumer affairs department was orientated towards the consumer. It was believed that changing the focus and calling it Fair Trading would encourage businesses and people involved in difficulties to look at it objectively on the basis that both sides would be considered appropriately in dispute resolution.

That was not the only reason. I do not have all the details or the reasons the then Minister for Fair Trading changed the name. However, the member should be aware that the name was not changed just for the sake of calling it something else or because it was a Minister's fantasy. It was done for a reason; the department had an objective. That focus is relevant. If it were called the ministry for consumer affairs, the automatic reaction from industry would be that the department was interested in only one side of a dispute. The ministry should not take that approach; it should have a balanced view. Although a name change causes difficulties and costs money - I recognise that and it concerns me to some degree - the changes in this ministry were appropriate and the money was well spent.

Mr COURT: Name changes just for the sake of name changes are not acceptable. The change to which the member for Armadale refers was an appropriate change. Under the previous Government the now Department of Commerce and Trade changed names three times in four years; it had four changes in a term of government. Every time the Government thought there was inaction in industry, the department's name changed. I followed it closely and I became confused.

Ms MacTiernan: I have noticed your propensity for that, Premier.

Mr COURT: I accept that. In the end the name changes became a joke.

Clause put and passed.

Clause 40: Consumer Credit (Western Australia) Act 1996 amended -

Ms MacTIERNAN: Clauses 40 and 41(3) are inextricably linked. It is amusing to consider what is proposed in clauses 40 and 41(3). Clause 40 asks that we consent to a change to section 7 of the Consumer Credit (Western Australia) Act by inserting a reference to section 99(3) of the Consumer Credit (Western Australia) Code. Section 7 of the Act states that wherever the code refers to "court", it should be disregarded because it really means "tribunal". The interesting thing about section 99(3) of the code is that it already contains the term "tribunal". The Government wants to take out "tribunal" from section 99(3) and insert the word "court" so it can then take it out of that section and put it into another and say that where it states "court" it really means "tribunal". It is an extraordinary proposition. When this amendment was before the Legislative Council members were mindful that the appropriate organ was the tribunal and not the court. The amendment is contradictory and unnecessary because section 99(3) of the code refers deliberately to tribunal.

Mr SHAVE: The only explanation I can give to all the issues raised - unlike the member, I am not a solicitor - is that officers must have seen it to be appropriate from a practical point of view to amend that one section rather than applying it to other sections which may have required a number of changes. I do not know whether it was done for practical reasons; I am sometimes confused by lawyers. I can only suggest that the amendment was seen as the most sensible way to make the change to facilitate the working of the Act.

Ms MacTIERNAN: I understand the Minister's position, but it is honestly not good enough to respond to a question raised by the Opposition about what seems to be an anomaly by saying that public servants thought it was the best approach, without being able to explain that best approach. I realise that the Minister does not have the benefit of an adviser in the Chamber - I am not critical of the Minister - but this provision needs clarification.

Mr Court: I have made a note of the concerns raised and I will provide some advice on the matters.

Ms MacTIERNAN: Should we not defer consideration of the clause until we receive that advice? It seems bizarre to ask us to pass the provision without knowing what we are doing.

Mr Court: We have given the Opposition two years to obtain briefings on this legislation, and that was not taken up.

Ms MacTIERNAN: Hold on. The Government usually has an adviser in the Chamber during Committee, and the Minister is unable to answer a question on the matter.

Progress

Progress reported.

[Continued on page 1997.]

Sitting suspended from 1.03 to 2.00 pm

[Questions without notice taken.]

TRUSTEES AMENDMENT BILL

Second Reading

Resumed from 27 March.

MR McGINTY (Fremantle) [2.38 pm]: This amendment to the Trustees Act is proceeding with the support of the Australian Labor Party. It is disappointing to note that this legislation will not achieve uniformity for trustee investments around all the States in Australia. The issue of national uniformity is no longer being pursued. It has now been left to the individual States to determine how they will proceed on this matter. Western Australia is fortunate to have the benefit of a number of fairly recent reports that were prepared on the issue of trustee investments. The most useful was a report of the Trustee Investment Review Committee of the Attorney General on authorised trustee investment status in Western Australia dated November 1995.

The recommendations of the report are substantially embodied in this legislation. I will refer to it in some detail because it puts succinctly the essence of the legislation, which is to move away from a designated list of authorised trustee investments to casting a general obligation on trustees to act in a prudent fashion when investing.

The report raised three approaches to the question of investments by trustees. First, it gave detailed consideration to the question of maintaining the status quo. Under the heading "Maintaining the Status Quo" the report reads -

> The current provisions of the Trustees Act 1962 essentially provide for a designated list approach to investments and entities that have authorised trustee investment status . . . the current provisions of the Act mean that building societies (but not credit unions) can be included as authorised trustee investments by regulation made by the Governor.
>
> In maintaining the "status quo", the Committee considered the possibility of amending the Act to provide for the granting of authorised trustee investment status to credit unions and building societies. This approach is the clear preference of the credit unions and building societies.

The report then went on to list a number of shortcomings in the existing arrangements of listing in the legislation the sorts of investments that would be acceptable for a trustee to invest in. It made the following three points by way of criticism -

> authorised trustee investment status gives the impression of continuous government endorsement of the level of security of certain types of investments over which it has no control. This could expose government to claims for compensation in the event of loss associated with an authorised trustee investment;

In the context of a very dynamic financial market, and one that has changed dramatically over time, the criticism is well founded and is sufficient reason to change the criteria to be applied to a trustee when investing the moneys of the trust. The second concern raised by the committee was -

> the designated list approach does not provide the flexibility to allow for developments in financial markets. In particular, it is impossible for a designated list to be maintained properly and there may be many forms of sound and attractive investments which cannot be availed upon by trustees. It is therefore unclear whether the list approach is working entirely in the interests of trust beneficiaries;

Again, we concur with that criticism. The final criticism of the existing legislative arrangement relating to trustee investments reads -

> too much significance may be placed on an entity's authorised trustee investment status without full and proper assessment being made of current financial and other market information on the entity's performance both from a financial viability perspective and the suitability of the investment for particular trusts.

The concerns identified by the committee are well founded. It is now time to change the statutory approach or restrictions on the investments to be made by trustees of trust funds to cast upon the trustees the prudent person approach. That is what this legislation, in essence, does, and the consequential amendments that flow are designed to achieve essentially that change in the arrangement. The report went on to observe that -

> While recognising that the designated list approach may be attractive to some trustees, in that they may see it as relieving them from determining whether the investments in the list are prudent, the Committee questioned whether the perceived "benefit" outweighed the above shortcomings.

The committee concluded that in the dynamic nature of today's financial markets the present legislative framework was inappropriate and should not be retained. We concur with that conclusion. The committee said that the existing arrangement cannot be maintained for the reasons outlined, and therefore it dismissed the possibility of simply maintaining the status quo.

The second approach considered by the committee was the use of credit ratings to determine whether a particular investment was regarded as prudential or sound. It is interesting to note that a recent report of the Standing Committee on Uniform Legislation and Intergovernmental Agreements dated October 1996, dealing with the question of trustee laws and credit ratings, made a recommendation which has not been followed in the legislation. However, it is interesting that this House had before it a report which recommended the use of credit ratings to determine the appropriateness of trustee investments. Recommendation 2 reads -

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

That is not the approach adopted in this legislation nor was it the approach which was recommended by the somewhat earlier report to the Attorney General. The report of the committee of this House was dated October 1996, and it followed the report of the Trust Investment Review Committee to the Attorney General dated November 1995. Dealing with the question of the use of credit ratings for trustee investments, the report to the Attorney General states -

> The Committee concluded that for the reasons outlined above and given the lack of universal use of credit ratings in Australia it would not be practical to use them as a measure for qualifying for authorised trustee investment status.

We then came to the approach that seems to be gaining currency, as best I can ascertain, throughout the world, particularly that part of the world which relies on the English approach of prescribing in trustee legislation an authorised trustee investment or list approach to the basis upon which trustees can invest the funds of the trust. The report briefly summarises the position of the prudent person approach, which is the test to be enshrined in this legislation. It started with an interesting lead from a historical perspective - an 1830 decision in the United States case of Harvard College v Amory. In that case the judge said -

> All that can be required of a trustee is that he shall conduct himself faithfully and exercise sound discretion. He is to observe how men of prudence, discretion and intelligence manage their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income, as well as the probable safety of the capital to be invested.

That gave rise to the approach that was adopted generally throughout the United States, to cast onto trustees the duty to act as a prudent person in the investment of funds of the trust. The report to the Attorney General comments about an earlier Western Australian Law Reform Commission report in 1984 dealing with this question. Perhaps I will return to that in a few minutes. The report to the Attorney General went on to say that the prudent person approach demands a standard of conduct of a trustee, and that in particular a trustee is required to determine whether a particular category of investment is suitable for the nature of the trust involved, and to consider proposals for investment in that category. The report continues -

> The difference between the designated list and the prudent person approach in terms of standard of conduct was succinctly expressed in the South Australian second reading speech introducing the prudent person approach:
>
> > *The essential difference between the "legal (designated) list" and the "prudent person" approaches to trustee investment derives from the manner in which the objective standard of prudent conduct is applied in practice to test this particular aspect of trust administration. The*

> *"legal list" relieves trustees from the responsibility for determining whether investment in a particular category (eg: Government stock, bank accounts, land, mortgages or the like) is prudent, while still requiring trustees to act prudently when considering the actual proposal for investment within that category. The "prudent person" approach requires trustees to meet the objective standard of conduct both in deciding whether a particular category of investment is suitable and then in considering actual proposals for investment in that category.*

That extract from the South Australian second reading speech puts the issue as succinctly as possible. Reference is then made in the report to the situation in New Zealand and South Australia and the way in which the prudent person rule is applied in the two circumstances of, first, a professional trustee and, second, a non-professional trustee. The report makes the following point -

> If the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons the trustee must exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons;

In the case of a trustee who is not a professional trustee or professional investor, where the person is not engaged in such a profession the trustee must exercise the care, diligence and skill that a prudent person of business would engage in managing the affairs of other persons.

Clearly the test applied relates to the capacity of the individual trustee. The report then concluded with these two paragraphs -

> In order to ensure that a trustee takes the due care, diligence and skill required when making an investment, the South Australian and New Zealand legislation prescribes the matters which the trustee must consider in exercising his powers. This list . . . puts significant responsibility on the trustee to undertake proper investigation and analysis in making any investment decision. While this achieves the level of prudential standards required, it makes the non-professional trustee assume a level of knowledge and expertise that the trustee may not have.
>
> As a result, it is the Committee's view that if a prudent person approach were to be adopted, then non-professional trustees should be given a fall back position. Such a position will enable them to place trust moneys on deposit with banks or in government guaranteed securities, without any risk of attracting liability for not taking a more positive approach. It is considered this is appropriate because many non-professional trustees will have responsibility for relatively small estates and the requirement to form a judgement about how a prudent person of business would act, and to address and reconcile the prescribed matters referred to -

In the list referred to above. To continue -

> - may in some cases be unnecessarily onerous and costly relative to the value of the trust.

Clearly in the report to the Attorney General of November 1995 was a strong recommendation that the Western Australian Trustees Act be amended to delete the list of approved trustee investments and to replace that with the duty cast upon the trustee to invest the money in a prudent fashion. The committee concluded its report with the words -

> The Committee strongly prefers the prudent person approach to trustee investments, with the non-professional trustee being able to place trust moneys on deposit with banks or in government guaranteed securities.

The Attorney General's committee, chaired by the Under Treasurer, Mr Langoulant, and comprising a range of other important players in the trustee area, made a recommendation which in substance has been embodied in this legislation.

It is pleasing to see legislation come before this Parliament, although of a somewhat dry subject matter, which has been thoroughly thought through by committees of experts and reflected in reports and recommendations for sound policy making in the future. It is interesting that the legislation which has exercised the mind of this Parliament for the past several weeks, namely the labour relations legislation, did not have that solid foundation and framework.

This is a matter where international experience and experiences in the other States is relied on. Attempts were made to achieve a nationally uniform approach. As I said at the outset, my one criticism of this legislation is that it has not been replicated in every other State in Australia as part of a national drive for uniformity. However, the tendency to implement this new standard here is a positive step.

It is interesting, even if from no more than a historical perspective, to note how over time the view on this question has varied. We know that in 1830 the prudent person approach was adopted by the United States' courts. We know that a long time ago, a different approach, the prescribed list of trustee investments, was adopted in the English legal system. The two divergent systems ran for well over a century in comparison to each other. Nonetheless, in recent times the American model has assumed prominence in a range of countries around the world and increasingly in jurisdictions within Australia. This is a step to move Western Australia in the same direction.

It is interesting to look back on the 1984 Law Reform Commission of Western Australia Report on Trustees' Powers of Investment. That was not the view recommended to the Government of the day. At page 31 of its report, under the heading, "Summary of recommendations made in this chapter" the Law Reform Commission made five recommendations on amending this part of the trustees law in Western Australia. The first recommendation was -

> A list of authorised investments continue to be included in the Trustees Act in preference to adoption of the "prudent man rule".

Only 13 years ago in Western Australia our own Law Reform Commission advocated against the change we are today making in this legislation. It seems as though the approach of the Law Reform Commission of Western Australia has been well and truly surpassed with more recent reports dealing with these matters. I guess that comes from a series of changes in financial markets and what might have been more sedate times and what was seen to be very secure authorised trustee investments in the dynamic financial markets of the 1980s and 1990s. Perhaps as a result of some of the lessons learnt there, the approach of casting onto the trustee the duty of acting prudently has become the test rather than giving an implied imprimatur to a particular investment by including it on the list of authorised trustee investments. That approach has seen its day and it has appropriately moved now towards a more generalised test of prudence being cast upon the trustee in question.

The second recommendation by the Law Reform Commission was -

> A provision be added at the beginning of Part III of the Trustees Act drawing the attention of trustees to the need, in making <u>any</u> investment, to have regard to the general equitable duties imposed on them as trustees. The provision should also draw attention to the need for trustees to review the investments they have made in the light of their general duties.

This recommendation would have no effect whatsoever but, nonetheless, it is a handy reminder to trustees of their duty to act prudently in both making an investment and reviewing it from time to time. It is clear that the duty cast on trustees would have included a duty to that effect in any event. The third recommendation in the report of the Law Reform Commission was -

> The matters to which the adviser should have regard in offering his advice in those cases where the trustee must obtain it should be made consistent with the statutory reference to a trustee's duties which the Commission has recommended be included in the Trustees Act.

That is the recommendation to which I have just referred. The fourth recommendation was that -

> A paragraph should be added at the end of the list of investments specifically authorised by the Trustees Act empowering a trustee to invest in any other investment or class of investment authorised by the Supreme Court in the case of that trust. It should be provided that application to the Court may be made by the trustee or any beneficiary, and that the Court in making its determination shall have regard to the experience and skill of the trustee, the circumstances of the trust and any other matter it considers relevant, and may grant the application subject to such conditions as it thinks fit.

That was simply an attempt to give the Supreme Court a general intervening role to substitute its decision on the question of prudence for that of the trustee. In a sense, by casting that duty first and foremost onto the trustee, it prevents the time of the court being taken up unnecessarily. The final recommendation of the Law Reform Commission is -

> A trust investments review committee be established to review periodically the list of authorised investments in the Trustees Act.

Those five recommendations may well have been appropriate in 1984, although I suspect that even then they had seen their day. I am pleased to indicate the support of the Opposition for the legislation today. It is a good step forward which will modernise the law relating to trustees' investments and, for that reason, it has the support of the Opposition.

MR KOBELKE (Nollamara) [3.02 pm]: I will comment on a few aspects of the Bill and will not attempt to take the wide ranging approach adopted by the member for Fremantle, who clearly has a better understanding of the legislation than I. In the second reading speech the Minister said -

> Trustees have always been required to act prudently in making investments on behalf of a trust estate.

This legislation attempts to maintain those standards in a very different financial environment, where the various forms of investment and the way in which these matters are managed are changing. The legislation must try to reflect that. My concerns may simply involve limited aberrations, and I hope they do. I will give specific instances in which people do not feel the current laws have given them the level of service through a trustee that they expected to receive. These may be the difficult cases that have been brought to my attention by aggrieved persons. I am aware from previous cases that the problem with the genuine undertaking given by the Minister that trustees should be prudent, is that often it cannot be put into practice or enforced because of the legal system. I will not go into the detail, but I can give examples of trustees using the money in trusts to hold off legal action by a beneficiary of the trust who feels their interest has not been upheld by the trustee. It is a difficult situation.

In the case of the Rural Property Trust a payment of $35m was made in an out of court settlement, and the documents revealed that a well known trustee company had spent huge amounts of money from the trust, which was being mismanaged, in order to prevent the debenture holders in the trust from shining the light of day on the situation in order to rectify it. I shall refer later to facts drawn to my attention in a totally different case in which someone claims a trustee company is not administering the trust in keeping with the Act, but is using funds from the trust to stop someone making a claim against it in the court.

Another matter to which I refer is the ability for the Reserve Bank information and transfer system to be used. I note recent press reports, and I have no greater depth of knowledge than the information contained within those press reports, that some fraud or rort has occurred in another State. People have taken action because they have lost money through someone handling shares on their behalf through the RIT system. Of course, no system is perfect but we want the highest level of prudent control possible. The RIT system seems to be the way to go and perhaps the remedy is to tighten up that system rather than amend the legislation.

The Bill makes special provision so that the Public Trustee continues to be restricted to authorised investments, whereas other trustees will not be so restricted. However, the other provisions in the amending Bill apply to the Public Trust Office, or the Public Trustee. I wish to raise in this debate some concerns about the Public Trust Office. I repeat that perhaps these are a small number of difficult cases, but certainly I was most dissatisfied with the response from the Public Trustee on these two cases. One woman came to me because the Public Trustee was handling the estate of her deceased parent. She had a number of siblings and the situation was not straightforward because of disagreement between the siblings. The only asset in the estate was the house of the deceased parent. This constituent made it clear that prior to this case she had dealt with the Public Trustee on a number of other occasions and had been perfectly happy with the way it managed those other estates. However, her parent's estate was not handled satisfactorily. Without going into fine detail, I advise that she became aware that the family home was being sold and the current tenants were being evicted. Certain actions were taking place in that process without her knowledge and clearly without her consent. She also became aware that the eviction notice had been served illegally. She made inquiries on a number of points on which she had good ground to feel that the management of the estate was not being conducted in a proper and orderly manner. It was revealed that no proper file was kept on the actions being taken. It may be that a mistake had been made and the Public Trustee, in an attempt to hide it, said that no paperwork had been kept. I do not know. I will not name the constituent, because this matter has led to disruption within the family and she hopes to settle things down. The constituent wrote to the Ombudsman and laid a complaint. She came to me because she felt the Ombudsman was taking too long to deal with the matter. I wrote to the Public Trustee and as a result, some action was taken. Prior to that, my constituent's letter of complaint to the Public Trustee was not answered. The reports from the Ombudsman were based on the information provided by the Public Trustee. On the basis of information provided by the constituent and the letters from the Public Trustee, it is apparent the matter was not presented in a full and honest way. The Ombudsman received only part of the story. The letter from the Public Trustee was incorrect when it said that the office was acting on the advice of a beneficiary of the will, but it was acting on behalf of only a member of the family who was not a beneficiary of the will. The Public Trustee had that information yet it passed false information to the Ombudsman. Although this is only one of a small number of cases in which things go wrong, the Public Trustee did not handle this matter properly. As a result the beneficiary of that estate has lost confidence in the Public Trust Office to manage her affairs.

The Public Trustee should fulfil not only its community service obligations under the law, but also its public service obligation to manage the few assets people may have. The Public Trustee is a government agency and its services should be guaranteed because its status and credibility give it a competitive advantage over many other companies that offer trustee services. KPMG in preparing a report for the Government into the Public Trust Office examined

competition between the Public Trust Office and other trustee companies. I will not outline any of the detail of that report at present, but at this stage I do want to highlight how the Public Trustee is immune from market forces.

The Public Trustee does not issue a prospectus or anything akin to a prospectus. That means any person who wants to compare the services, charges or rates of return of the Public Trustee with those of another trustee company cannot do so. If the Public Trustee issued a prospectus, those rates and charges could be compared. The Public Trustee also does not advise or make readily known what interest will be payable on trust accounts. For several years now the Auditor General has reported on some of the problems within the Public Trustee's Office. The 1994-95 annual report says -

> The Public Trustee is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing and presenting the financial statements, and complying with the Act and other relevant written law. The primary responsibility for the detection, investigation and prevention of irregularities rests with the Public Trustee.

The Public Trustee is not even subject to the same level of accountability that any public trustee company is subjected to under the Corporations Law.

Mr Prince: There are many such companies.

Mr KOBELKE: That is right. Further in the report, the Auditor General says -

> Consistent with previous years, the financial statements do not report on all the financial operations of the Public Trustee.

The Auditor General cannot report on what is going on in the Public Trust Office. That is simply not acceptable. The same levels of accountability and transparency should apply to both private trustee companies and the Public Trustee. In fact, the special status of the Public Trustee means that it should operate under even higher levels of transparency than private companies.

At page 31 of the same annual report the Auditor General comments on performance indicators and states -

> . . . I have assessed the relevance of the reported indicators to the objectives of the Public Trustee, as well as the appropriateness of the indicators, to assist users to assess performance. I have also assessed whether the Public Trustee is reporting on all appropriate objectives.

On the same page he also says -

> It is my view that the performance indicators of the Public Trustee require further development before an audit assessment can be undertaken.

That gentle nudging language suggests that the performance indicators do not exist or are so totally inadequate that the Auditor General cannot report on them. Even the Auditor General is unable to say whether the interests of those Western Australian families whose affairs are managed by the Public Trustee are being looked after. We do not know. That information is not available. The Auditor General was not able to provide us with that information in his 1994-95 report and he has made similar statements in another three or four annual reports. It is not a one-off. The Public Trust Office is simply not meeting the standards that are expected of other trustees.

I now turn to the KPMG report commissioned in July 1995 and presented in this House in August 1996. One criticism I will make about this report is that the Government did not allow KPMG to consult the clients - those people whose estates or whose parents' estates are being managed by the Public Trustee. Perhaps the job needed to be done quickly and time did not allow for that; there may be technical difficulties in this area, but why did KPMG consult people in the industry and not those clients who would be directly affected by the report's recommendations?

Mr Bloffwitch: Most of the clients of the Public Trust Office where estates have been taken over are either mentally incapacitated or dead, so it would be difficult to check with them. The only reason the Public Trustee manages an estate is if children are underage, there are guardianships or where it is continuing to manage the estate rather than looking after a will.

Mr KOBELKE: I understand the valid point the member is making and I alluded to that when I said there are difficulties in undertaking it. But if the member for Geraldton's parents placed their estate with the Public Trustee, he would be the client once one or both of his parents died. The member for Geraldton is the one who would be waiting for the office to give him a report on the management of his parents' estate. In that respect he is the Public Trustee's client.

Mr Bloffwitch: Normally it is up until an age.

Mr KOBELKE: I alluded to that. Nonetheless, the client base would have to be consulted. This report was not able to do that.

Page 12 of the KPMG report alludes to the interrelationships between the Public Trustee and the Ministry of Justice as being unnecessarily complicated when it states -

> The Auditor General has identified the current arrangement for separate reporting as inadequate.

It then refers to the Auditor General's First General Report of 1994, which states -

> Separate financial reporting obligations inhibit the determination of the operating results and financial position of the Public Trustee and impair effective control over financing and resourcing operations.

The Auditor General followed that up in 1995 in his first general report as follows -

> There has not been any change to the existing reporting structure. This Office has subsequently raised the issue that Section 4 of the Public Trustee Act 1941 states that the Public Trust Office shall be administered by the Public Trustee, in which case it may not be appropriate for another organisation, currently the Ministry of Justice, to administer and report on part of the Public Trustee's operations. The Ministry of Justice has referred this matter to the Crown Solicitor for advice.

The report states further -

> To date no advice from the Crown Solicitor has been received by the Ministry of Justice on this issue.

When this report was presented to the Government, the matter was still in limbo. The Auditor General said an important organisation, the Public Trustee, was not being accountable. Part of this lack of accountability is the complicated arrangement between the Public Trust Office and the Ministry of Justice. That situation was pointed out some years ago, but it is not being addressed.

The trust accounting system used by the Public Trust Office is the national TACT system. The KPMG report refers to the deficiencies in the system and states that the system is highly inefficient in terms of client contact records. That relates to the case I cited earlier in which a person sought contact over the estate of a deceased parent but could not get proper records. When the person tried to find out what was happening with the money, she was faced with an impossible system. She referred unpaid accounts to the trust office, but was later told the office did not have them. I do not know whether they were lost. The person had resorted to sending them by certified mail; however, they were not there. I am keen to see what the Government will do about this report. The report mentions another deficiency which relates to routine tasks that are performed manually. For example, it states that in New South Wales pensions are completed by loading a tape in two to three hours: In Western Australia it is done manually and takes two people two to three days.

[Leave granted for the member's time to be extended.]

Mr KOBELKE: The last point the report makes on deficiencies in the system is the inadequate risk management functions. That relates specifically to the Bill before the House. The Bill seeks to ensure that the risk associated with the investment of these funds is minimised. We must look into what is occurring in the Public Trust Office.

I turn now to the submission made by the Law Society. It is wide ranging and I will pick up only one aspect. Members know the Law Society has a vested interest because its members will often administer trusts and in some respects it sees itself as a competitor with the Public Trust Office. One of its objections, which seems to back up what I am saying, is that the Public Trust Office is not sufficiently transparent in advising clients and potential clients of the fees it will charge when a will matures. The Public Trust Office is not in the marketplace outlining the terms and conditions on which it will conduct business for people if they take their business to it. People go to the Public Trustee because they see it as a government agency; therefore, they expect they will be looked after. We as the people who have a check on the Government, and members who form the Government, cannot step back and say we do not have responsibility. A responsibility exists to ensure the Public Trustee operates in a way that gives the best possible service to its clients and potential clients. The Law Society suggests in that respect it is not operating in that manner.

Page 37 of the KPMG report on the management fees states -

> The Public Trustee retained surplus Common Fund interest and transferred amounts to its reserves during the 1995 financial year totalling $5.332 million, ie approximately 3.2% of the balance of the Common Fund.
>
> This amount effectively represents the Public Trustee's fee for managing the Common Fund and enabled an appropriation to Government of approximately $1.05 million.

> We understand that private sector trustees and public trustees in certain other states charge a maximum fee of 1% for management of the Common Fund - the remainder being paid to beneficiaries.

The Public Trustee is a substantial source of revenue to government. It is not informing its clients of the percentage interest it will pay on their funds or the charge it will place on them for certain services. The KPMG report indicates that the amount of money it is making on the common fund is three to four times higher than what many trust companies would charge. There is a real reason for concern that many clients of the Public Trustee are not getting value for money.

Another aspect relates to the interest paid on the funds. That is not stated. The person who brought some of these complaints to me has considerable financial expertise. Her continuing requests for information on her father's estate and how it has been managed and what interest is being paid on the fund are not being answered. The Public Trustee will not give her full and factual information on her father's estate. She and one other member of her family are beneficiaries of that estate; however, she cannot get that information out of the Public Trustee.

Mr Bloffwitch: They've obviously spoken to you, haven't they?

Mr KOBELKE: This person is pursuing this and other related matters through the court. That is why I cannot go into detail on this case. This person has spent well over $100 000 on legal fees and has been stopped in the courts with action after action. The Public Trustee does not have open accounts. Questions I have placed on notice about the amount the Public Trustee spends on solicitors and legal action have been fobbed off. I have not received a meaningful answer from the Government. The trustee can use hundreds of thousands of dollars to tie up matters in the court so that people who should be beneficiaries of the trust cannot have their claims heard in the court. They are stayed by the huge legal cost. The person to whom I refer tells me there has been no determination on her case which takes issue with a number of decisions made by the Public Trustee.

Page 17 of the KPMG report states on returns and investments on the common fund -

> The private sector's view is that the Public Trustee achieves 'excessive' returns from the management of the Common Fund.

However, detailed accounts and interest payments are not available for people who are to be beneficiaries of estates being managed by the Public Trustee.

I said at the outset there were many good reports about the Public Trustee. It performs an important role in Western Australia. These two cases - I have a small number of others to check out - illustrate some of the areas in which the Public Trustee has made a mistake. I hope they are the exception rather than the rule. In both the Auditor General's report and the Government's report by KPMG a range of serious concerns are raised about the accountability and transparency of the Public Trust Office.

This cannot be allowed to continue. I hope that following my speech today the Minister will ensure these matters are pursued with a little more vigour in Cabinet so a response to the report is formed. In that way, legislation can be introduced soon to ensure that the Public Trustee has appropriate levels of accountability.

I hope that legislation will address those matters, which are closely related to a range of important issues covered in the Bill. Perhaps the Government did not have time to form its opinion on the KPMG report, which raises matters beyond those to which I have alluded. It gives further cause for concern following from the two complaints made to me as a member of Parliament.

The Bill attempts to improve matters in a very difficult area, and many of the difficulties arise from the current rapid rate of change in the Australian financial sector. One hopes we will see not only good law, but also government agencies which are properly resourced to ensure that the laws are functioning properly and are complied with. Regardless of the intentions and quality of the law, if its management and enforcement are inadequate, people will attempt to flout the law for personal gain when such huge amounts of money are involved. Sufficient officers are needed to carry out that management. If that is not done, the law will not be applied to good effect. I support the Bill.

MR BLOFFWITCH (Geraldton) [3.32 pm]: I had occasion to consider this Bill as a member of the Standing Committee on Uniform Legislation and Intergovernmental Agreements, and its proposal was driven by the States' desire to see some commonality in trustees throughout Australia. Of course, this currently is not the case with managed trust accounts.

As a result of mental health breakdown, an estate can be managed on someone's behalf; however, that person may shift from Perth to Melbourne. To date, virtually no liaison has taken place between public trustees in the different States. Although this is not a major obstacle in Western Australia, it is a huge problem in Queensland, New South

Wales and Victoria as it is easy to cross the borders of those States. In fact, that movement is a normal occurrence. Therefore, it is critical that the trustees of differing States be recognised to enable them to administer on behalf of constituents of other States. That mechanism is contained in this Bill.

Also, it was necessary to look at refining the legislation to achieve a little commonality regarding the proper person test. This is to be adopted in place of the list which was always published to guide and assure people in deciding the right action to take. I have spoken to the Minister and been a little critical of him for removing the list from the Bill. Many people in our community are given the job of trustee of a will and find themselves in a position of responsibility, and they want to do everything right. I would hate to think that by taking away that list, we will make the job for unqualified trustees so onerous that they will feel compelled to seek professional help through a trustee company, or at least to seek some financial advice regarding the operation of that trust.

This Bill pushes these people a little hard. We could have provided both avenues; that is, a proper person test and a list of authorised trustees. Therefore, Aunt Jane, the trustee, could consider the list and say, "I am confident to invest in that firm." Sure, it may not be the best investment in the world, but people looking after trusts are not seeking such investment; they look for something secure as an assurance that the investment will remain intact.

The other reason for amending the trustees area, as explained to me when I visited the other States, is that trustees want more scope for their investment opportunities and what they can do with the investments. I am also told that most of the larger trusts - those involving the amount of money warranting such exercises - are written in a way which already gives the trustee the power and the authority to act as is proposed in this Bill. In most cases, the trustees are never cited and the assets are listed. I am told that in most cases the problems can be overcome by simply going back to the original trust. The relevant section in the legislation commences with "notwithstanding what is in the trust deed". Therefore, the flexibility is already covered in 99 per cent of cases.

The change is to be made because the industry does not want the onerous task of going back to the trustee to ensure that he or she is doing what should be done anyway. The instruction is a carte blanche situation, which is an easy way of handling it.

I have made my comments known to the Minister, and he said, "Rest assured; under the proper person test system they can use the old list and have no problem." I hope we will not make it too difficult for these people. No amendments will be moved in this regard, but I would be remiss not to place on record my disappointment that we appear to be increasing the responsibility on Aunt Jane or Uncle Joe when left to act as trustee. This Bill will encourage these people not to act on their own but to seek a professional group for advice. I support the principle of the Bill and its intentions with uniformity, but I have doubts regarding removing the schedule of companies in which one could invest. I commend the Bill to the House.

MR PRINCE (Albany - Minister for Health) [3.39 pm]: I thank members for their contributions to this debate and for their support for the Bill. First, regarding the comments of the member for Fremantle, to some extent a slight misunderstanding arose relating to the concept of a prudent person test. It is a proposition of equity which goes back several hundred years to the English courts of chancery. This proposition has been adopted worldwide wherever English law has spread. The report prepared by the Under Treasurer to the Attorney General in November 1995 quotes one of the best summations on the matter, even though it happens to involve an American case of 1830. The prudent person requirement of the law has always applied to trustees. In 1900 when the first Trustees Act was enacted in this State a list of a certain number of investments that were authorised by law to assist people who were in a position of trustee was prepared. Over the years that list became quite lengthy, comprehensive and, in many respects, out of date. It was revised from time to time.

I advise the member for Geraldton that whether a list is the way to go is the subject of ongoing debate. The member for Fremantle debated that very well. We have reached the stage where the sophistication of financial markets, financial products for investment and the share market system in this country means that the list has probably passed its use by date. For example, there are a number of investments that should be able to be considered by a trustee which currently are not, and I refer to shares in the Commonwealth Bank, Telstra, when it floats, BankWest, Woolworths, the Bank of Melbourne, West Australian Newspapers Ltd and the State Government Insurance Commission. I am sure most prudent people agree WA Newspapers Ltd is an excellent investment from the point of view of a return, but because it does not have the dividend history that is required of an authorised trustee investment, a trustee cannot invest in it. The same thing applies to a significant number of other companies which one would otherwise regard as blue chip investments. These are companies in which a prudent person would be prepared to invest his money and they should be companies in which trust funds could sensibly and reasonably be invested.

Consequently, the difficulty of a list lies in keeping it up to date in a dynamic and changing financial market. The balance of view in looking at this whole question is to remove the list. The list was never in that sense an exclusive

list, but was one that persuaded trustees that this was a safe place in which to put trust money; therefore, they would perhaps not be liable if it was a poor investment. Perhaps that is a debatable proposition and certainly there are examples of authorised trustee investments which have been poor investments. Rothwells, the Swan Building Society and the Permanent Investment Building Society come to mind. These are a few which came to light during the 1980s and no doubt there have been others at other times. I have covered the problem of having a list that is not constantly updated. In effect, it is mainly due to the sophistication of the share market system.

Mr Bloffwitch: If you have that you resolve the problem of an outdated list.

Mr PRINCE: I come to the problem the member for Geraldton raised about a small person with a small amount of money to invest and who has had the task wished upon him as a result of the death of a relative. It is unlikely, although possible, that without legal advice he would be able to have probate granted without the will being affected.

Mr Bloffwitch: When he receives the bill from the lawyer he would wish he had not received it.

Mr PRINCE: Perhaps. I agree with much of what the member for Nollamara said about the Public Trustee. If one receives a bill from it, it will be even greater. However, that is not the point.

The prudent person does not have to be a professional individual. The prudent person can be anyone as long as he behaves in a prudent way. As this Bill says and as has been summarised in previous legal decisions, it is how a person of prudence and intelligence manages his own affairs - not speculatively. In other words he invests in companies which are known to be safe and secure and which look after capital, provide a reasonable income and are not, in that sense, risky. The average person should be able to do that. If he is unsure or concerned he should go to a professional adviser. The adviser need not be a lawyer, but can be an accountant or a financial adviser. He may end up with the benefit of some form of professional indemnity or fiduciary insurance. If the adviser then advises in a way that is negligent and there is a loss to the trust, in most cases, compulsory insurance will come into play and provide a greater level of protection to the trust estate. We are talking about a fiduciary relationship between the trustee and the beneficiary of funds. I accept that is not the same as members or anyone else investing their own money.

While I understand the point the member made, and I think it has some validity, I believe, and the balance of opinion would back me up, that it is more prudent today to remove the list because it causes more anomalies than it provides benefits. Those have been well illustrated in the past 10 to 15 years.

The member for Geraldton answered the queries raised by the member for Fremantle about uniformity in the States. Attempts have been made to introduce uniformity in the States, but it has not been achieved, although I understand there is almost uniformity among the States with the possible exception of Queensland, which I gather is getting there. New South Wales has gone for a list, but it is so all encompassing that effectively the situation in that State is very much the same as that envisaged by this Bill; namely, a prudent person test.

I advise the member for Nollamara that there cannot be a guarantee that a person will be trustworthy. That is a problem that will arise from time to time. The criminal law takes over in dealing with fraud and dishonesty, whether it relates to trust money or to anything else. That is not necessarily of any great solace to those who have lost money, particularly if they are the beneficiaries and have lost an inheritance. However, that is a fact of society and it is a fact of life, regrettable though it may be. An authorised trustee investment list does not overcome the potential for fraud by a trustee.

I am aware of the recent trouble with the Reserve Bank information transfer system. The share market rapidly found out that there were difficulties and the matter has been attended to. I have no doubt that the way in which the system is operated will be examined with a view to ensuring that that form of dealing can never happen again.

I am not seeking to avoid the problem or the question by the member for Nollamara of the long list of complaints about the Public Trustee's office. However, I advise the member that we are dealing with the Trustees Act and not the Public Trustee Act, which is a totally different piece of legislation that establishes the Public Trustee's office and details how it will operate. Schedule 1 of the Trustees Amendment Bill will, if passed, empower the Public Trustee to invest in the same way as any other trustee. This Bill does not affect the Public Trustee at all.

Part of the Public Trustee's office is subject to a review at the moment by William M. Mercer Pty Ltd, consulting actuaries and employee benefit consultants. It is currently carrying out a review of the common fund, investment form of funds and court awards which are handled by the Public Trustee's office. I have taken careful note of the matters raised by the member for Nollamara which are of a wider ambit than simply the question of the investment of the common fund by the Public Trustee. I will bring those matters to the attention of the Attorney General who is the Minister responsible for the Public Trustee's office. They are serious matters and should be looked into. If the member knows of any improper conduct he should draw it to the attention of the appropriate authorities as soon as

possible. With regard to the way the Public Trustee's office operates and the concerns which have been raised in recent years by the Auditor General, I know the Attorney General has the matters in hand and no doubt will respond in due course. I will bring to his attention the concerns of the member for Nollamara and urge that the matter be attended to as soon as possible. I thank members for their contributions to the debate.

Question put and passed.

Bill read a second time, proceeded through remaining stages without debate and passed.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Mr Johnson) in the Chair; Mr Court (Premier) in charge of the Bill.

Clause 40: Consumer Credit (Western Australia) Act 1996 amended -

Progress was reported after the clause had been partly considered.

Mr COURT : Prior to the lunch break the Minister gave a commitment to the member for Armadale that he would get the details on the consumer credit code. I understand the Minister has spoken with the member for Armadale on these matters.

Mr SHAVE : The member for Armadale wishes to comment on two later clauses. She has discussed with the head of the Ministry of Fair Trading her concerns relating to clauses 40 and 41 and clarified those concerns.

Ms MacTIERNAN: I have had an opportunity to discuss the matter with the solicitor from the Ministry of Fair Trading. I appreciate the efforts that have been made by the Minister to ensure that advice was available. The basic justification that has been put forward is that there is a need to keep the consumer credit code language consistent with a national standard. I understand and accept that is a valid argument. However, I have a very real difficulty with what we are doing with the code. The consumer credit code should be able to be read easily. What we are doing with this measure - clauses 40 and 41 add to the problem but they do not create it - is that in order to be able to read the code one has to refer to the Act to get the various definitions. I think that is very inappropriate particularly when the code should be set up for consumers and not be an instrument to be used only by professionals. The code should be a document that is accessible and understandable to consumers whose protection it is aimed at ensuring. It is clumsy to have a structure within a code that refers to everything as a court; there is no reference to courts within the section and we need to go back to the Act to find out what we are talking about. Only then do we find we are not talking about courts, we are talking about tribunals.

I understand the need for national uniformity. I do not know whether that need overrides the need to have a clear and concise document. I ask the Minister to consider that when we establish codes. They must be able to be read easily without reference to other material. It is unduly cumbersome to have terms in a code that are not defined in the code but require consultation with the Act.

Clause put and passed.

Clauses 41 to 53 put and passed.

Clause 54: Environmental Protection Act 1986 amended -

Dr EDWARDS : The first amendment in this clause is a machinery provision and changes a word. That is fine. The second amendment amends section 40(1)(a) of the Environmental Protection Act. Although we welcome what is proposed we have some concerns. It says that when the Environmental Protection Authority decides not to assess a proposal, it notifies a wide range of people that it is no longer taking that action. We welcome that because it is a good change. However, the Opposition has two concerns. It has become apparent over time that the EPA is not doing as many assessments as it used to. Therefore, a greater range of proposals are not being assessed. It may be that the matters being referred to it are simpler so they do not need assessment or the EPA may be changing the goal posts. That is unclear from the outside.

We are worried the EPA might think that now this amendment has been included in the legislation and it decides not to assess, it will let a wider range of people know that it has not assessed and use that as a cop-out. I want the Minister to reassure me that will not happen.

I compared this provision with section 48A of the Environmental Protection Act which was added last year when we dealt with planning amendments. This amendment brings section 40 into line with section 48A. However, under section 48A, where the EPA decides not to assess a town planning proposal, it no longer advertises that. When it

first began this activity, there would be a notice in the paper saying that a certain town planning scheme was referred to the EPA and it had decided not to assess it. However, it has decided that it will not advertise those that it is not assessing. It is good that it advertises the ones it is assessing; however, we want to see the ones it is not assessing advertised so that the public knows about them. I want a reassurance from the Minister that the Environmental Protection Act will not go down that track with section 40 as well as section 48A.

This amendment seeks also to amend section 99 of the Environmental Protection Act by substituting the words "chief executive officer" for the word "authority". That is sensible. It means that when the authority seeks to recover the cost of car alarms which go off, the money can be collected by the department. However, I feel a more significant change is needed. From discussions I had during two briefings on the noise regulations, I found out it was a great impost on the department to be responsible for collecting the fees and referring them on.

It seems to me that this work costs the department money. I gather that at some stage the money comes out of the department's budget before it is recouped, if it can ever be recovered from the person responsible for the noise. I wonder why the whole matter of the collection cannot be shifted to within the responsibility of the Police Department, given that existing section 99 gives the police the power to turn off the alarms that are offending. It seems to put an onus on the department to collect from the offender. The department pays the police to turn off the alarm and then must recover the amount from the person who has caused the noise. It seems a long way of going about it. Departmental staff members complain about the time that takes and, in particular, the money that disappears from its budget that is never seen again. The departmental budget is not as great as the staff would like and probably not as great as anyone in Parliament would like. However, for money to be spent on this activity seems a bit pointless when other avenues might be much better acquainted with carrying out this work.

Mrs EDWARDES : I will respond to some of those concerns. I refer to existing section 40(1)(a). I, too, would be worried if the department did not advertise what it is not assessing, and I have asked the department to come back to me with some advice about that. It is not good enough to say that the information is available in the library of the Department of Environmental Protection. If members of the public do not know about it, how on earth will they know to go to that library to find it; that is, of course, unless they sit there every Monday? I do not accept that as being part of a public process for accountability. I will look at section 48A and I will make it very clear that it should not apply under section 40(1). It means that the Environmental Protection Authority is given a wider discretion to provide advice about section 40(1); however, I take on board the member's concerns and I will relay those to the Environmental Protection Authority. I will keep her informed about the process.

I refer to the amendment to existing section 99. It has never been raised with me that the police should take over this function. I am sure the police, who are trying to get rid of dealing with the small issues, do not believe part of their core business should comprise collecting this money. I do not think the police would be enthusiastic or thank me if I were to put this forward as a proposition. However, I will look at how it ties in with the noise regulations and how the process can be improved to ensure that a lot of time is not being wasted in collecting these penalties. We must address this issue. I will get back to the member about any way in which the process can be improved.

Clause put and passed.

Clauses 55 to 70 put and passed.

Clause 71: Heritage of Western Australia Act 1990 amended -

Ms McHALE : Clause 71 repeals section 20(5) of the Heritage Act of Western Australia. I oppose this clause. The existing section provides the opportunity for the current member of the Heritage Council of Western Australia, whose term of office has expired, to continue in that position until a successor has been appointed and takes over the position. That is, of course, unless the current member resigns. In that case, this section does not apply. Existing section 20(5) states -

> Unless the person sooner resigns or subsection (4) applies, a member shall continue in office until a successor is appointed, notwithstanding that the term of office for which that member was originally appointed expires.

That is a fairly typical procedure. This is quite a significant consequence in relation to the actions of the council. In our view, it is not a tidying up exercise or a technical question; it actually affects the working of the Heritage Council. For that reason, I wonder whether the Premier will consider either deleting this clause or taking some other action. There have been a number of reviews of the heritage Act. In fact, that Act called for a review after five years of operation. Neither the select committee on heritage laws that reported in January 1995 to this House nor the review of the Act referred to this clause as being problematic. Both reviews talked about the composition of the council and terms of appointments, but nothing in relation to this section.

Given that neither review recommended this action, we on this side of the House do not believe there is any justification for changing the procedure. It is questionable why this action is required. In effect, if a member's term expires, that person is out regardless of whether the successor has been appointed.

Mr Court: It is normal when an appointment expires that there is not an immediate replacement. The term is extended for a short period. The process must be gone through of extending the appointment for that period, until a substantive appointment is decided. Why would it not be the same with the Heritage Council?

Ms McHALE: That is what we are questioning. Currently that is the case; but our understanding -

Mr Court: No; it says that the person will continue in office until the successor is appointed.

Ms McHALE: That is the current provision in the subsection, which this clause will repeal. Although our understanding might be wrong, we feel that by removing subsection (5), the continuity of office until the successor is appointed is being removed.

Mr Court: Once the term expires, it expires. If the Government makes a decision to appoint a person for another six months, that person is not a successor.

Ms McHALE: If another person is to be appointed and there is a hiatus, the new appointee is not on the council at that time.

Mr Court: No, not unless the person is appointed.

Ms McHALE: Currently there is some continuity in the numbers on the council.

Mr Court: I am just saying that that is not the normal case.

Ms McHALE: We are saying that it has worked with the council and there is no evidence to say that it is problematic. We are asking that it be considered in the review of the heritage Act, rather than in this legislation.

Mr COURT: A lot of appointments are being made at all times in different areas. Sometimes when the term expires, we must move quickly to reappoint the person. That is exactly what will happen here. If a term expired and a successor had not been appointed to take the retiring member's place, once this amendment is in place the matter will come back to Cabinet and the current member will have to be given a further appointment for a period until a successor is determined. That is the normal process we go through. We are just bringing this into line with the normal processes. We cannot have a member's term finish, and then the person stay on the council. Under this clause, before the term expires, the person's appointment must be extended.

Ms McHALE: To ensure the smooth running of the council, appointments must be made well before the expiry time, otherwise we would have a situation where the position of person X expired on 30 June and he or she might not be reappointed. If for some reason the Minister overlooked the appointment or the Cabinet was very busy and the process was held up, it might well be two or three months before that person was reappointed. What happens in the hiatus?

Mr COURT: It would be bad management, if there were a hiatus.

Ms McHALE: A review of the Act has taken place. Redrafted legislation in the form of amendments or a new Bill will be before this House ultimately. Is it not more appropriately dealt with in the review of the Act?

Mr COURT: This is a relatively minor change to bring the appointment process in the Act into line with what we do normally with other appointments. It does not make a great deal of difference. If a person is to stay temporarily after their term expires, that would have to be done formally. There should always be continuity of the board.

Clause put and passed.

Clauses 72 to 82 put and passed.

Clause 83: Local Government (Miscellaneous Provisions) Act 1960 amended -

Ms MacTIERNAN: This is one of a series of clauses which I flagged during the second reading debate as being inappropriately included in this legislation. The vast majority of the amendments we have dealt with have been of a very technical nature and truly can be said to be consequential upon other parts of the legislation. The principal example of those amendments made necessary is the change in the Local Government (Miscellaneous Provisions) Act. It is appropriate that changes like that be included. A second class of changes is to correct transcription errors and others that may occur in the writing of the legislation. They are very different matters to those in this clause.

This is a substantive amendment. I am not saying that we would necessarily disagree with the provisions. It is quite wrong for these to be brought in in such an omnibus Bill.

Clause 83(2) indicates that penalties will be increased quite substantially, in one area from $400 to $5 000 and in another area from $16 to $100. The one-liner we have in the alleged explanatory notes says that the amendment in subclause (2) bring the penalties referred to in line with other penalties in the Act. We need more information. This sort of clause requires some deliberation. It may be that the provisions here do not warrant a fine of $5 000, but we do not have the information to deal with this. We could race out and get a copy of the Local Government (Miscellaneous Provisions) Act. This is a substantial alteration of people's rights and their exposure to liability. It is not something that should be written into a Bill that deals with technical changes to legislation. Before we agree with this, will the Premier set out which provisions we are talking about? Which offence will no longer attract a fine of $400 but $5 000 or will no longer attract a penalty of $16 but $100? I will bet no-one in this House knows the answer, yet we are being asked to vote on massive increases in these penalties without having any idea what the offences are. This is entirely inappropriate. We should not pass this Bill now. It is not the correct legislative vehicle to use to move amendments of this nature.

Mr COURT: A small change to legislation is a matter of definition. It would be quite inappropriate to bring in a separate amendment Bill to deal with a section of the Local Government (Miscellaneous Provisions) Act. We are talking about the efficient operations of the Chamber. As I mentioned earlier, we brought this legislation in last year and did not put it through the Parliament. We made it clear to those people who wanted briefings on the various provisions that they would be provided. We have brought the legislation in again and offered briefings. At the beginning of this debate I asked the Deputy Leader of the Opposition which clauses were to be covered. This clause was not raised. However, I am sure that if the member wants to know what the provisions are -

Ms MacTiernan: I imagine you would want to know.

Mr COURT: I have just explained. The member could look up the legislation as well with her legal background.

Ms MacTiernan: There have been so many changes that we have been at it flat strap. I imagine you would want to know the legislation you are moving.

Mr COURT: The member wants to know the sections being referred to in the Bill.

Ms MacTiernan: What is the offence for which we are increasing the penalties?

Mr COURT: Section 377(6) reads -

> A person who so erects a hoarding or fence shall keep and maintain it with the platform and handrail, if any, standing and in good condition, to the satisfaction of the local government, during such time as the local government thinks necessary for the public safety and convenience.
>
> Penalty: Maximum penalty, $400 and in addition a maximum daily penalty of $16 for each day during which the offence continues.

As the notes explain, these amendments are to bring those fines into line with other penalties in the Act.

Ms MacTIERNAN: I am pleased the Premier has provided the Chamber with information on this change. It is not simply a question of the definition of what is a big change and what is not. There is a definite qualitative difference and not just a quantitative difference between consequential amendments and those that substantially affect people's rights. If the Government brings in legislation in this format we need explanatory notes that are more significant than those that we have been presented with here. I realise the difficulties involved in bringing forward a range of small legislative items. However, it is not appropriate to make changes of this nature without more detailed explanatory notes. This type of change must be dealt with differently from those that are of a consequential or corrective nature.

Clause put and passed.

Clauses 84 to 87 put and passed.

Clause 88: Mines Safety and Inspection Act 1994 amended -

Ms MacTIERNAN: I accept the comments that the Minister for Fair Trading made earlier today about the principle of changing names of government agencies and departments in legislation. This is a classic example of a complete waste of energy and effort in the occupational health and safety area which is massively under-resourced. A great deal of time and effort has gone into reversing the order of the words safety and health.

Mr COURT: I acknowledge the point made by the member.

Clause put and passed.

Clause 89 put and passed.

Clause 90: Motor Vehicle Dealers Act 1973 amended -

Ms MacTIERNAN: I have also raised this point in relation to the Local Government Act. This amends the Act on a substantive issue. It is not a consequential amendment, an amendment to bring language into line or to correct errors in the writing of legislation. This extends to the members of the board that deals with the Motor Vehicle Dealers Act an exemption from a in tort action. I do not have any problem with the principle of this provision; however, it should not be contained in legislation of this nature.

Mr SHAVE: The member has spoken with an officer from the Ministry of Fair Trading, and I take her point that the Opposition should be informed when this type of change takes place. I will do that. The member concedes that this change does not unreasonably affect the spirit of the Bill. It gives the people making the decisions some comfort. It was included in this legislation because of the recognition of directors' responsibilities to companies and other areas and the likelihood of concern from the board members who give up a lot of their time. I will take the member's viewpoint to the department.

Clause put and passed.

Clauses 91 to 116 put and passed.

Clause 117: Subiaco Redevelopment Act 1994 amended, and savings -

Dr EDWARDS: The change will allow the Minister for Planning, who is the Minister responsible for the authority, to appoint to the board more people than he does currently. We will be watching with some interest to see who will be the new person appointed by the Minister. This may provide for a change in the chairperson. Why is it now unnecessary for a person from the Western Australian Land Authority to be appointed to the board?

Mr COURT: The deletion of the requirement for the Western Australian Land Authority to be represented on the board of the Subiaco Redevelopment Authority reflects the fact that no formal connection exists between the Land Authority and the Subiaco project. The rumour is that the chairman could be a former Labor member of Parliament. Although I take a direct interest in what is happening with the Subiaco redevelopment, like the East Perth redevelopment it is a long term project and it will be around for some years. We have consulted widely with the community to try to reach broad agreement on the planning structure. There have been some difficult issues. I am not aware of any particular appointment, and as the local member I have not tried to exert any influence. It is not an easy issue. The local business people are opposed to establishing a large retail component in the redevelopment. The western suburbs need a major retail development, but local businesses want to protect their own business. We have accepted their decision and the final plans include a large residential development that meets up with the existing part of Subiaco and the West Perth professional office belt. I cannot comment on who the appointee will be; however, I will watch it closely.

Clause put and passed.

Progress

Progress reported.

[Continued on page 2032.]

GRIEVANCE - ARMADALE-KELMSCOTT MEMORIAL HOSPITAL

MS MacTIERNAN (Armadale) [4.32 pm]: My grievance today to the Minister for Health on behalf of the people of Armadale is about the redevelopment of the Armadale-Kelmscott Memorial Hospital. As the Minister well knows, the people of Armadale-Kelmscott are very concerned about the future of their hospital. Indeed, they are angry about the constant delays in getting the necessary redevelopment underway.

The DEPUTY SPEAKER: Order! I am having difficulty hearing the member for Armadale and I am sure Hansard is. The background level of discussion is too high. I ask members to keep their voices down or go outside and have their conversation.

Ms MacTIERNAN: Thank you, Mr Deputy Speaker, for protecting me from my side of the House.

The budget papers, together with advice the Opposition has recently received from senior Health Department officers, give the people of Armadale even more cause for concern and anger. They show that planning is to continue for at least another three financial years. A total of $2.4m has been allocated over the next three years for planning. This

is on top of at least $3m that has already been spent since 1991 on detailed planning and design. The Minister often seeks to take refuge in the fact that in 1994 a change in the plan occurred. Originally in 1991 refurbishment and expansion of the hospital was proposed. In 1994 the Labor Party strongly supported the change from that earlier $29m proposal to a total reconstruction at that stage estimated to cost $45m.

Mr Prince interjected.

Ms MacTIERNAN: This is very interesting; I will refer to that. The amount of $45m has been quoted since 1994 for that redevelopment, the documentation for which has now been completed. Therefore, the proposed change of 1994 can no longer be used to justify these delays. Curiously, as recently as 25 March this year the Minister spoke in this place of a $45m redevelopment. He made comments similar to those made in the Armadale local newspaper, *The Weekend Examiner*, about a $45m development. However, on speaking to Health Department officials recently the Opposition was told that this proposal is now only a $35m project. What has happened to the $10m portion of the project in the last month? Is it being carved off and relocated into the marginal electorate of Southern River?

Mr Prince interjected.

Ms MacTIERNAN: We are curious to know why the $45m contract touted from 1994 until 25 March 1997 and referred to in *Hansard* has suddenly contracted into a $35m project. Another puzzle is that in the prose part of the Budget papers reference is made to $13m to be put aside for commencement of the construction of Armadale-Kelmscott Memorial Hospital. However, no mention is made in the figures of this $13m. When we spoke to Health Department officials to find out where and when it will be allocated we were told that no $13m amount is included in the estimates for capital construction.

The other conundrum is the task force which the Premier set up to examine the health needs of the south east corridor. For a month I have been asking questions of the Premier about the task force. We cannot work out where this task force fits in. It must be understood that for the past six years the Government has spent $3m on detailed planning and design to meet the health needs of the people of the Armadale-Kelmscott region. The design drawings have been completed; yet suddenly, because as the story goes, the Premier hopped on a train and heard from a poor mother who must take her child into Perth each day for dialysis treatment, he says, "Golly gosh that is bad, we will jettison that six years of detailed planning for facilities such as those in Armadale and start the whole process again with a task force."

That is ludicrous. In fact when the Premier met that unfortunate mother on the train in Armadale he should have appreciated the urgent need to implement the plan that has taken six years.

In summary, we must get to the core of these immense contradictions in the Government's position. Those contradictions are: Firstly, after six years of detailed work the budget papers acknowledge that the redevelopment plans and design details for stage 1 have been completed. Why is another three years of planning to be undertaken on reconstructing the hospital? Secondly, as late as 25 March this year in this Parliament the Minister spoke of a $45m project, but we heard this week that it is now a $35m project. What has happened to that extra $10m? Thirdly, in the prose of the Budget designed for popular consumption reference is made to $13m being set aside but the department says there is no such money set aside for construction. Fourthly, what is the nature of the task force? Who is on it? What is happening with it and why was it necessary when six years of detailed planning had already been undertaken?

MR PRINCE (Albany - Minister for Health) [4.40 pm] In responding to the member for Armadale I will reiterate a number of things, all of which have been said before not only in this House but at public meetings in Armadale during the election campaign. An assessment of the health needs for the Armadale-Kelmscott district and the future role of the site was published in an "Initial Brief Report" in May 1991. The recommendations in that report were endorsed by the south metropolitan general manager as the basis for future planning in 1993.

The health facility planning consultant Silver Thomas Hanley was commissioned to advise on the master planning option. It came up with five such options, the cost estimates of which were of necessity somewhat general. The preferred option was a new replacement facility. That was identified and approved following a value management study late in 1993.

Based on the consultant's estimate there was then a budget of $25.5m. The Government allocated $1.5m in 1994-95 for planning to proceed. A project control group was set up, comprising the Health Department and the Department of Contracts and Management Services, formerly the Building Management Authority. In June 1994 a private sector consultant design team was appointed to commence the schematic design. During that phase the budget was continually revised and looked at, which is normal.

In December 1994 there was a revised budget of $29.5m. In March 1995 there was a detailed costing based on the then completed schematic design and that figure went up to $38.2m. When that was looked at again it was decided $45m was needed to build a new facility.

Ms MacTiernan: What date was that?

Mr PRINCE: In mid to late 1995. There were then, and still are, some outstanding unresolved issues. The question is whether the facility should be on that site or whether it would be better located somewhere in the region.

The member for Armadale spoke about a task force. At the moment a number of officers are looking at health, transport and education in the region. Those three things go together and should be provided so that people can get to and from them easily.

In August 1995 ministerial approval was given for the balance of the 1995-96 capital works funding to be used for the stage 1 development of the site. That included construction of the functional training unit, which is part of the assessment and restorative care unit - that is, Golin House - the expansion of the existing community health centre, totalling $980 000; and major improvements to the vehicular entry, which has always been a problem. Those works were finished last year.

The project control group, through Silver Thomas Hanley, reviewed the total development to see if the decisions made in 1993-94 were correct. The reviewers identified, for example, that private sector participation was not likely; that the health service requirements of the area had not altered; and that the re-use of part of the existing hospital development, which was initially proposed, did not provide an economic advantage. That last factor has a lot to do with the way the place was constructed originally because it restricted many design possibilities.

It was, therefore, agreed that the project should proceed at an estimated cost of $45m. Approval has been received for $2.4m, which is based on documentation on the project to tender stage, to be spread over two years - that is, $600 000 in 1996-97 and $1.8m in 1997-98. A revised fee was negotiated with Silver Thomas Hanley due to the increase in the budget. Documentation on stage 2 is proceeding. Designing a house is totally different from designing a hospital.

Ms MacTiernan: They have not been designing the hospital?

Mr PRINCE: They are doing it now up to the stage of being able to say "out to tender".

Ms MacTiernan: What were they doing in all of 1996?

Mr PRINCE: I have just told the member that. They have been working out where to go from here. It is still the right way to go, even given that the cost has increased from $25m to $45m. That is a huge increase given that the population, the demographics and the needs are the same. The schematic design, design development and documentation commenced in October 1996 and is anticipated to be completed by October this year. A minimum two year building time is anticipated. That extra planning work must be done and is beginning to occur now. The money allocated in the budget for 1997-98 details what is being spent up to the tender stage.

Ms MacTiernan: That is three more years.

Mr PRINCE: Wait a minute! I gave a commitment to the public meeting in Armadale on that Saturday, which the member for Armadale attended, that a new hospital for that region would be commenced within this term of Government, if we were elected.

Ms MacTiernan: Mr Foss previously made the same commitment.

Mr PRINCE: The Premier has made the same commitment and it was in the Government's policy document. The former Labor Government built something too small in Mandurah and the Government now has to rebuild it. We need something that will be right not just for now, but for the projected life of the building of 25 years.

Ms MacTiernan: But you have spent $3m getting to that point already.

Mr PRINCE: The Government is committed to providing a new hospital facility within the life of this Government. It has done it in Bunbury, it has done it in Peel and it has done it Joondalup, which is more than the former Labor Government achieved in 10 years. In 10 years the former Labor Government achieved very little; my Government has achieved so much in four years.

Ms MacTiernan: Is it a $35m project or a $45m project?

Mr PRINCE: The information I have is that it is a $45m project and the design and schematic work being done at the moment is intended to take it to the tender stage. Where I find the money from, where the Government finds the

money from, is a matter for the Government, but the commitment has been made. All I can say is that the Government has promised and it has delivered. It will promise again and will deliver again.

GRIEVANCE - PATIENT ASSISTED TRAVEL SCHEME

MR BARRON-SULLIVAN (Mitchell) [4.48 pm]: The matter I grieve for today is raised on behalf of a constituent who lives in Australind and is directed to the Minister for Health. It also has ramifications for hundreds of people throughout Western Australia. Some weeks ago this constituent brought to my attention a problem he was having with the patient assisted travel scheme.

My constituent is having chelation treatment - that is, the intravenous infusion of ethylene diamine tetra-acetic acid, or EDTA, which also reduces hardening of arteries. This treatment can benefit people suffering a number of ailments but my constituent is being treated for cancer.

EDTA is subject to considerable international debate about whether it is alternative medicine or whether it should be an accepted form of treatment for a variety of ailments. Overseas studies have been conducted into the treatment and some legislatures have allocated funds for research into the use of EDTA.

The main benefit of EDTA, as I said earlier, is to deal with hardening of the arteries. It clears away metallic compounds built up in the arteries. Anecdotal evidence of people in the south west who have had this treatment shows the treatment to work. One study found that the need for surgery, particularly artery bypass surgery, can be reduced by as much as 88 per cent. The other advantage of chelation treatment is that it is non-invasive, so the risks associated with surgery are reduced.

Chelation treatment is administered by a limited number of doctors in Perth. No doctor in the south west administers it so my constituent must to travel to Perth to have the treatment. As a result, he applied for assistance under the PAT scheme, but was rejected. The policy and procedures manual of the PAT scheme do not cover such cases because, firstly, the doctors who administer chelation therapy are not specialists who administer it under the Medicare benefits scheme, and, secondly, the treatment is simply not covered under the scheme.

The Bunbury Health Service, which assessed my constituent for assistance under the PAT scheme has been helpful and very sympathetic, but its hands are tied. I also realise that to an extent the Minister's hands will be tied because allowing assistance in this case could open up a Pandora's box. However, that is not the point. My point is that chelation treatment works. A number of people severely affected by a variety of ailments and virtually crippled as a result of those illnesses have undertaken chelation treatment, and one person literally left a wheelchair and walked again.

In this case my constituent was in a very bad way indeed and the prognosis was not good. He has undertaken a three month course in chelation treatment, and I am pleased that on the occasions I have met him he could not have looked healthier. Therefore, the treatment works and, importantly, is legal. It is administered by doctors, although unfortunately it is not covered by the Medicare benefit scheme and, as a result, the PATS benefit does not apply.

A number of studies have been conducted on this treatment, and the federal authorities have considered whether the treatment should be included under the Medicare benefit scheme. In each case, the proposal has been rejected. Like anything in the health game, when looking at new medicines and techniques, one study says one thing and another says the opposite. That is the case overseas. Canada has been at the forefront of examining chelation treatment where a number of long term studies have been carried out, some of which indicate that the treatment works and some find to the contrary. An ongoing dispute is evident among the experts about the way that the studies were conducted and the conclusions reached.

I reiterate, I have met people who have undertaken this treatment and it works. Importantly, if people did not undertake this treatment, in some cases they would obtain assistance under our state health system. In my constituent's case, as a cancer sufferer, most likely he would be required to travel to Fremantle Hospital to obtain specialist treatment, and the PATS benefit would apply. Instead of attending hospital for more conventional forms of treatment, and securing help through PATS and the state health scheme in general, my constituent has taken it upon himself to pay for this treatment through a doctor in Perth. The doctor's consultation is covered under Medicare, but the chelation therapy is not. It costs him about $75 for each session of treatment.

I ask the Minister to please advise whether he can look at what can be done to assist people who have undertaken chelation therapy, both in regard to travel for country people who need to come to Perth for treatment and in pursuing our federal counterparts in determining whether chelation treatment can be given more favourable treatment under the Medicare benefit scheme.

MR PRINCE (Albany - Minister for Health) [4.54 pm]: I thank the member for raising the grievance and bringing the matter to my attention. I advise him that the patient assisted travel scheme helps people who live outside the

metropolitan area and must travel more than 100 kilometres one way to obtain essential outpatient medical treatment which is covered by an item in the commonwealth Medicare benefit schedule and not available locally or through the visiting specialist. Although no doubt they comply with the requirement to live 100 kilometres away from the doctor prescribing and delivering the treatment - the doctor's attendance on the patient is covered by the schedule - the treatment does not meet the criteria. Therein, I am afraid, lies the difficulty with the member's constituents.

The expert medical advice I received courtesy of the Chief Medical Officer of the Health Department, Dr Bryant Stokes - a professor of medicine - is that chelation treatment is neither a standard nor recognised treatment of cancer. In the absence of relevant scientific evidence regarding its efficacy in cancer treatment, it will not be possible to approach the commonwealth Minister for Health to have it recognised under the Medicare benefit schedule.

Chelation therapy has been a suggested treatment for not only cancer - the member has given an example of its beneficial effects on two of his constituents - but also arteriosclerotic disease. A systematic review of medical and scientific literature has been conducted by the Canadian Coordinating Office of Health Technology Assessment, which found no scientifically acceptable evidence that chelation therapy is effective in treating heart disease, or preventing peak myocardiac infarction or death.

Chelation therapy has also been considered in Australia by the Australian Drug Evaluation Committee and the Medicare Benefits Advisory Committee, especially in a respect of treatment of arteriosclerotic cardiovascular disease. The Medicare Benefits Advisory Committee has recommended that Medicare benefits be not paid for the treatment. Also, the Commonwealth Department of Health and Family Services is of the view that medical services do not attract Medicare benefits unless they are beyond the experiment stage and have clinical effectiveness and efficacy established.

All of this is no great solace to the member's constituents and anybody else who wishes to receive the treatment without having to pay the $75 treatment fee and the transport cost for country patients. A difference of opinion seems to exist about whether chelation therapy is effective. The member's testimony from two constituents is that it certainly is effective, and that view is shared by some doctors. The total of scientific evidence, as considered by the appropriate authorities both in Australia and Canada, is that it does not work.

In the absence of some definitive and exhaustive test over time - which is the normal scientific process when dealing with anything of an experimental nature - I doubt we will progress further in this regard. However, given evidence among a number of medical professionals of a well-founded belief that it works, notwithstanding the evidence to the contrary, it seems to be a matter that could be posed for trial in some form or another. These matters are properly in the province of the National Health and Medical Research Council and the commonwealth authorities which have governance over these things.

However, I am more than happy to take the member's comments with respect to his constituents, and to any others about whom the member is aware, and place the matter before the appropriate federal authorities and suggest that a method may be applied by which a proper trial could be carried out. This would be preferable to the "if you believe it works, use it; if it works, fine but it will cost a lot" approach. It seems that it is used widely enough to require a trial to be established and managed so that the matter can be proved one way or another. If it is found to be effective, it would follow that the commonwealth Medicare schedule would be invoked.

That does not help the member's constituent at the moment. I regret that that is the case. As the member said, it is a commonwealth matter. It relies on science. Experimental treatments and therapies are something that the Medicare schedule has never covered, and nor should it unless they are approved properly by proper empirical scientific method.

The member is probably right: If PATS were modified to cover his constituent, it would probably open up a Pandora's box for other treatments, only some of which may be advantageous. Many advancements in medicine to date have resulted from empirical scientific research, trial and test by people of a scientific and sceptical frame of mind. That system has worked well to improve the health of people, and medical science should be relied upon in that regard.

GRIEVANCE - RESIDENTIAL TENANCIES ACT

Mr Chris Roberts

MR McGINTY (Fremantle) [5.00 pm]: My grievance is directed to the Minister responsible for the administration of the Residential Tenancies Act and is on behalf of a constituent, a Mr Chris Roberts, who was from 1983 employed by Hamersley Iron Pty Ltd, initially as a mechanical engineer and for some time as a superintendent. Members will be aware that many of the iron ore companies in the north introduced home ownership schemes whereby company houses were sold to employees of the company in the late 1980s. In 1992, Mr Roberts terminated his employment

with Hamersley Iron in circumstances that are not relevant, but it was not a happy parting of the ways. Under the terms of the home ownership scheme, Hamersley Iron leased back Mr Roberts' house in Karratha for $300 a month. Rents in Karratha today are a lot higher than $300 a week, let alone the $300 a month that is being paid to Mr Roberts by Hamersley Iron.

From December 1992 when Mr Roberts' employment was terminated to October 1993, the house was left idle by the tenant, Hamersley Iron. In October 1993, Hamersley Iron proceeded to destroy the gardens of the house. It cut the quite lush gardens to ground level. A large poinciana tree was cut to a height of only 2 metres. Hamersley Iron said it was in preparation for the cyclone season; however, clearly it was not.

In December 1993, soon after this desecration of his garden, Mr Roberts served a notice of breach of contract on Hamersley Iron and made an application to the small claims division of the Local Court in Karratha. In April 1994, that application was heard by Magistrate Frank Cullen who ruled that Hamersley Iron was in breach of section 73 of the Residential Tenancies Act by causing wilful damage to Mr Roberts' property and ordered that he be paid $5 000 in damages and that Hamersley Iron forfeit the lease over the property.

In May 1994 - this is the essence of my grievance - Hamersley Iron appealed to the Supreme Court on the technical point, firstly, that there was no jurisdiction in the small claims division because a company could not be a tenant. That was so fanciful as to be a joke. Ultimately, Justice Wheeler of the Supreme Court ruled that there was jurisdiction because a company could be a tenant. The second basis of appeal was that the company, Hamersley Iron, was denied natural justice as it was not advised of some details of the matters alleged against it in the proceedings in the small claims division.

In August 1996, Hamersley Iron appealed the finding of Justice Wheeler in the Supreme Court and again lost that appeal. At that stage, the financial might of Hamersley Iron had taken Mr Roberts, a former employee of the company, to the Supreme Court twice and on each occasion the company lost its appeal.

Hamersley Iron is now preparing to argue the second ground of appeal to the Supreme Court; that is, the question of the denial of natural justice. The company is alleging three things. Firstly, that although the application made to the small claims division of the Local Court was made on form 12 of the Residential Tenancies Act regulations, the company complains that the applicant did not tell it that section 73 was the section of the Act upon which he relied and therefore it was denied natural justice. That was also a fanciful proposition put by the company. It alleged, secondly, that during the hearing before Magistrate Cullen, a Water Authority account showing that no water had been used to maintain the gardens of the house for a very long time was tendered, and the company was denied natural justice because it was not alerted to the fact that the account would be tendered. The third ground for appeal was that an arborist's report, which was produced in the hearing and which indicated the extent of the damage to the garden, was not given to the company before the hearing and therefore it was not in a position to rebut its contents. That appeal is pending before the Supreme Court and that will be the third time that Mr Roberts will have funded a defence of a decision from the small claims division of the Local Court in Karratha to gain possession of his house.

This matter raises a number of very important concerns. Firstly, solicitors are not allowed in the small claims division of the Local Court for very good reason; that is, to avoid the very situation in which Hamersley Iron is now engaged. Secondly, the rules of evidence do not apply in the small claims division. Yet, this appeal process, which is financially killing Mr Roberts, is being used by Hamersley Iron to frustrate the intent and purpose of the small claims division and the Residential Tenancies Act. It is wrong that a company with the massive resources of Hamersley Iron is able to bleed an individual to death by using expensive legal proceedings particularly when the points being raised are nitpicking. Legal proceedings can also be used to deter other employees of Hamersley Iron from raising matters relating to their properties which are under the control of Hamersley Iron. I have no doubt this case is being used in an exemplary way against Mr Roberts and any other employees who would dare to challenge the company.

At stake here is the very viability of the Residential Tenancies Act, which is a simple tool for landlords and tenants to solve their differences. If others embark on the unprincipled abuse of process as has Hamersley Iron, we can forget about the Residential Tenancies Act as an effective tool designed to achieve its objectives. Three and a half years after the magistrate's order, Mr Roberts still does not have possession of his house. That is wrong. Mr Roberts' economic loss includes legal fees of $30 000 to date. He has been awarded only $10 000. He is massively out of pocket by trying to recover possession of his property. He has forgone an enormous amount of rent. He has been paid $300 a month rent for the house whereas he could get well in excess of $300 a week for the property. The property is deteriorating. The garden and maintenance on the house have been ignored and the airconditioner has been left idle. It will cost thousands of dollars to fix the problems. This is an abuse of process and it is an undermining of the very spirit and purpose of the Residential Tenancies Act.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [5.06 pm]: It would not be proper for me to comment on people's rights under the law and whether they have the right to appeal if they feel they have been unjustly treated.

However, it is a two-edged sword. The member for Fremantle has told us the story of a small person being victimised by a large corporation. However, the reverse could occur whereby an incorrect decision was made by the small claims division of the Local Court which favoured a landlord but was not sound in fact. If we eliminated this gentleman's problem - there is no way that I can interfere in the courts - by removing the right of Hamersley Iron Pty Ltd to appeal, we would take away the rights of others to appeal. I will have to think carefully about that. I am not suggesting that I will not give the member's grievance to the Ministry of Fair Trading.

It is sad that this has happened. The Residential Tenancies Act and the small claims division were set up to resolve these types of issues. The fact that this matter has proceeded well past that and cost a lot of money is another issue. I understand why the member has raised the issue. I will give the information provided by the member for Fremantle to the ministry and obtain advice from its legal advisers on whether there is a better system to prevent people having to spend $30 000 in legal fees. I do not think it was ever designed to do that. I find this very disappointing.

Mr McGinty: It is ongoing.

Mr SHAVE: Yes. Clearly, Hamersley Iron would say that the law is there and that it has a right under that law to ensure it is treated fairly. It would say that it has not been and that is why it has gone to court. It would suggest that if it did not go to court and allowed this type of thing to happen, it would happen on every occasion. I hope that is not the case.

Notwithstanding the problems that have occurred in relation to this case, I will not get involved or put a view as to whether Hamersley Iron's case is legitimate. Given the number of appeals that have been lodged, it would appear that the person involved has dealt with some very difficult circumstances. Based on the information provided by the member for Fremantle, it also appears that in all cases until now the court has ruled in favour of the employee. However, I give the member an undertaking that I will have my staff investigate this case and perhaps meet with him. Neither departmental officers nor I can interfere in the current court process, but it does cause me concern. Obviously, considerable differences of opinion have arisen between this individual and the company that employed him. It is a very sad situation.

It is a difficult circumstance and, given what I have read in this document, no-one should feel comfortable about what has happened to date. I will ask Mr Bodycoat of the Ministry of Fair Trading to meet with the member for Fremantle to discuss the issue. Mr Bodycoat is a lawyer and perhaps he can provide some recommendations to ensure that a situation such as this, involving lengthy and costly litigation, does not occur on a regular basis. At the end of the day, no-one wins when something like this happens - certainly not the employee.

GRIEVANCE - CRAYFISHING

Pot Numbers

MR BLOFFWITCH (Geraldton) [5.14 pm]: My grievance is to the Minister for Fisheries and it relates to two cases. One involves a fisherman, Mr Robert Long, who tried to re-enter the industry last season after he had purchased a 55-foot boat. The regulations applying to the crayfishing industry stipulate the number of pots carried by a boat relative to its size. Mr Long bought only 65 pots and, according to the regulations, that was not enough for a boat of those dimensions - he needed another 15 pots to comply with the regulations. Buying 15 pots at the start of the season is virtually impossible because they are all being used.

Mr Long reported to the Fisheries Department that during the year he would buy the extra 15 pots to comply with the regulations, but he wanted to be issued a licence at the beginning of the season. As members will appreciate, Mr Long had spent a considerable amount of money leasing the pots and buying the boat. Officers from the department told him that he did not comply with the regulations because he had been in the industry previously and was aware of the rules. Mr Long provided me with many examples of fishermen whose pot numbers did not comply.

This situation has resulted because of the reduction in the number of pots a fisherman is allowed to use. People who had previously complied suddenly found themselves in breach of the regulations. The fishermen caught by that change were all right. Last year a fisherman came into the industry for the first time. He had exactly the same problem as Mr Long but, because he had not been in the industry previously and because he had spent a lot of money purchasing a boat, he was told that he would be allowed to fish.

I have approached the Minister for Fisheries and consulted the department on this issue and have been told that if an allowance were made for one person it would have to be made for everyone. I asked what was the sense in having a regulation stipulating the number of pots relative to the size of the boat. If a fisherman had only 50 pots, he could have only a 35-foot boat. Members who have been to sea out from Geraldton or Shark Bay and experienced the four metre swell would appreciate the situation. This is a big safety issue. These people fish the deep water 30 miles out on the continental shelf and small boats often have their bow smashed in.

When the industry was established and the first regulations were put in place it was decided that for every seven feet of boat, 10 pots would be allocated, and that ratio has never been altered. Of course, the only body that can amend this requirement is the Rock Lobster Industry Advisory Committee.

Several members interjected.

Mr BLOFFWITCH: It sounds hard to me, and I am sure the Minister would agree. We now have another player in this game; that is, the National Competition Council. We are expected to review all regulations and laws governing any type of commerce and, where they interfere with competition, amend them. This is a classic case. Fishermen are limited in where they can take a boat relative to its size. What would it matter if a fisherman had 40 pots on a 60-foot boat? Surely that is a safer scenario. Of course, the other argument put by many fishermen is the bigger the boat, the better their commercial abilities and the more crayfish they will catch. They want to keep everyone on a level playing field and I am not in favour of that.

My other gripe is that when the industry reduced the pot numbers by 18 per cent about three years ago, it decided it would set the level at 150. A couple of the fishermen who had 150 pots had their quotas reduced by 27, so they decided that they would purchase another 27. The Fisheries Department ruled that they had increased their quotas not to 150 but to 177 pots. Therefore, they could not use the 27 pots they had just purchased. Once again, I find it very hard to understand that they can have only so many pots. If a fisherman wished to have 300 pots and was very inefficient, is that not his problem? Why are we interfering in these people's lives? Why are we not allowing them to use the number of pots they would like to use? It is like saying to me, "Bob, you can have two car yards but no more." I have never heard anything more ludicrous. I ask the Minister to consider my grievance.

MR HOUSE (Stirling - Minister for Fisheries) [5.20 pm]: During the luncheon suspension, I told Hon Kim Chance that if the Labor Party were ever fortunate enough to get back into government, which I acknowledge will not be for a long time, and he will be a lot older, he should make certain that he did not take the job of Minister for Fisheries because of the difficult decisions that must be made, and just at the appropriate moment the Minister for Labour Relations walked past and I said, "See how relaxed he looks! You could have an easy job like Minister for Labour Relations. You would not want to be Minister for Fisheries."

The member for Geraldton raised an important issue in the rock lobster industry. I think I am right in saying that I gave a ministerial exemption to the gentleman whose case the member for Geraldton raised, and that solved his problem.

Mr Bloffwitch: He did not fish it last year.

Mr HOUSE: It must have been somebody else.

Mr Bloffwitch: The fellow who first came into the industry got an exemption, but because my fellow had previous experience, he was told he would not get anything.

Mr HOUSE: The Minister has a discretion.

Mr Bloffwitch: I am asking you to use your discretion.

Mr HOUSE: The member for Geraldton has raised this issue with me on a number of occasions. I set a very strong precedent when I became Minister for Fisheries of ensuring that a proper process is worked through with regard to these issues. I take the advice of the Rock Lobster Industry Advisory Committee and ensure that before I change any of the regulations, I discuss the matters thoroughly with that committee.

About two years ago, I suggested to that committee that we look at the seven and 10 rule, as it is known, and also at the 150 pot rule, because I had some serious concerns along the lines of those that have been raised. That committee has been discussing those issues with fishermen along the coast over the past 18 months or so. A fair amount of dissension exists among rock lobster fishermen about those rules. However, the majority said that they still favoured the retention of those two rules. I did not accept that absolutely, and a few months ago I wrote to all the fishermen who hold a rock lobster licence and indicated that I wanted those issues discussed in a more formal way. A series of meetings will be held in early July, all along the coast, to discuss not only those two issues but also other issues that are pertinent to the rock lobster industry.

I proffered the view to that committee that there is no longer a valid reason for maintaining the seven and 10 rule and it is an anachronism. It was first developed to limit fishing activity, but other mechanisms exist for doing that these days. The member for Geraldton hit the nail on the head when he said that a safety issue is involved. I agree. Equally, a commonsense issue is involved; namely, that it is a bit of a nonsense to tell people that they should limit the number of pots on a vessel that would take a larger number of pots; and he can develop that theory as much as he likes. However, the industry believes there is a reason for that rule, and that is why I asked it to debate that matter

more thoroughly. The committee will meet on 4 July and will report back to me, and I have indicated that I will make a quick decision and let it know the result.

The 150 pot rule is another matter. The reasons for retaining that rule are more valid. If we allowed that rule to be extended, the size of the fleet would be reduced from the 600-odd boats that operate now. It is difficult to determine the exact size of the reduction, but probably one-third of those boats would disappear from the industry. That would have a dramatic effect on the industry, and that matter must be weighed up carefully.

Mr Bloffwitch: When there was no limit on the number of pots, it never went that way.

Mr HOUSE: There were different reasons for that at the time. The first limits were introduced in 1963, so we are going back a long time. The member for Geraldton will find that there is some dissension about the 150 pot rule, and I am not prepared to make a ruling that goes against the views of the majority of rock lobster fishermen if those views are based on valid reasons. After the series of special meetings along the coast at the beginning of July, the Rock Lobster Industry Advisory Committee will come to me with advice. It is my guess that the seven and 10 rule will go and the 150 pot rule will stay. However, I am not passing judgment on that. That is my general feeling at the moment.

Mr Bloffwitch: It would be a step in the right direction.

Mr HOUSE: These issues must be debated thoroughly, as the member for Geraldton has said. Where there are anomalies, ministerial discretion can be applied, and the member for Geraldton has given at least one example of where that discretion should have been applied in a more sensible way. I am willing to look at those issues to see whether we can resolve them on a one to one basis when they occur in future, because people who invest in boats must know what the rules will be. We should signal very early whether we will make any changes that are needed.

The ACTING SPEAKER (Mr Ainsworth): Grievances noted.

MOTION - RACIAL DISCRIMINATION

DR GALLOP (Victoria Park - Leader of the Opposition) [5.28 pm]: I move -

> That this House -
>
> (a) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin;
>
> (b) supports the federal parliamentary commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;
>
> (c) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;
>
> (d) asserts its commitment to maintain Australia as a culturally diverse, tolerant and open society, united by an over-riding commitment to our nation, and its democratic institutions and values; and
>
> (e) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

Australia is a great and dynamic country, with powerful democratic credentials. The traditions of citizenship and politics run deep, as does the belief in an open society and equal opportunity for all. We can take some pride in the fact that in respect of some of the great democratic institutions, we led the world, and at the turn of the century and early into this century, many people from other parts of the world came to Australia to study our democracy and to look at the institutions we had developed to make sure that there was full participation of the people in the democratic process.

However, that democracy was still only for some, and built into our Australian tradition at that time was a definition of "Australian" that precluded people of different racial origin. We know only too well about the White Australia Policy as it applied to immigration, and we know also about our racial policies as they applied to the indigenous people. Nevertheless, the core values within our system became the basis upon which we extended our notion of rights to cover all who live in this country. Even though democracy has become a central feature of our identity, we still have uncertainties about our national identity and our place in the world of nations. For some people these uncertainties generate fear and a desire to turn the clock back to a time that appeared to be settled and harmonious. I say "appeared" because we know only too well that even within the dominant culture of that time, which was racially defined, there was an important and divisive sectarian and class divide.

Australia has now moved on and has created institutions and values that embody more complexity and require more tolerance. It is this new Australia that is now under attack. The reasons for the re-emergence of racial isolationism as an ideology, with some support in the community, were outlined very well by Paul Kelly in an article in *The Weekend Australian.* He speaks of alienation in a section of the community "caused by a conjunction of forces, globalisation, economic restructuring and social change where people need scapegoats to explain their frustration". He argues, as do others, that the economic restructuring throughout the democratic and industrial capitalist world has created tensions within communities in respect of the rate of change and the application of the change to the interests of groups; and a climate has been created in which people seek scapegoats for the frustration they feel.

Today is not the time to analyse the reasons and to propose strategies and tactics even though they are matters of great importance that should concern us all. On other occasions we can deal with the question of how we can develop strategies and tactics, both within political parties and as a Parliament generally, to ensure that we can overcome the development of division within our community. Today is the time to state and affirm the core principles of the only Australia that is capable of offering genuine progress as we move into the twenty-first century. There is only one way forward for Australia to attain both social and economic progress. This is not only a social issue but also an economic issue. The two are inextricably entwined, as we have seen in the past 12 months. We know that some of the debates and some of the attitudes expressed here affect the image and reputation of our country and through that mechanism affect the desirability of Australia as a trading partner and as a colleague in the world of nations.

Fundamentally, this is a social issue because it affects the way in which people who live here now relate to one another. Of course, if we cannot have a model by which we can co-exist peacefully, it will augur very badly for our future.

The motion is modelled on that moved in the Federal Parliament. It is a straightforward statement of principle. Five values are proposed as core values for the new Australia. This motion does not talk about detailed policy questions but about core principles upon which we can all agree and make the basis upon which we can go into the community as a Parliament and say that this is what this nation stands for.

The first principle is a belief in equal rights and equal respect regardless of race, colour, creed or origin. Most States now have equal opportunity legislation which embodies those important principles. There is a clear view that the people who live in Australia should not be discriminated against on the basis of their race, colour, creed or origin. This is a fundamental, liberal right that we now regard as an essential part of our political system.

The second principle is a belief in an immigration policy which is nondiscriminatory with regard to race, colour, creed or origin. We are aware of the history of that issue, given the existence for many decades of the White Australia Policy, which provided a basis upon which people could be excluded from Australia because of their racial origins. We tend to forget, of course, there were many people at that time in Australia of Asian origin. Only recently I watched a very interesting television program on the way that the Chinese community in Australia survived that period. Interesting observations were made. The first was that many Chinese men who had come out here were never reconnected with their families. This was an extraordinary experience for these people resulting from the White Australia Policy. There was the classic case of two old men from York who recently - I think it was five or 10 years ago, but I cannot recall - were taken back to their home province in China.

Secondly, the Chinese developed a very effective mechanism for staying together as a cohesive culture within Australia. For example, the Chung Wah Association in Western Australia has its origins in the 1890s. Very important business relationships were developed and some of the great business enterprises within South East Asia, particularly in Hong Kong and Shanghai, originated from capital from Chinese in Australia that was invested back into China. The best examples are some of the superstores which were developed in Shanghai with Australian-Chinese capital. It is a marvellous story of human survival in the context of a culture which ultimately did not accept the Chinese culture in the formal framework of the law, and had a deliberate policy to keep out people of their kind. We now have a view that immigration policy should be determined by factors completely separate from race, colour, creed or origin. There will always be economic issues about how many migrants come in and what skills are needed, but those issues are separate from race, colour, creed or origin.

Thirdly, there is a belief in the reconciliation process with indigenous people. This is a process which has been set up in recent years to ensure that this nation comes to terms with relationships between the settlers and their descendants and the indigenous people. It is a difficult issue to resolve, but a lot of goodwill is going into the reconciliation process at both federal and state levels. We should regard this as a core value in this country.

Fourthly, we must have a belief in a culturally diverse, tolerant and open society. We certainly define ourselves in narrow terms in regard to our political system; that is, we have an open, liberal and democratic system but we now accept that cultural diversity is part and parcel of what it is to be Australian. We know there are many ways in which that cultural diversity has added to our quality of life, and it would have a negative effect to reverse that policy. That

policy is felt very strongly by those who have come to Australia from overseas and who have been able to keep their culture while at the same time becoming Australians by their commitment to democracy and our political system.

The final principle is opposition to all forms of racial intolerance. Certainly we have seen in Western Australia from time to time outbreaks of racial intolerance that are not simply outbreaks of "freedom of speech" but deliberate attacks on people in our community which can be not only harmful but also physically damaging to the people concerned.

Those five core values outlined by the Federal Parliament in the motion it passed have become the basis of the motion I moved today. They are a very good statement about Australia's core values: Equal rights, a nondiscriminatory immigration policy, belief in reconciliation with the indigenous people, belief in cultural diversity, and opposition to racial intolerance. These values did not emerge in a vacuum. Australian history had been characterised by racial discrimination. Aboriginal children were forcibly removed from their families and Aboriginal adults were denied the right to vote. Non-Europeans were subjected to a dictation test and effectively excluded. For those in Australia life was tough and unrelenting. We moved beyond those practices from a mixture of interest and commitment. Not only did it become obvious that traditional Australian values, such as a fair go for all, could not be restricted in their application, and slowly but surely this has been recognised by our Parliaments and courts, but also our location to the south and east of Asia made it obvious that new links and relationships were crucial to our economic future.

The development of the values of new Australia as I have described them occurred through an interesting process of history. It was partly in Australia's economic and self interest to forge new and important economic relationships but also part of its tradition was being extended in the form of its application. Certainly those of us brought up in the 1950s and 1960s, who started to become interested in politics and develop ideas about the application of our democratic values, saw a contradiction between those values and the conditions experienced by Aboriginal people and the White Australia Policy. It was very Australian to move from the previous situation to embrace a broader view of rights and liberties. This great Australian democratic tradition became part and parcel of the process by which we extended our identity and self-definition to include people other than Europeans within our definition, and to embrace Aborigines as part of the citizenry of the country. It was with a good deal of pride that we could report to the world the massive and overwhelming support for the extension of voting and citizenship rights to Aboriginal people in the 1960s.

We promoted a new unity out of our diversity, focusing on core democratic values as expressive of our nationalism rather than racial and cultural identity. That was the key move Australia made as a nation; Australians defined themselves in terms of their core democratic values rather than their racial origins or cultural identity, narrowly conceived. Some people have been very uncomfortable with that shift because it meant two things: Firstly, a more expansive and welcoming attitude to the world outside; and, secondly, a more understanding attitude to the indigenous people within. Of course, when times are tough and change is rapid those more welcoming and understanding attitudes can be perceived by some in the community as weak and compromising of an undefined, but rhetorically real, national interest. Sometimes when I hear people talking about Australia's national interest in those terms, I am not sure what they are talking about. Nevertheless, it has rhetorical force in the debates in our community.

Times are tough for this new Australia because it now operates in a world that has become very competitive, where people are dislocated by change and are uncertain about where they will be tomorrow. They do not know whether they will have jobs and whether their children will have jobs. Therefore, this tremendous development that occurred in the three decades between 1960 and 1990, supported by all sides of politics in Australia, has started to be questioned by some in the community. No doubt there will always be issues to be addressed, because there are abuses in any system. We must expose those abuses and address the issues that arise in this new Australia. We need to do that within the framework of a set of principles that will ensure fundamental harmony within our nation. That is essentially the purpose of this motion today, establishing the principles by which we will treat the emerging issues that must be addressed. These principles have served us well in that they have created new opportunities for employment and wealth generation particularly, but not exclusively, in the Asian region. In addition, they have established Australia as a dynamic and progressive country whose voice is listened to on the world stage. Many commentators are too cynical about Australia's place in the world. Australia is listened to on important issues because it is seen as a progressive country in its overall outlook and the institutions it has created. They have also enriched our culture and way of life in ways that were unimaginable in the 1950s and 1960s.

It is very exciting and enriching to live in Australia today and experience the range of cultures that exist. Any thought of turning back the clock on those practices, institutions and cultures in this country sends a shock wave through the system of many Australians. Like all members of Parliament, I attend functions organised by those who have come to Australia from overseas and who now contribute to our society. Of course, members of Parliament are in a privileged position in that sense because we see that those people who have chosen to come to Australia and have

brought a different culture with them, have a passionate commitment to the Australian way of life in its political system, democracy and belief in liberty. On Saturday night the Minister for Multicultural and Ethnic Affairs and I were at a function with the Sikh community, and earlier that day we were at a function with the Buddhist community. It is not conceivable that we would go back on a commitment we have made to embrace and include those cultures within our community. They add so much to our way of life. There is now great passion in our community on issues such as multiculturalism.

I repeat that we have new opportunities for wealth and employment that would never have been available in the old Australia. We have a place in the world that we would never have gained without the dynamic and progressive outlook that has become embodied in our law. Finally, we have a culture enriched in ways completely unimaginable in the 1950s and 1960s. This is an Australia of which we can be proud; a country in which problems are treated as challenges to be tackled rather than flames to be fuelled. There is nothing easier in politics than to point out problems, fuel the flames and feed the conflict. The much harder task is to look at those problems as challenges that must be tackled through hard work and the democratic process.

I conclude my comments this evening by asking a series of questions. In answering these questions we will see why the core values I have outlined in this motion are irreplaceable as central features of the Australian way of life. The first question is: If we are not to enjoy equal rights, whose rights will be compromised and where will it stop? If we do not accept the universality of human rights, the question posed is: Who will not have those rights? Of course, that is why the social contract dictates we should all enjoy them equally. People will not enter into a social contract on the basis that they may be the individual or the group who will not have the rights of the others. That is why they are ultimately universal rights and that is why democracy carries with it a strong commitment to equality.

The second question is: If Australia discriminates in its immigration policy on the basis of race, colour or origin, who is to be excluded and why? Let us say we returned to the old system. Who will be excluded and why would we exclude them? What would that mean for our reputation on the world stage?

The third question is: If reconciliation with Aboriginal people is ditched, on what basis are we to conduct our relationships? Not to put too fine a point on it, it is hard enough now for white Australians to conduct a relationship with Aboriginal people because of the enormous history that clouds the relationship. I will tell members an interesting story. In the early 1970s I was working as a trade union official in Western Australia. I took my car into a car park behind the Labor Centre. A group of Aboriginal people were talking at the back of the centre. I will not forget that instinctively when I parked the car I leant across to push down the lock and I made eye contact with the Aboriginal people in the car park. It was as though a couple of hundred years of Australian history bubbled up. They said, "You locked that car because you think we're going to steal it." I did not have to say anything, but there was all that history. On my part there was a good proportion of guilt. I do not know what was happening on their part; however, I could tell they felt I did not trust them. It was a small event, but I sensed the history was there. Having been raised in the country town of Geraldton, where there were many Aboriginal people, I was always aware of this history.

By accepting it and putting it on the table it is possible for people to achieve reconciliation. The reconciliation process is founded on some of the most profoundly important principles that we have in our civilisation. That is why I cannot contemplate a society that does not accept the need for the reconciliation process.

The next question is: If we eschew cultural diversity, which culture will be chosen to embody the Australian way? That is an interesting question. If we ditch cultural diversity, which culture will we choose as the Australian culture? When people who take the view that multiculturalism is not a good thing are pressed on this issue, they have some difficulty defining what they are talking about in other than very narrow racist terms. Our culture today is more diverse than it was previously.

I make a point that I introduced earlier in my speech; that is, even when Australia was racially homogenous in its central cultural identity there were huge divisions in our community in some of the core values. For example, was it the Protestant establishment or the Irish Catholic alternative that represented true Australia? Many sectarian arguments were raised about that. Was it the working class tradition of bush mateship which had been built up in the late nineteenth century and which was romanticised by Henry Lawson?

Mr Pendal: Do you think we ever had a fully homogenous society?

Dr GALLOP: No, but we did have the White Australia Policy. That was fairly homogenous. I am putting the very point the member for South Perth is hinting at: Australia was never as homogenous as people imagined it was. It always had a cultural diversity built in and that was its strength. Australia is what Great Britain should be if it were not dominated by England. There is some food for thought. That is an essay question in the next parliamentary exam I have set for my colleagues!

The final question we can ask is: If racial intolerance is accepted, who will set the terms, conditions and targets of intolerance? There is no question that racial intolerance in Western Australia in only recent times became the basis of the fire bombing of restaurants and of insults to young children walking the streets in the suburbs of Perth, and has become the basis of physical assaults on citizens in our State. Racial intolerance is not acceptable in our way of life. When we begin to develop answers to these questions we see the seeds of the appalling atrocities that occurred in Europe in the 1930s and 1940s, that occurred in the Balkans only recently, and that are occurring in parts of Africa today. As the former Liberal member of Parliament Fred Chaney put it so eloquently in *The West Australian* on Saturday -

> There are fundamental moral and ethical issues at stake here. In any society, there is always someone else to blame for your problems. That is a remedy of the demagogue.

As we know only too well, racial prejudice creates division and discord in all spheres of life, from the suburbs to the factories and the schoolyards to the sporting arenas. Today members have an opportunity as a Parliament to make clear in unambiguous terms that this is a path we will not follow; that we stand firm on certain core principles. Members in this place will disagree on all sorts of issues with great passion, as we should given our different views of the world. However, on these core issues we can all agree as a community and, in this case, as a Parliament. Let us be unambiguous about the principles that should guide us into the future. The Federal Parliament has set a useful agenda for us. The motion I have moved today follows that agenda. I look forward to members of Parliament joining together today to make a clear statement of these fundamental principles.

DR HAMES (Yokine - Minister for Housing) [5.58 pm]: On behalf of the Government I thank the Opposition for giving me the opportunity to formally second this motion. The Government will take a bipartisan position on this issue and will support the motion.

Sitting suspended from 5.59 to 7.30 pm

Dr HAMES: As the first government member to speak in support of the motion moved by the Leader of the Opposition I do so, firstly, as the local member for the seat of Yokine and, secondly, as Minister for Aboriginal Affairs. It is a pity the Leader of the Opposition is not in the Chamber. I understand the member for South Perth has as his guests in the Speaker's Gallery a debating team. I am sure they are aware of the Leader of the Opposition's debating skills. I can assure them that I am no match for him, but I will do my best to provide a broad picture of the Government's view on the subject of multiculturalism.

The Yokine electorate has a large and diverse ethnic community. Large numbers of Italians, Greeks, Vietnamese and people of Jewish origin reside in my electorate, and that is of particular importance in a debate on equal rights and no discrimination on the grounds of race, colour, creed or origin. Members will be aware that the Jewish community has suffered more in this regard than any nationality. In my electorate are the Carmel school, which is the only Jewish primary school and high school in Western Australia, and three synagogues.

While the current problems associated with racial vilification do not identify those people of Jewish origin, nevertheless the Jewish community finds them extremely disturbing because they reflect the symptoms that were evident in the days of the holocaust. For those members who may not be aware, I advise that the commemoration of the holocaust was held last week. People of Jewish origin, as well as those from Asian and Aboriginal communities, have serious concerns about the current debate in Australia. It is sad that this nation is supporting claims that tend to lead this country to racial intolerance.

The most important thing about having a diverse group of cultures in my electorate is the enormous richness it provides to me as the local member and to the community. Many of us come from an Anglo-Celtic background and Australia's history reflects that origin. This country has been tremendously enriched by the numbers who have other ethnic origins. Living in my street and community are people of Malaysian, South African, Italian and Greek origin. As members of Parliament we attend many functions associated with those communities and I am extremely proud of my association with them and am happy to have the opportunity to be involved with the diverse range of cultures they represent.

People who support the current claims and concerns raised about ethnic origin do not need to be concerned. They should remember that almost all the people who come to this country do so because of the richness Australia offers and they tend to take part in the Australian culture by supporting the traditional Australian concept of a fair go. I find the ethnic communities are the strongest supporters of democracy, of giving people a fair go and a hard work ethic. They have made a fantastic improvement to the traditional Australian lifestyle.

I am pleased and proud to be associated with a new concept in Perth; that is, the state soccer team, Perth Glory. I have attended a large number of Perth Glory's games and I will read an article which was recently published in *The*

West Australian and which highlights perfectly the attitude that we should have towards multiculturalism. The article reads -

> For what is about to occur on this warm Sunday evening is something that has been beyond belief for all West Australian soccer fans for a quarter of a century or more, something from which our leaders may learn.
>
> Over the years, politicians of all colours have been bereft of ideas for the integration of the many races of people on this island of ours.
>
> Multiculturalism, as they have named it, has them beat.
>
> Then along come an Italian and a Greek, who put their money where their hearts are by adding more than $1 million to their beloved game of soccer and, hey presto, multiculturalism has been solved. Perth Glory has been born.
>
> Men, women and children of all races turn out week after week to cheer on Glory's every move. And then, when a goal is scored, all hell is let loose. Enough to cause strangers to the world's greatest game a few moments of discomfort, until they too are engulfed in the electrified atmosphere never witnessed at any other sport.
>
> Complete strangers engage in bone-crunching hugs, hands are shaken vigorously and backs slapped, without any thought of whom or what the other person may be or from where they came.
>
> For at that moment everyone is equal, they all support the same thing in life, their soccer team.
>
> This gives each and everyone a feeling of involvement and togetherness. Snippets of many a foreign language float through the bedlam, but everyone understands.
>
> Many of these people now rejoicing together may have been at war against each other in the past and, who knows, they may be again in the future, but for now they are all united as one, brought together by a mere game, if one dares use that phrase.
>
> A togetherness that politicians can only dream about, for no matter what restrictions or regulations they impose while in their ivory towers, the people themselves will decide how best to bring about multiculturalism.
>
> May be the answer is there - just kick a soccer ball among them.

It is the most interesting and enlightening article I have read.

Mr Carpenter: Who wrote it?

Dr HAMES: It was written by Glen Wood, who was a guest columnist for *The West Australian* that day.

Several members interjected.

Dr HAMES: I would like to have written it myself.

Mr Minson: You would not be the first politician to quote yourself in this House.

Dr HAMES: Most members who have witnessed Perth Glory will know that the crowds who attend the soccer matches in Perth are bigger than the soccer crowds in any other State. Regularly, the crowds are between 12 000 and 17 000 and people are packed into a tiny enclosure. These people are from all ethnic origins. I see friends there from every ethnic community and I often see people from other sporting codes, particularly the footballers and rugby players, caught up in the atmosphere of watching Perth Glory. I have not been a great soccer fan. My children play. For the information of those people in the gallery, I have six children, four of whom are boys and they play soccer on the weekends, invariably at different grounds. I enjoy watching them play, but I have never been a great fan of watching the game on television.

Mrs Roberts: Have you seen my friend Jack Marks at the soccer, too?

Dr HAMES: Yes, he is a very strong left wing person and is normally sitting in the box and at the table next to me. He is a great supporter of soccer, and he has been since its inception. I think his work got the Perth Glory started on that ground in the first place. Many of us are from different cultures and backgrounds. My parents are of British origin. My grandparents were Scottish and my father comes from an Irish and English background. On my wife's side, her father is Hungarian and his father is German; her mother is English, but her mother's father was also German. My children have inherited small parts of many cultures, mostly European. Our next door neighbour is of

Malaysian origin. She is the equivalent of one of our children. She enjoys having dinner at our place much more than she does at her home, and spends most of her spare time at our place. It is like our having seven children, not six; it is just that one is a little darker skinned than the rest. She is a very welcome member of our family and a pleasant occupant of our household.

As I am Minister for Aboriginal Affairs, I will address some issues in that regard. I will talk specifically about part (c) of the motion, and other members from this side of the House will address other components of it. It states that this House -

> reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;

The words "profound social and economic disadvantage" are very important.

We all know of the current debate that is ranging through Australia and are aware of the person to whom I could refer, who apparently has more than 10 per cent support of the population and who has been very critical of Aboriginal communities and the funding that has been going to those communities. That person has suggested white people are being discriminated against as a result of the funding being given to those communities, and it is racism.

A view has come to me through my being chairperson of a committee of the chief executive officers of government, looking at the provision of essential services in remote Aboriginal communities. As part of that group, I have visited many Aboriginal communities in Western Australia and we have prepared a report on trying to improve the standards of living of the Aboriginal people in those communities. Last week I went on a four-day trip with Homeswest staff through the north west, starting in the Gascoyne district and going through the Pilbara and up to the Kimberley. In four days we visited 16 Aboriginal communities. We took off 14 times, and I am pleased to say that we also landed 14 times!

Mr Cunningham: You've got to land.

Dr HAMES: That is right. If people who have criticism of Aboriginal communities were to see the standard of living these people must endure, they would change their opinions. Many of these people are not there by choice. There is a list of 48 communities in Western Australia for which the State Government came to an agreement with the Commonwealth to support the maintenance and provision of water, sewerage and electricity. To a large extent, many people in those communities were living in the desert, but more often on pastoral leases. When the laws changed on payment to those Aboriginal people, they were sent away from those lands and put at the nearest point where there was water; in effect, put into places that were called feedlots. Very little food and provisions were available. People lived in those communities because the Government provided food for them there. There is no opportunity for developing some economic base to their existence. They live there because they were put there, and not of their own choice. If members lived in those areas they could not make a living. There is not enough water with which to grow crops or tourism to which to sell products. People can do nothing, other than sit around and hope they will be provided with support, or leave and go somewhere else.

Mr Carpenter: You are displaying dangerously enlightened views. How many of your colleagues agree with you?

Dr HAMES: I am explaining that now. This is perhaps a good opportunity for the member to listen. We must remember that while the history of the people in those communities is very long and rich, their history of association with white people in Australia is very short and their history of having to live in these communities is even shorter. In many instances they have not been there for more than 20 or 30 years since they were kicked off the pastoral leases. They must try to make a go of it. Currently large amounts of money are still being put into those communities to try to improve them. Often it is poorly directed. It is always poorly coordinated and often it is inappropriate.

These communities are trying to make a go of it. I have been extremely pleased by the attitude I have encountered when I have visited these communities. It is changing. Although initially there were big problems with unemployment and alcoholism, many are now becoming dry communities and banning alcohol from their sites Most of them have a very strong, positive attitude towards wanting real employment, real jobs and to being given real opportunities. That must be based on being provided with a decent standard of living. They must have a roof over their head and be provided with water and sewerage. Their living conditions are absolutely abysmal.

Their death rates are much higher than ours; that is, the age to which they live is much lower than ours. The death rates of their children are much higher than ours. It is a very sad reflection on the Government that it is not able to provide sufficient support for those communities to give these people a go. That is what we are talking about - the good old Australian fair go that we say we want, but that those communities are not getting.

Mr Carpenter: You will lose your ministry if you keep talking like this.

Dr HAMES: I could be labelled Red, but it does not go with Kim. It is a poor reflection of all Governments, state and federal, Liberal and Labor. No-one is blameless. It is incumbent on all of us to make a very real effort to bring about a change. I am very pleased to say that changes are being made. As a result of the report I undertook, we have a 10-year program to upgrade remote Aboriginal communities, with $3m being provided last year to be applied to two demonstration projects at Oombulgurri and Jiggalong, and a further $3m yet to be allocated to specific communities next year. I hope that will lead to significantly increased funding.

It is not much money in itself but, as complained about by the person to whom I referred earlier, a lot of money is available for Aboriginal communities. We must make sure it is properly coordinated. We are putting that money into supporting the management structure of the Aboriginal communities, assisting them in working out how to manage their affairs and coordinating the funding that is available through ATSIC, through the health improvement priority project program and the supported accommodation assistance program, through state funding that is available through the Aboriginal housing department and police services and Family and Children's Services. All of those organisations put funds into Aboriginal communities, but that funding must be coordinated and these groups must work together. I hope our demonstration projects will progress and achieve that.

As part of our plan we must upgrade to a basic, reasonable standard of living the 48 communities on the list to 55 or 60, which have a population of more than 50. They need roads to settle the dust, which is a major problem in their communities. They need decent housing, water and sewerage, and decent conditions for their children to grow up in.

Mr Carpenter: Do you support the elimination of native title on pastoral leases?

Dr HAMES: I do not wish to talk about native title. I have no intention of talking about it at this stage.

Another project in those communities which is run by Homeswest is the maintenance support program. This new program was initiated by Homeswest and is an absolute breath of fresh air. It has the potential to do more for Aboriginal communities than any other project that we have started. It does not involve a lot of money. In most communities it costs $130 000 to $150 000 a year once the project has started. The project appoints a supervisor, who may be Aboriginal or non-Aboriginal. In most places that we visited they were Aboriginal. They have expertise in the building trade. The supervisors have under them Aboriginal people from the community and they are provided with training in plumbing, carpentry and other trades as part of a trade development program. They refurbish houses in their community, many of which are 40 to 50 years old and of a very poor standard. Although the structure may be okay, the houses are in poor condition. They clean a house and repaint it, often in bright and attractive colours. Some of the heritage colours are used in those community houses to make them more attractive. They refurbish the toilets and bathrooms. When one goes back to those communities two or three years after they have been in that program one finds a huge improvement in community spirit. There is often a big reduction in the consumption of alcohol. Many people who were living away from those communities have moved back in and are looking for job opportunities. At the end of the maintenance program when the community has been upgraded, those people will be provided with further support through Homeswest by being employed on regular routine maintenance on the Homeswest programs or they will go into the private sector. Through their trade qualifications they will be able to obtain employment in the wider community. They want real jobs and real opportunities.

The Leader of the Opposition made the point that the issue is not just about government services and the provision of services but core principles and attitudes. We must change them. As Minister I will be doing my best to change them and to make people realise that attitudes towards Aboriginal people are important. The children in Western Australia have an excellent attitude towards Aboriginal people, but many older people have a very negative attitude. To some extent that is born out of the years of excessive alcohol consumption by Aboriginal people; their high level of representation in gaols and in family and neighbourhood disputes and the like. To some extent one cannot blame people for adopting that attitude. We must give some cognizance to why that attitude has developed.

I told a story previously in Parliament which I call my grandfather's story. I will tell it again because only a few people were in the Chamber at that time. The number of members will probably peter out as I go through the story. It arose out of a visit I made to Canada during which I visited an Indian community in Vancouver. It was one of the wealthiest Indian communities in Canada because it held parcels of land close to the bay. They leased that land to members of the white community, who built fancy houses on it, so they had a fairly large income. I met the Indian chief of that community. Rather than being done up in Indian costume he looked absolutely no different from other members or me in a shirt, tie and suit. He said that their community had exactly the same level of alcoholism that we have in our Aboriginal community, and the same level of unemployment, representation in gaols and in suicides and so on. He felt that he knew the reason for it. I think he is right. He talked about the grandparent theory. When children are young and small and their parents are in their twenties or thirties and their grandparents are reaching their fifties or sixties, the grandparents are getting to the stage of being better off than the children's parents. They often look after and babysit the children and are often able to provide a lolly or an icecream. They are often able to take

those children out. The children dote on their grandparents. They reach the age of 15 or 16 years - or in the case of my children probably 14 years - and start rebelling against parents and will not do what their parents say. When the mother says, "Go and do the dishes", they say, "I won't do the dishes. Why should I?" The grandparent says, "Look, Johnny, can you come and do the dishes?" The child says, "Okay, gran, but only because you asked." They get from the grandparents a sense of responsibility, guidance, moral support when things are tough, and direction.

What happens in the Aboriginal community is the same as happens in the Canadian Indian community; grandparents are dying of alcoholism and diabetes, so they are not there to help their grandchildren. Aboriginal communities throughout the world suffer from diabetes as a result of the western diet. They tend to die in their forties and fifties. Therefore, when Aboriginal or Indian children get to those rebellious years, their parents are often unemployed, often alcoholic and fighting, and their grandparents are dead. If one were to take children of any race, creed or colour and put them in the same circumstances, they would tend to go off the rails and lose direction. If we look at those members of the white community in Western Australia who are getting into trouble with the law and look at their history and background, we will find exactly the same thing happening to them. The white community tends to have grandparents more often. They are living to a ripe old age of 70, 80 and 90 or more. They are there to provide direction to their grandchildren, except in some dysfunctional families. Aborigines have that great disadvantage.

The white community has much better opportunities for employment. Many people still will not employ an Aborigine. It makes it extremely difficult for Aboriginal children to find their direction and to cope. However, as I go out in the community I see many fine examples of Aboriginal people who have taken a positive step and have found their direction. Homeswest has a tremendous policy of having Aboriginal people as 10 per cent of its workforce. It also has a strong proactive policy for people with disabilities. I was involved in bringing in some of those Aboriginal people to Homeswest the other day. They were a tremendous group of young people. The only reason Homeswest cannot make the 10 per cent is that the Aboriginal people are doing so well that other government departments keep filching them. It is forever chasing to find more Aboriginal people.

I do not support the negative attitudes towards Aboriginal people or people of other ethnic origins. We are a multicultural society. The sooner some people accept that fact and get on and enjoy the wonderful benefits we get from multiculturalism, the better we will be as a community.

MS WARNOCK (Perth) [7.59 pm]: I am very pleased to support the motion in the strongest possible way. Before I discovered there was to be support on both sides of the House, I was about to express the fervent hope that my colleagues opposite would support this motion. I am pleased tonight that we find ourselves in the most unusual situation of all supporting a motion of this kind.

I represent a very diverse electorate which has people from about 170 countries, all of whom claim, rightly, to be very good Australians like me and I am happy to speak on their behalf in the House tonight. I have spoken before in this House about this subject because it is one that is dear to my heart. It is something that I feel I would like to repeat. As parliamentarians we have a very important leadership function. We have an obligation, and sometimes we must choose in our work a moral rather than a popular point of view. This is sometimes difficult to do when one is in an elected position as a parliamentarian is. However, it is something we must do on important matters like this. This evening I willingly take on that obligation, whatever the consequences, because few things are more important for Australians than maintaining the social fabric of this very tolerant and diverse community which I have had the privilege of growing up in, and not allowing it to be riven by the poison of racism and division.

A former federal MP, Fred Chaney, with whom I do not necessarily always find myself agreeing - on this occasion I do - wrote an open letter last week, which was published in *The West Australian*, to the Queensland politician who has been so divisive in this country in the past nine months or so. He said plainly in that letter that this politician is promoting diversity where we need unity, and scorn and hatred where we need tolerance. He said that the same politician has been appealing to prejudice and promoting fear and loathing. I believe that to be true. That is one of the reasons I am inspired to stand tonight and to speak once again on this subject that is so important. Whatever the original intention of the movement which this particular politician has stirred up in this country, it is now clear that many of those involved have the simple intention of appealing to community prejudice against Aborigines, Asians and immigrants from many other countries. In the interests of racial harmony and the social fabric of this community we must speak strongly against this behaviour.

As I have said before, it is a nonsense to use the free speech argument. We have the right to free speech in our country. Many of our forebears gave their lives for the right and privilege of free speech in this country, which is central to our democracy. We have the right to our views whatever they are and however repulsive they may be to other people. Equally, if we are touting lies as facts and if we are using those lies to cause hatred against others, people of goodwill in this community must speak out. I am pleased that members on both sides of Parliament are prepared to speak out this evening. The consequences of ignoring an obvious intention to incite hatred against one

section of the community is well known to us all. It is an era in our past in the twentieth century which is still terribly shocking. It is hard to believe one lived through such a period.

In Germany in the 1930s a similar drive against at that time mainly Jews and gypsies led to insane and immoral policies and to the death of millions of people. One of the things that motivates me to stand up is that it must never happen again. It must certainly not happen in this wonderful community in Australia; this very free democracy. It is one thing to have free speech, to use it and to value it, and to thank one's ancestors that they fought for it in the fields of France or wherever. However, to misuse that right of free speech is another thing and to misuse it to the extent that one abuses other people and offends their rights and causes them problems in living in the community, that is when people like us must stand up. What is the right course for those of us who are concerned about this phenomenon in our community? In Europe this year there is to be a European year against racism. It is plain from news reports that I have been reading lately, from France particularly, that there certainly must be a concerted effort on that continent. Some material I received recently provides a background piece on the European year against racism. The opening paragraphs of this document read -

> The European Parliament condemns in the strongest terms all kinds of racism, xenophobia, and anti-Semitism as flagrant violations of individual rights and as an expression of intolerance and calls on the governments of the member States to ensure that foreign communities are protected against racist violence and any form of discrimination.

Fortunately in our community, except for some unfortunate activity in the 1980s, Western Australia has been free of racist violence. That is not true of Europe. There has been a great deal of racist violence there, and that is what motivated this declaration of the European year against racism. That is the opening declaration of part of a resolution on racism for the European Parliament in July 1996. Because of continuing tensions on that continent it has obviously become necessary to take some strong practical action on this issue, hence the European year against racism. To quote further -

> The nomination of a European Year Against Racism responds to the realisation that racism cannot be successfully combatted by political debate and political solutions only, but must be subjected to a comprehensive debate reaching all levels of society and with the active participation of the citizenry.

One of the important things in this motion which our leader has moved tonight is reconciliation. That must be taken in hand by all levels of the community. It must not be subject only to political debate and solutions; it must be part of the wider debate in the community. That is the way I hope it will be.

The broad objectives for the European year against racism are to highlight the threat that is posed by racism to economic and social cohesion in that diverse community. The second objective is to encourage people to think about how this might be dealt with and to discuss measures needed to combat racism in Europe. The third objective is to get experience from other parts of the community in Europe about measures needed to combat racism. Countries should talk among themselves about the various activities being carried out in those countries. The fourth resolution talks about disseminating information and working out effective strategies among various people. The final resolution is to make known the benefits of integration policies implemented at a national level.

Europe today is a bit like Australia. It has multicultural and multi-ethnic populations. A major challenge to those people in the European Union who are trying to get together in an even closer union than the one they have at the moment, just as it is in Australia, is to promote continuing harmony. It is a serious issue. How do we go about this? Is it education in the schools? What kind of things should we do to continue to promote harmony and prevent the community from becoming divided? There are huge threats to harmony from right wing extremists such as Jean Marie Le Pen who is the leader of the National Front in France. If Europe is to fend off a return to the horrors of the 1930s, it has some hard work to do in that area. I say frankly, as others have said in this House, that Australia has had much greater success than many communities which are equally diverse in Europe and even in America in promoting harmony. Australia is a much more tolerant and understanding society in which to live. I am grateful for that. That is one of the reasons so many of us are choosing to speak out tonight, because we hope to keep it that way. That is why I believe we must work hard at keeping it the way it is. It is also why I have been so concerned at the divisive forces that have been unleashed and at work over the past few months. It is not simply a question of shrugging our shoulders and saying that that is just someone's opinion; therefore it does not matter.

Based on the fair amount of material on this subject I have read, I believe those opinions are now being manipulated for divisive ends. It is therefore time for those who want to see harmony in our richly diverse society to stand up and speak out. We must turn to how those matters are being dealt with in the community and see whether ways exist by which we can deal with them better.

While we happen to be discussing this motion on the importance of promoting tolerance in our community, it is pleasing that a group in our society is trying to deal with this matter in its own way. I am thinking about the football world. There has been considerable publicity in the sports pages of our newspapers and on television about how the Australian Football League is trying to deal with claims of racist abuse.

Many people would rather say that football is only a sport, that we should not bring politics into it and that we should get on with playing the game. Clearly people - I am thinking mostly of Aboriginal people - are involved in the game who say it is not good enough to ignore the fact that racist abuse occurs in the sport. As I say, despite these pressures to forget it, the AFL has decided to hit this issue hard. Aborigines such as Michael Long and Che Cockatoo-Collins have called for action against it and say that players should not have to accept deliberately provocative racist abuse designed to upset players and put them off their game. As a sports commentator said recently, it is not right to vilify someone in the street; the same rules apply in sport. I support that. The AFL must be commended for doing its best to fend off this kind of abuse. It has gone on for a long time.

Aboriginal friends of mine with whom I grew up and who were subject to racism a long time ago now may be prepared to shrug it aside 30 years on, but they admit that at the time they were very hurt by it. People should not have to put up with that. It is still a big problem in the AFL, but it is being recognised and acted on. I congratulate the AFL for being prepared to do that.

Will members on this side belt up a bit?

[Interruption from the gallery.]

The SPEAKER: Order! The member for Perth.

Ms WARNOCK: Thank you, Mr Speaker. At the same time as the European Parliament and the AFL are seeing fit to do something at last about racism, Australian artists in this society are also speaking out on the subject. I noticed this week an article in *The Australian* in which more than 500 artists, writers, curators and historians joined forces to fight the growing coverage of racist views on the political scene and in the wider community. They are as distressed as I am at the perception in the community that it is fashionable to be racist and that it is okay to let those views all hang out. I may be old fashioned but that is not the right way to behave and quite clearly at least 500 artists in this community feel the same way.

Their plan is to give the widest possible coverage to a more tolerant view about life. They want to raise awareness about the impact of racism on our contemporary culture. I salute them for that. They are concerned about the increase of racism in the community and among politicians.

I hope that our efforts tonight in trying to join hands across the House - for those few visitors who are with us, it is a most unusual event in this Parliament - will result in all members being prepared to support this sentiment. It is pleasing that this is happening because some politicians in Australia are doing their best to divide the community, for whatever reason.

All this convinces me that we should follow the lead set by the Australian Senate last year in its attempt to introduce a code of race ethics. For some time people have been keen to introduce codes of behaviour for politicians. I intend to discuss this with some of my colleagues on both sides of the House. I hope that the Minister for Multicultural and Ethnic Affairs will be prepared to talk to me about this. Codes of ethics cause a ripple of concern among colleagues because they feel they already have constraints on them and they could do without further constraints.

I was interested when I read the debate about this matter that took place in the Senate last year. I am interested in the idea of introducing some sort of bipartisan code of conduct regarding racism here. It was successful in the Senate although it took some months for the matter to be agreed in the Federal Parliament. At the end of the year on human rights day in December a document was presented by the parliamentarians to senior leaders in the community.

As I said, over the coming months I will speak to colleagues on both sides of the House about this. I also want to talk to leaders of ethnic communities and people in general who are interested in human rights in our community. Some people may oppose the idea of any code of conduct for politicians. As a former journalist, like my colleague on my right, I have tried to abide by a code of conduct which exists for journalists.

Mr Carpenter: Did abide by it.

Ms WARNOCK: I thank the member for Willagee; I appreciate his comment!

Mr Carpenter: I was talking about myself.

Mr Minson: He interviewed me once and had trouble.

Ms WARNOCK: I hope the member for Greenough is not talking about me.

Mr Minson: Both of you.

Mr Carpenter: I always gave him an easy time.

Ms WARNOCK: I thought we both gave him an easy time. He was very lucky.

We abided by a code of conduct to the best of our ability. It is perhaps for that reason that I have no objection to being asked to abide by a code of conduct as a parliamentarian. Goodness knows, some of the recent information from Federal Parliament suggests it may be a very good idea if we all adhered to a code of conduct.

Setting that aside, I draw my colleagues' attention to last year's debate in the Senate on that issue.

Mr Riebeling interjected.

Ms WARNOCK: No, it did not. Perhaps my colleagues in the Senate should read the code of conduct again. The debate on the matter offers a variety of perspectives on the subject from members on both sides of the House. People of different ideological persuasions proved that they could be united on a subject as important as that. I hope that when I approach members on both sides of this House later about the code of conduct they will be prepared to join me in drawing up some sort of agreement about how we should handle this matter for the benefit of our community.

MR COURT (Nedlands - Premier) [8.18 pm]: I want to make a contribution to this debate tonight and support the motion. Our Minister for Aboriginal Affairs made some very good comments on this issue. It is appropriate that we have the opportunity in this Parliament to make some comments in the week that Pauline Hanson is coming to Western Australia.

I ask members in this Chamber tonight to put themselves in the position of an Aboriginal person in Western Australia this week. How would they feel if they had to listen to the television, media, newspaper and radio hype that is being built up based around what is becoming quite a racist approach to gaining popular support?

Aboriginal people must be feeling distressed and sick to their stomachs when they think about how this matter is being handled. I am sure members know many Aboriginal people who have had it tough. There are some wonderful success stories of people who have had to rise above it all. Over the years I have worked closely with many people who have taken a positive outlook on life and risen above their lot. Too many negative things in life, too many drugs, alcohol and law and order problems can get a person down. The last thing people should do is think negatively to try to score cheap political shots from the serious problems facing the community.

If anyone is to be kicked, it should be politicians such as ourselves, because we have an opportunity to make a difference. Members of Parliament are able to change the administration of health, welfare and education programs and are the ones who can decide how best to handle matters, such as the current native title debate - and I will comment on that shortly. Members of Parliament can constructively help those issues head in the right direction. Not a lot is heard about the good work being done in the community by decent Aboriginal people. Although it is not helpful, we cannot stop people coming to Western Australia from other States to generate support and publicity for views based on division.

I have spoken with many Aboriginal leaders during recent negotiations on native title. One Aboriginal leader in Melbourne said to me recently that the Aboriginal people will have to do a great deal more to help themselves. I agreed with him, but added that we all need to do more to help ourselves. That's life! But the Aboriginal people have been treated badly recently. I do not have the answers and I know that members of the Labor Party who are directly involved in working with Aboriginal people in their electorates are in despair. I appreciate that, but that does not help what we are all trying to do in our heart of hearts; that is, to get some constructive long term runs on the board. The cheap shot does not help.

This factor has been able to flourish in the past decade because a vacuum in social debate has been created in the community. In the past decade if anyone spoke out on these issues, they were put down as a racist. People were forced to take a particular line on such matters. In the early stages of the native title debate over the past five years I was called a racist. Even though I completely reject those comments, they still hurt me. If a person dared speak out on an issue, he or she was immediately attacked. That is unhealthy. We are in a mess on the native title issue because people were not allowed to debate the matter freely. Not enough recognition was given to people who wanted to speak out. The Government was only trying to outline practical concerns about the operation of native title legislation.

Mr Carpenter: You tried to extinguish native title and the legislation was considered to be racist.

Mr COURT: If the member for Willagee wants to enter a debate on the issue, I remind him that it was a Labor Government that extinguished native title. He should not be so pedantic about the matter. The Labor Government removed the Racial Discrimination Act to extinguish native title. I do not want to debate native title.

Mr Carpenter: That is why there was that reaction.

Mr COURT: The Government stands by the position it put at the time, and so do many people on the other side, although they will not say so publicly. The Government came up with what it considered was a practical, workable resolution. The Government is still working with the Federal Government and Aboriginal communities to come up with something that is workable, not only on native title legislation but in negotiating arrangements and agreements outside the native title legislation.

I have been frustrated over the past four years with the way native title legislation has held back Aboriginal communities. I have asked both Paul Keating and John Howard to provide workable legislation so that some positive runs can be put on the board. Of all the States, Western Australia is able to deliver the most. But the views of a cross-section of people must be taken into account. I raise the point only because it was very unfashionable three or four years ago to speak out on these matters. I heard the Federal Leader of the Opposition saying last night on "PM" that the Howard Government must do something to sort out this problem with Wik. When he said that I immediately thought, "Who brought in that legislation that was unworkable? Who refused to listen to concerns that we put forward?" We have these difficulties today because it has been difficult for people to speak out on some issues. There should be a completely free and open debate on such matters.

I now refer to another aspect of the motion relating to Asian communities. It is wonderful that Australia is located in the Asian region. Western Australia has developed very close relationships with its South East Asian neighbours. As we learn more about the culture of those countries and about the positive contributions those countries make to our society, Australia will be able to evolve. There is nothing radical about it. Gradual change is taking place and it will be for the betterment of our society. It is wonderful that our children now learn so many different languages and think nothing about working in those countries. Why would anyone want to spoil that? Why would anyone want to run a campaign that says that there is something bad about those developments?

One thing that I feel guilty about - I am sure many members in this Chamber feel the same - is how little I knew about Indonesia. Not until I first visited that country 10 years ago with other members of Parliament, before we signed a sister state agreement with Surabaya in East Java, did I realise that country has 200 million people literally only a weekend's yacht race away, about whom we know very little. In 10 years Western Australia has developed very close personal ties with business and political leaders in that country and it is a sign of the times that we now accept we are a part of that region. That certainly benefits Western Australia. This week we should try to put ourselves in the shoes of others; that is, what would one be thinking if one were an Aboriginal person, particularly in Perth where all the publicity will be this week? One would feel distressed about the campaign, of which I would certainly not want to be a part.

MR CARPENTER (Willagee) [8.30 pm]: I support the motion. I am glad that the Premier finally mentioned the dreaded words of the name "Pauline Hanson", as I wondered whether anyone would mention her.

Mr Court: I started my speech mentioning her.

Mr CARPENTER: Yes, and I am glad the Premier did. It is only as a result of what she is doing and saying, and the reaction to that, that this motion is necessary. Pauline Hanson must be faced square on. It is no good beating around the bush as Pauline Hanson is a force for the worse in this country. She is promoting hatred, division, bigotry, ignorance, dogma and, lately, complete lunacy.

As political people, particularly as leaders in the case of the Premier, Prime Minister and party leaders, we must face her and tell her and her supporters exactly where she is wrong. It is most unfortunate that the Prime Minister seemingly refuses to face her and tell the nation that she is totally and utterly wrong and is wreaking terrible damage on the country. He chose last year to almost ignore her for whatever reason, which had a terrible impact as it allowed her to gain ground and credibility. It should never have occurred. If the Prime Minister had faced up to Pauline Hanson's words and actions and spoken against her strongly, she would currently have far less support.

For example, she talks about a reconciliation process as dividing the country and creating two nations. She says that we are creating Aboriginal and non-Aboriginal nations. The reality is that we had such a nation in many respects in the past. We heard in this debate the Minister for Aboriginal Affairs and the Premier elucidating that point. The reconciliation process is trying to bring the people of Australia together, not divide them.

We need a sense of understanding of the position which Aboriginal people face today as a result of the history of the last 200-odd years. To understand that position, we need policies which specifically address the position of

Aboriginal people in our community. History does not start at 9.00 am every day with a clean slate and the same circumstances applying equally. Some people face circumstances vastly different from those of others, and government policy must address those differences. The reconciliation process recognises those factors. The policy of Aboriginal development and the fostering of Aboriginal communities, as propagated by both sides of politics, has sought to recognise those factors.

We must ask ourselves why Pauline Hanson and her supporters are attracting attention and a following. Unless we understand what is going on in the community, it is difficult to understand why people listen to her so much. Extremist views will always find ears at some time in the community. Even people like Jack van Tongeren in the 1980s had a small number of followers listening to him. People are more willing to listen to extremists in times of economic and social stress than at other times. They are prepared to listen to extreme views offering simple solutions to complex problems, as is happening in Australia today. To a large extent, Pauline Hanson's audience is cultivated by factors bearing down on the economy and society from many different directions.

For example, unemployment and the lack of employment security create the conditions in which people like Pauline Hanson can gain popularity and support. The globalisation of the Australian economy has created vast changes about which Australian society in general feels uncomfortable and uncertain. They do not understand the situation as it has not been clearly explained to them by political leaders in this country. Along came Pauline Hanson offering simple solutions to the people's anxieties and people have been willing to listen to her.

We are in a period of some social dislocation in Australia. The unemployment rate is around nine per cent, although the actual rate is much higher than that, and a vast number of people on low wages feel they are left out of the community and have little stake in it. In many cases, these are the people prepared to listen to what Pauline Hanson is peddling. It is not until we start to address the underlying problems of our community that we will start to get on top of the problems which manifest in people like her. People need some sort of security in their lives; otherwise, they will take on board the extremist views.

Governments must address that lack of security before they can hope to put people like Hanson back in her box. Political leadership is needed to do that, especially from our national leader the Prime Minister. He has failed, and continues to fail, to provide that leadership. He has been quoted as stating that he does not believe that Pauline Hanson is a racist. If he does not believe that she is a racist, I cannot understand what he thinks she is. It is now patently obvious to everyone that she is blatantly racist, as she was in her initial speech to the Federal Parliament when she warned that Australia is being swamped by Asians. She has gone to a ludicrous extent: She has moved from the position that Aborigines are no more disadvantaged than others in our society, to endorsing comments that Aboriginal people had a history of cannibalism and ate their children. She is peddling utter lunacy, and getting away with it because nobody in a senior political position in our Commonwealth Government is standing up and knocking down her views. That, among other things, must happen.

Pauline Hanson is a distorted echo of a past era when the majority of Australians were of white, Anglo-Celtic origin. There is no possibility of ever returning to that period, and we must recognise that reality. The previous Federal Labor Government did its best to recognise that reality in its policy of multiculturalism. Perhaps it failed to explain that policy well enough to the general community as many people I speak to now talk about multiculturalism almost as a term of denigration or abuse. Multiculturalism simply sought to remove the idea from Australian cultural life that immigrants from other than English speaking nations had to obliterate all traces of their history and deny their cultural background; instead, it encouraged them to retain the elements they wished to retain. It did not seek to divide the country into ghettos of different ethnic origins. Quite the opposite; it sought to allow people to live a better and more fulfilled life without having to deny or suppress their cultural background. It is policy worth preserving, cherishing and propagating in the community. It is incumbent on the current Government to take up that responsibility, which it has not done. The days of the British empire which many of the supporters of Hanson seem to hark back to are over and there is no possibility of our ever going back to them. We need to make the point very clearly to the supporters of Pauline Hanson that they must face the reality of the new Australia and understand the potential that that reality provides. The Premier has outlined that potential in relation to our vicinity to Asia.

My wife was born in India and my brother is now working in South East Asia. It is less likely that would have happened two or three decades ago. However, it is not an uncommon experience for people to have members of their families or friends working in South East Asia or to be married to people of Asian origin. It is the new reality for Australia, and Western Australia in particular. It has made this community and our society a better one in which to live. We should explain that to the general community and encourage that attitude. We should also explain what are the priorities on immigration and tell people we cannot return to the days of a White Australia Policy dictating our immigration intake. Not only would that be economically disastrous; Australia would also become a pariah in the international community.

We cannot isolate ourselves from international opinion about what happens in this country as Pauline Hanson and her supporters would seek to do. South Africa tried that and learnt to its great cost that it is impossible. We cannot go back to a period when government policy was determined by race; nor should we want to. We must realise that and explain that to the community. There has not been enough direction, explanation or elucidation from government about the Pauline Hanson phenomenon. It is not good enough to hope she will die a natural political death and will go away because she will not. She is gaining more and more supporters every week. We must confront that and defeat it.

I agree with what the Premier said about Aboriginal affairs. However, it is unfortunate that his Government's attitude to native title has done little to foster harmonious community relations in Western Australia. The reason that people were critical of the Premier three or four years ago and may have labelled him a racist was the nature of the -

Mr Board: We are totally supportive of this motion. I expect you to try to refrain from bringing politics into a motion like this because the motion goes beyond that.

Mr CARPENTER: - legislation his Government introduced. It discriminated against Aboriginal people. Members opposite cannot expect that there will be no reaction if the Government behaves in that way. There was a reaction. The views of the Minister for Aboriginal Affairs were most enlightening and rewarding to listen to. It is a shame that those views do not permeate through more government policy in this State. Perhaps they will in the future. Perhaps the reality of what the Government is facing with native title, the Mabo decision and the Wik decision will overtake some of the prejudices which seemed to shape its earlier policies.

I am glad we have bipartisan support for this motion; I expected nothing other than that. It would be a shame if every member of the Parliament did not support this motion. It would say something sad about the Parliament and members who make up the Parliament. In some regards it has come a little too late - perhaps a year too late. The Hanson phenomenon took off about 12 months ago when I was doorknocking in my electorate of Willagee. The silence from the political leadership in this country was deafening. In fact, it was sickening because she was given free rein and her views went largely unchecked. If we had had a debate like this or if people like the Premier and more particularly the Prime Minister spoke out strongly at that time, we may not now face this situation. Pauline Hanson is probably the worst person to ever walk through the doors of any Parliament in this country. She is now coming to a function in Western Australia to which she may draw hundreds of people as supporters to listen to her ignorant and bigoted views. She will do tremendous damage while she is here. She will probably gather more support while she is here. We should have moved against her and spoken out against her 12 months ago.

Having said that, I am glad we are doing it now and I am very glad to have had the opportunity of taking part in this debate. I urge as many people as possible to make their views known publicly about Pauline Hanson through their local newspapers and so on because I failed to detect much of that when it was an issue running up to the last election. I was saddened by that. I thought it showed a lack of intestinal fortitude on behalf of many politicians or would be politicians. Now that we have the opportunity to say what we think about this woman and what she is doing to this nation, we should all make our voices heard in the community.

MR RIEBELING (Burrup) [8.45 pm]: I support the motion. It is important that my views on what has commonly become known as the race debate are placed on the record. This debate has been generated by the comments of Pauline Hanson in her appalling maiden speech that gained such huge notoriety throughout the nation. Her views are now being supported by a big section of the community. When I entered politics I was told that one of the easiest issues on which to launch a campaign was race. However, once launched there is almost no way of controlling it. We are now witnessing the adverse impact of her comments on the community, with more and more people thinking she is making sense in what is a completely irrational argument. Ms Hanson's comments and her appearances on television strike me as the evil face of Australia. She has depicted a side of Australia which I thought had disappeared off the face of the earth. The Premier said that for 10 years people were criticised very strongly for making racist comments. Those 10 years were very productive in Australia. Australians went from being racist to tolerating multiculturalism. We were well on the way towards achieving what many nations on earth dream of achieving; that is, a nation of culturally in-tune people who accept differences in people and sponsor and encourage the differences which make our community richer.

I believe a debate on the number of people who have migrated to Australia is a legitimate debate. However, that legitimate debate has been lost because of an individual in Canberra who comes from Queensland who has taken it upon herself to turn that debate into one about who should live in this nation, whether Aboriginal people are capable of looking after themselves, and supporting books which give a false impression about Aboriginal culture and practices. That lady will grab any opportunity to make a racist comment in the newspapers to promote her own self-interest and her own cause.

I look at my electorate and consider her attack on people from other shores. About 40 per cent of the people in the Pilbara were born outside Australia and I believe it is one of the most productive areas in the State. Without the contribution that people born outside Australia have made that would not have been possible. In the early days of development in that area, people from Eastern Europe were used extensively to do all the very difficult jobs in very trying conditions. Their contribution has been outstanding.

The Minister for Housing made some comments that I applaud. He has within his own ministry the opportunity to solve some of the major problems facing the Aborigines in remote Western Australia. In my electorate, the average number of Aboriginal adults occupying three bedroom houses is about 10. Housing for Aborigines in remote areas is at crisis point. People criticise this nation because of the health standards of Aborigines. One of the major contributors to health problems in this country is the number of houses and the number of people living in the housing provided. As I said, I was very pleased with the Minister's comments. I ask him to look seriously at the needs of Aborigines in remote areas and to use his department to try to build up a greater stock of housing for them. If that is tackled seriously, we will see a marked improvement in the health standards of Aborigines in this State.

The Premier mentioned the problems of native title. I hope he is listening to the debate even though he is not in the House. The native title debate is not only the first but also the last opportunity for Aboriginal people in Australia to make their lives somewhat better and not continue to be a burden, so to speak, on the taxpayers. An opportunity such as this comes along only once. If native title is extinguished and that opportunity is removed, we will have in Australia for many generations problems similar to those we now see in Aboriginal communities. We will see imposed solutions that are doomed to fail and there will be no ability for Aborigines to have a say in their own destiny.

I urge those who speak of improving the lot of Aborigines in Australia to listen to what they are saying and look at what they are doing in relation to native title. As I said, this is a once in a lifetime opportunity and the way that we handle it will be recorded in history. Extinction of native title is not the answer, especially for the Aboriginal people of my electorate. This issue has given huge hope to the Aborigines of the Pilbara and its removal will do greater damage than if the opportunity had never been raised. It has created an expectation in Aborigines that there is some light at the end of the tunnel; after many generations of none there is at last some glimmer of hope on the horizon. To extinguish that is un-Australian and, in the long run, the vast majority of people in this State will say it was the wrong thing to do.

I fully support all those speakers who have supported this motion tonight. I thank the Government for its bipartisan support for a motion that, as the member for Willagee has said, probably should have been moved 12 months ago, and it is a pity that it was not.

MR MARSHALL (Dawesville - Parliamentary Secretary) [8.56 pm]: I, too, support the motion and will use some personal experiences in sport to emphasise the principle that all Australians should enjoy equal rights and be treated with equal respect regardless of their race, colour, creed or origin.

Sport is a great leveller and on a sporting field everyone is equal. Every sportsperson is judged on his or her skill - race or colour does not come into it. I know that the member for Bassendean says that I always talk about sport. Occasionally I do, but I would like him to listen to my contribution because sport is one of the great educators in life.

When in Ireland one is told not to talk about religion or politics. I played four or five tennis tournaments there and left having made great friends, but I never once noticed any problem with religion or politics. That was in 1955, but I do not believe anything has changed.

By chance today I met with some members of the Aboriginal Sports Foundation Board in my capacity as the Parliamentary Secretary to the Minister for Sport and Recreation. We are investigating just how well the foundation is operating. The chairman of the foundation is Larry Kickett and the vice chairman is Barry Cable. For those members who might not know anything about sport and who have not had the true education of life, Larry Kickett was educated at Guildford Grammar School and because of his excellent education and skill as a footballer is able to enjoy a good life. He has attracted wonderful respect in the community. He was a premiership player with East Perth Football Club and, I think, Claremont Football Club and is also an ABC commentator, which is magnificent. I have searched my memory and I do not believe there has been another Aboriginal commentator in Australia. The member for Willagee might be able to confirm that. That achievement is the result of a combination of education and schooling.

Mr Bridge interjected.

Mr MARSHALL: I know that and there are some very good performers. The vice chairman of the foundation, Barry Cable, has done everything in football that the sport can demand. He was a Sandover medalist, a premiership player in Western Australia and the Eastern States and a North Melbourne Football Club champion. He is truly a legend

in football. Not only has he won admiration for his football deeds but when a tragic accident prematurely finished his career he fought back from that adversity and set standards of endeavour and suffering that have given many people the inspiration to say, "I can do that, too." He is a great charity worker with his cycling across Australia. Through sport he has become a role model for everyone, regardless of colour, race or creed.

The Aboriginal Sports Foundation attracts funding of only $134 000 per annum. For the role it plays, that is not enough. It must pay a chief executive officer, an assistant CEO, rent, administration fees, stationery and so on and then have a little over to achieve results. Today we had a long talk about how to get sponsorship and develop projects that will have this community sit up and say that the Aboriginal Sports Foundation is achieving something.

We discussed developing role models. It is important that, through sport, champion Aboriginal athletes can earn the respect of Australians. Through organisations such as the Aboriginal Sports Foundation we will strive to develop even more role models.

Let us take a look at some of the people who have earned the respect of the entire world in the past few years. Only a year ago we had never heard of Nova Peris, but now none of us will ever forget the wonderful smile from that Northern Territory Aboriginal mother in the Australian hockey side as she received her gold medal and was embraced by all the other team players. We are inclined to forget that and to dwell on the minority things that crop up in the newspaper that the Press like to build up into big stories, and to promote the negatives rather than the positives. Not many mothers can win Olympic medals. Shirley Strickland did - she won three or four gold medals in four Olympic Games in 16 years - and Margaret Court did at tennis, but not many women can do it. Nova Peris is from the Northern Territory, which does not have the high-tech professionalism in sport that is found in the other States of Australia. She is a champion and true role model.

Kyle van der Kuyp from Queensland looks as though he will be a good hurdler. He has received plenty of publicity. He stands up like a leader and looks good. His press conferences are excellent. He knows he is a champion, and he is developing into a great role model.

I know members would like me to mention Cathy Freeman, so I will. She has proved to be a role model for women in sport, who claim her as their own, and also for men in sport. There is nothing like a winner. This girl came from the backblocks and is now the second fastest 440 metre runner in the world. She has received medals galore from all around the world. Cathy Freeman inspires us all, because she has come from humble beginnings but has now topped her peers and has not lost it or become big headed. She is a good example for an Australian to follow.

The member for Bassendean would be disappointed if I did not talk about football. I will mention some of the footballers whom that young fellow may have forgotten. Sidney Jackson was a great footballer for East Perth. He went to the Eastern States and was the first Aboriginal footballer to make the grade, and he took the flak. I can relate to that, because my daughter was the first female football commentator in Australia, and when she left Western Australian to go over east I said, "Do not do football. They will crucify you in Melbourne." They nearly did, but she survived it and became the first female sports commentator in Australia and was billed as "Dixie Marshall, Australia's first woman in sport". All the other female commentators in Australia, of whom there are now hundreds, owe their opportunity to her.

The footballers whose names I will now rattle off owe it to Sidney Jackson for undergoing the hardships of the sport that made them an equal. Polly Farmer revolutionised handball and certain sections of Australian football, and is an all-time legend. His mate at East Perth, 'Square' Kilmurray, who was likewise a Sandover medallist but did not go east to further his career, was a great champion in his day and admired by everyone. Stephen Michael, another Sandover medallist, this time at South Fremantle, was a hard hitting ruckman who starred in nearly every interstate game he played. He was an all-Australian, but we never saw the best of him because he did not want to move to the Eastern States. That is a big move for a Western Australian Aboriginal athlete. He stayed here and did well.

Benny Vigona came from the Northern Territory to play for South Fremantle. I knew all about him. I was a commentator at the time, and I said, "Watch out for this young Aboriginal lad; he has all the skills." When I interviewed him after his first game, he was that nervous and shy that he was hiding under the sheet that was on top of the rubbing down table. A year later, after we had sung that lad's praises for his skill when he played for Western Australia and was one of the stars in the team that beat Victoria, I happened to be the interviewer again, and I said, "Benny, you played well. What is the difference between local football and interstate football?" A nervous Benny said, "Mr Marshall, you have got to run faster and think faster."

In two phrases, that young lad, who might not have received the best education - I do not know - summed up what Barassi, Malthouse and all the great knowledgeable footballers say: If you want to be any good, run faster and think faster. That is the difference. He set the standard in two sentences on Western Australian television and taught thousands of young footballers how to be better. Once again, the role models of sport are very important.

Someone asked me to mention Swan Districts. I will throw in Troy Ugle, who happened to kick 10 goals against Peel Thunder the other day as a "has-been" and was a brilliant footballer in his time, and Phil Narkle. I could list many good Aboriginal footballers who have come out of the Swan Districts area. Let us not forget Asian descent footballers like Les Fong for West Perth and Peter Bell, who plays for North Melbourne. The Australian Football League is riddled with champion Aboriginal footballers.

Unfortunately, racism has started to come into football. People who become professional footballers must realise that they are all equal on the ground. They are on the ground to be admired for their skills and toughness and the fact that they are sportsmen. All professional footballers are taught, unfortunately, how to play and beat the rules. However, if they say things under pressure or clobber someone under pressure, they should not respond. They should remember the incident and "square" up three or four rounds later, or even two years later, because if they do respond on the ground, they create a bad friend, or perhaps an enemy. The idea is to cop it on the field, and when off the ground to have a drink with his opponent and tell him, "I did not like what you said to me on the field today. Look out, because next round I will square up." Professional people understand that. I am a bit disappointed that racist remarks are being emphasised in the paper, because that should not happen. In every community, a minority of people who do not understand will let us down, and unfortunately a minority of people who should understand also let us down. The principle that comes out is that sport is the common denominator in what life is all about and is where people should be treated equally and according to how good they are.

I will finish with a short story about Evonne Goolagong, because I was the trainer of the Australian side in 1970 for the Federation Cup. We had our own Western Australians Margaret Court and Lesley Hunt, and a young Aboriginal girl by the name of Evonne Goolagong who had just won the Australian junior singles championships. Most members will have forgotten that name - they will know her as Evonne Cawley.

Several members interjected.

Mr MARSHALL: I got members there! I hope *Hansard* records the reaction. These young blokes should stick around, and they will learn something. They did not know her when she was the 18 year old junior singles champion of Australia. If they did, they could tell me where she won that event. She came in as the third string player in that Australian side. I have always been very proud that Vic Edwards, who was born and bred in Western Australia and had coached Newcombe and Stolle after going to New South Wales to coach, spotted the talent of this Aboriginal girl while coaching in the country. He brought her to Sydney and sent her to a Catholic college; he educated and trained her. She called the Edwards mum and dad. During the Federation Cup training Vic rang me and said that I should not let Evonne be beaten in practise. He said that she was going to be a champion. Therefore, when Margaret Court was hitting with Evonne, and leading, say, 5:2, I would stop the set and tell Evonne to come and have a hit with me because she was missing her volleys. When she was playing with Lesley Hunt, and Lesley was leading I would call Evonne out and say that we must look at her smash. During those days I would have a hit with Evonne, and every time I hit to her backhand she would hit a winner. I asked her whether she knew that she had to rally, but she said that Mr Edwards said that if ever she received a backhand she must hit a winner.

The member for Willagee's brother knows all about sport. I would like to go back through all the old ABC videos and look at Evonne Goolagong's victories at Wimbledon. They were all off match point winning backhands; it was unbelievable. I mention that because she began as an unheralded junior player who happened to be an Aborigine, but she was playing with two world champions. During the event in Perth - and many champions have been created at Kings Park - we decided we would play Evonne against Virginia Wade, because her form was so good. She defeated the reigning world champion, Virginia Wade, and overnight people forgot that Evonne was the junior singles champion of Australia; she became the future champion of the world. This all happened in Perth, and such was the talent of the girl and her upbringing with the Edwards family that she could cope with the situation. She had the education, the skill, the composure and the temperament.

Margaret Court took Evonne on tour that year to show her the world and how to play in it. Fate does funny things in the sporting arena, and Evonne Goolagong defeated Margaret Court at the Wimbledon final that year. Evonne Goolagong has gone on to be one of the great role models among all sporting people, men or women, in the world today, and members can understand why I am so emphatic about the importance of sport in the community.

I do not need to remind the House that we are a multicultural nation, but unfortunately in every culture a minority will let us down. Members opposite have experienced that. Sport reminds us that everyone should be treated with equal respect and through sport we can start to understand what equal rights are truly about.

MR BOARD (Murdoch - Minister for Multicultural and Ethnic Affairs) [9.13 pm]: As the Minister for Multicultural and Ethnic Affairs it is a privilege to contribute to such a significant motion. I congratulate the Leader of the Opposition for bringing the motion to the House, and other members for their contributions to this debate. This is an important issue to the State and the nation. It is important that the Parliament has the opportunity to debate

significant motions such as this. I do not claim to have a long experience in this House, but we should have opportunities to debate more motions of consequence to the community, through which we can send messages in a unified way and show some leadership to the community. That applies to the Parliament and to individual members at a time when people criticise the role of members of Parliament. Tonight we have the opportunity to demonstrate our community leadership role and send a message to the community about significant issues.

No issue is more significant at this time than social harmony - the way in which the community relates to one another and the way we create citizenship. The Australian way of life is built on the concept and tradition of people having a fair go. That is a matter of great importance. The member for Willagee may be pleased to know that we are not afraid to use the name, Pauline Hanson, and that we are concerned about people who question our great achievements in Western Australia, indeed the entire country, over a long time.

I will not bore members with historical facts about my background, but it is significant to note that like most members of Parliament I am a baby boomer. Although I do not claim to have vast experience in life, my experience has been significant enough to note the rapid changes in Australia. Those of us who were born just after the war, and now find ourselves in Western Australia, grew up in Australia during a time of rapid change during the 1950s and 1960s; and we have also experienced significant changes in the past 30 years. In many ways some Australians have not been able to cope with or acknowledge the significance of that change. They have not acknowledged the global marketplace in which Australia finds itself; they have not been able to adapt to the changing environment in Australia.

In many ways this country is a world leader in community and citizenship. Many of us attend cultural functions. I have attended literally hundreds of functions over the years, and as Minister for Multicultural and Ethnic Affairs I attend probably 10 to 12 functions a week. We have witnessed an incredible change in our community over the past 30 to 40 years. We have seen a rapid change, but multiculturalism is a new term even though we have been a multicultural society since foundation. One can walk down St George's Terrace and note the names of British architects on some of the buildings, but people from many parts of Europe, China and Malaysia have been involved in the construction of those buildings. One need only turn to the history of the northern part of the State, the goldfields or the south west to note the tremendous contribution by non-English speaking people to the development of the State.

We talk about multiculturalism as though we invented it in the past 20 years but it has been with us for a long time. It is the Aussie tradition; we have grown with it and we love it but for some reason it has been necessary to reinvent the term to sell it to the marketplace. In many ways, notwithstanding the term multiculturalism, which has significance and importance, we need to start talking about a united community. We must talk about citizenship and what our country represents, and consider what people have brought to this country over many years. I like to think that during my term as Minister for Multicultural and Ethnic Affairs we will accept that the people who have come from non-English speaking countries to develop this State have added value to our sense of culture and our background, but in particular they have added value to our business and our industry. That last point has been lost on many people in the community. Although they can clearly identify those cultural differences and are aware of the wonderful array of restaurants in Northbridge and Fremantle and the various religions people practise while still being part of the Aussie tradition, they do not appreciate that these people have added value to our community and have created, rather than cost us, jobs. We have not done a good enough job in educating these people about those who have built industries and provided futures for our young people and who have connected this country in a global sense with the rest of the world. People from other nations are building bridges in a global community that will take us into the next century. That cultural diversity will prove to be a great advantage and asset in the competition this nation may face, and in selling our young people to a global market.

Most people have had various positions during their careers, and between 1975 and 1979 I worked for the then Department of Employment and Immigration. I was a vocational officer working with Aboriginal people. At the time I was at the coalface delivering services to Aboriginal people in outback New South Wales. It is such a short time since this country has identified the difficulties in Aboriginal communities and the lack of services. In 1975 Aboriginal people were still living on missions in New South Wales, and had only just received unemployment and sickness benefits and other government services. At the time the Australian Government did not have any idea of the number of Aboriginal people in Australia, and nor did it recognise their educational difficulties and health requirements. In those early days officers working in outback regions - whether in the newly founded Department of Aboriginal Affairs or in the Aboriginal employment area - were trying to identify the difficulties faced by Aborigines and to provide some sense of service. The Aborigines had not long been counted as citizens of this country. Some of the early programs for Aboriginal people were highly successful at the time, and possibly more successful than some of the efforts made today, in providing equal opportunity and access to employment. Looking back at the efforts made in the Aboriginal area over the past 25 years, I do not think significant progress has been made. From that point of view we must examine the way in which we approach this issue in order to achieve equity, access to employment and reconciliation with Aboriginal people.

Other members have related stories tonight. I am reminded of some of the employment and training programs conducted in New South Wales during the time I was employed in that area. I remember attending the graduation ceremony of a group of young Aboriginal girls who had taken part in a hairdressing course at the Randwick technical college. Those who are familiar with the situation in New South Wales will know that it is different from that in Western Australia, in that many Aboriginal people have been far removed from their cultural background for a long period. In many ways it is difficult to identify Aboriginal people, even physically. It is a significant issue in New South Wales. When the graduation ceremony had finished, a number of the students went to a shop at the college. I was standing behind an Aboriginal girl who had red hair and freckles and who came from Moree. For some reason other people at the college jumped in front of her and were served first. She said that they would never have done that had she not been black. It suddenly struck me that being Aboriginal is not just a question of the colour of a person's skin and how one was raised. It is a state of mind; it is part of what a person is and what they believe in. I am sure the girls who jumped the queue had no idea she was an Aborigine, but she wore it as a scar. It said something in 1976 and I am sure it says more today. It is significant that these people have been on the receiving end of great tragedies for a long period and, whatever efforts we make as a community, no amount of money or reconciliation will bridge those gaps.

Notwithstanding some of the points made about native title - I will not go into them because they are of a political nature and this debate does not warrant that - significant issues were raised which need to be addressed in another way. Members on this side of the House feel strongly about reconciliation with Aboriginal people and where they stand. We are very proud of the Office of Multicultural Interests in Western Australia and where this State sits on the issue. I have inherited a portfolio which has been well cared for over a long period, not just by this Government but also by previous Governments. We can all be proud of what has been created in Western Australia. Over a long period we have created a situation in which people who come to this country have equity and access to government programs, and are treated in a humane way just as any other person is who has resided in this State for a long time or who was born in this country.

In many ways we need to do more work because the celebration of multiculturalism in our community has become internally focused. The reason people such as Pauline Hanson have created space is that parts of the community have been left behind. In the past few months since I became Minister, I have been concerned that many of our programs and issues have heavy involvement with ethnic communities - as should be the case. We celebrate with them and help them to promote their cultural diversity and their languages. We create programs in which they can care for their young people and their elderly, in such a way that they can be proud of their previous culture. This State and community have done that well, but many people have been left out of the equation. Many people do not understand or have not received the message. As Minister I will ensure that the Western Australian community comes into the loop and that all people are given information that adds value to our community and that shows that although multiculturalism is a new term, we have been living it, breathing it and celebrating it since our foundation.

Notwithstanding that, work must be done. We cannot relax for long because, as members opposite identified, to relax in this business is to create for people who have been left out of the equation opportunities to question. Those who are flocking to take part in the Pauline Hanson debate are probably doing so in some ignorance. In many cases they are probably good, hard working Australians; people who are concerned about their community, about what we are as a nation and about their citizenship. They want to have the Aussie image and they are concerned for some reason that that is being lost. They do not understand that what we are as Australians is because of our multiculturalism. They have not stopped to think about the long tradition of people coming to this nation. It might surprise some members to know that on board the First Fleet to this great country of ours were in the order of 28 nationalities.

This country has been multicultural for a long period. As Minister I will be involved in the application of many programs. One of the significant programs the Government will launch over the next 12 months is heavily orientated towards social harmony. The Prime Minister has allocated $10m over the next two years for programs to promote social harmony and eradicate racist ideas. The State Government is not sure at this stage what role Western Australia will play in that federal concept; whether it will be a national program that is generated out of Canberra in which we play an integral part or whether we will set up separate programs that are funded by Canberra. I have approached the federal Minister about that matter on a number of occasions; however, the Federal Government is working through the numbers and its priorities.

At the recent Ministers' conference in Darwin on multicultural and ethnic affairs all state Ministers endorsed the motion that was passed in Canberra. The conference expressed enthusiastic support for the Commonwealth to play a leadership role in this area. The matter is not isolated to individual States: It is an issue of great concern to our nation and one in which we must leave state boundaries behind and come together to ensure we achieve the maximum result for our efforts and for our dollar.

There is much to do. The Opposition will be aware that the year before last the Government launched a policy called WA One. That policy is significant because it gives the State a new approach which it is hoped will involve the wider community in multiculturalism. The WA One program promotes one community - not a community that is divided into 200 ethnic groups. It is one community that comprises Western Australians who can be proud of their background wherever they come from. They can celebrate their religion, traditions and culture and they can pass on their culture to their children, but they come together as Western Australians. They are fiercely proud of the fact that they are Western Australian.

The Leader of the Opposition mentioned in his speech tonight some of the functions he has attended recently. I have been to literally dozens in the past few weeks. Although we might see people celebrating their culture with pride at each and every one of those functions, they are fiercely proud to be Western Australian and Australian. They are Aussies, and they love it. However, they do not want to lose an identification with the country that gave them birth and something of which they are proud - something they can pass on to their children. I admire these people and the effort they put in to their children. I must have one of the luckiest jobs in this Parliament. It is now the end of April and for the past four months I have been celebrating New Year. Just last week we celebrated New Year for the Sikh community. Over the past four months ethnic organisations have had separate New Years according to the lunar calendar their culture or religion recognises. The sense of family of those ethnic communities is significant. They celebrate events as a family and with their children. Nothing escapes them. Not only are the little children there, but the teenage children participate. Members of this place who have teenage children will know how difficult it is to get 16 to 18 year olds along to anything involving their parents. However, those families celebrated their cultural New Year with their teenage kids. At the same time the kids in their Reeboks and Nike gear were celebrating the fact that they are of Sikh background - or Buddhist, Croatian, Spanish or Italian - but they are proud to be Western Australian, and they think like Western Australians as well. We can be proud of what we have generated and what we are as a State, but we must continue to do that.

Motions like this that unite members in Parliament and convey significant messages to the community should be moved more often. Parliament should be used for statements of importance. I commend the Leader of the Opposition for bringing forward this motion tonight. On behalf of the ethnic communities I thank members who have spoken on this motion, who made a significant contribution to the debate. I am sure all members would be proud of what has happened here tonight.

MR BRIDGE (Kimberley) [9.37 pm]: This debate is important. It is particularly pleasing to know there has been a strong bipartisan approach for its acceptance. The range of views that have been canvassed here tonight reflects the nature of this issue. The member for Willagee tapped into the core of the problems the nation must confront. This issue goes a lot deeper than just the isolated notoriety that is associated with an Australian, whose name escapes me. I am not interested in the name because I am not interested in the person. I am reminded of an old bushman who said to me once: "You can go out and chase those animals that are a bit lunatic, but you'll never bend them." He said the easiest way of dealing with them was to ignore them; let them go. I think there is some substance in that. People who have a thick and unbending mind can be given some prominence when they do not deserve it. We must adjudge the level on which we associate that sort of mind that is perpetrating the waves of debate in this country at the moment. We must think about it in the context of our role and responsibility and our duty to the nation and its people. The sad reality is, as the member for Dawesville so eloquently explained, that there was a time when people who excelled were given recognition and became role models. That is currently under threat. To draw upon the examples set by skilled and competent individuals who fall into either an Aboriginal or Asian background would not help this country. It will not reduce the support this individual who is travelling around the countryside is receiving. Members must question why this is occurring.

I have pondered on this issue at length and the problem goes beyond attitudes. The core of the problem in this country is that people feel threatened and are uncertain about their future. Their uncertainty stems not only from their attitude, but also from the economic nature of government programs and policies. Government policies are nothing more than stringent economic constraints. The emphasis on the power of the economic gurus has manifested the problem. There are countless people in society who feel threatened, insecure and scared about their future and it is very easy for them to attack others. It is very easy to attack Aboriginal people and it is fashionable. It has been part of Australian life for a long time. It has now become easy to attack the migration policies of Australia. It is interesting that while we sometimes reflect adversely upon these individuals we do not hesitate to acknowledge how valuable they are as contributors to the Australian economy. It is crazy. On the one hand we say we need these people to take an interest in Australia, to be involved in the economics of this country and to be employed in the work force. However, on the other hand, we sometimes question their presence in this country. People must question their attitude. Attitude is a complex problem and it contributes to the economic peril confronting this nation.

While members talk about the importance of this motion it is time for them to reflect upon the policies on which they adjudicate in this Parliament. Members know that for a long time I have been very critical not only of this

Government and the previous Government, but also the current and previous Federal Governments. I have continually said they have not got it right and they have not had it right for a long time. The pain and agitation which has been building up is resulting in the high level of racism. It is a tragedy.

In the 200 years of this country's history there have been good people who have kept this country on an even keel. Apart from policies that emanate out of this place and other Parliaments, in the bush great efforts have been made by people to work through things. We must get back to basics. We are putting forward the academic arguments as the brainchild of certain people and a means to a resolution to the problems. In fact, they are irrelevant and by directing our attention to them we will never identify the core of the problem.

Members have talked about the unified approach which is being adopted with this motion. They should not believe that by agreeing to the motion they have gone as far as they can go in resolving this problem. It goes much deeper than that.

The ACTING SPEAKER (Mr Osborne): Order! There is far too much background conversation.

Mr BRIDGE: While I applaud the House on taking this stand, I am the only Aboriginal person in this place. Therefore, by supporting this motion members are acknowledging that the rights of people should be recognised and equality should be a fundamental part of society. People like me think that is great and feel happy about it. However, people like me do not need reassurance. I have not been confronted by a situation where racism has reared its head, but there are people who have encountered that problem. I have often said to members not to look to people like me, Barry Cable or Polly Farmer because the chances are we have been removed from the problem because of our position in society. However, other people in the community have felt the pain. People like me have also felt that pain because we have seen people in a state of despair, frustration and hopelessness because they cannot stand the ferocious attacks on them by people who should know better. Members should understand that. Members must take their concern beyond this motion. It is true that that is a very important part of a politician's duty.

In the 1960s there was Australia-wide support, by way of a referendum, for indigenous people to vote and become equal citizens in Australia. If a similar referendum were held in 1997 it is questionable whether it would receive the same degree of support. The reason for that is the uncertainty factor which exists in society. That is the problem and indigenous people should have the equality which was given to them in 1967. There is something wrong with a system which does not acknowledge what was decided 30 years ago by way of a referendum.

There is a lot to be said about the question of racial attitudes in this country. We will not improve the situation if we concern ourselves with the views of one person. The quickest way to dismiss that person is to ignore that person. While people pay attention to that person, their notoriety is increased and people will become embroiled in the controversy. The only way to resolve the problem is to ignore the controversy.

My advice to the House is to support this motion and signal to the Federal Government our intention as contained in it but, as politicians, let us look at a cooperative approach to this issue in terms of people's needs. If we target racism in this country by minimising the notoriety that is associated with certain individuals, their popularity will fizzle out in a short time and their followers will soon see there is not much to gain, so they will lose interest. The people, such as this lady who is visiting this State - her name escapes me - will not put one line in any document or in any speech containing any policy that will put forward solutions to deal with these problems.

Mr Masters: They have no substance.

Mr BRIDGE: That is right. Nothing will change if these people do not put forward an alternative structure.

Mr Masters: It is a media beat-up.

Mr BRIDGE: Absolutely. Members will have noticed that I have not mentioned this lady's name all night, nor will I. It is an absolute beat-up, with no substance and is has absolutely no relevance in the broader community. That is the way we should treat her and this issue. We should work as a group of leaders. An element of this cause finds its way back to us as politicians. Some people are following this lady because she will give them a forum in which to get stuck into politicians. In Australia it is fashionable to get stuck into politicians. Such a forum will enable people to express their displeasure of politicians who are working to maintain a cohesive, workable society.

I am very pleased with the bipartisan approach that is being taken on this issue, as well as the very sensible debate and comments which have been put forward by many speakers to whom I have had the privilege of listening in my time here. Members know that I have spent many hours in this Parliament where I have been able to observe a fairly wide ranging debate.

Mr Minson: Over many years!

Mr BRIDGE: I get comments like that every day! I hope we will console ourselves in the knowledge that we have successfully carried this motion; that outside this Parliament we will pay little or no recognition - absolutely no attention - to the likes of this person who is running around the country trying to create notoriety and displeasure of a nation towards its leaders and the ethnic and Aboriginal groups; and that we will get on with cultivating and using the competence and resources of other Australians, irrespective of their origin, who want to get on with each other, who want to work for the benefit of this country and who are committed to its survival. Above all else, the greatest thing we, as leaders in our society, can achieve is the protection of our country and the survival of our nation. If we can achieve that through our attitudes as politicians, this motion will be carried to its rightful place in the broader community which will be enriched as a result of our efforts. I call on members to do that, and support this motion.

MR SWEETMAN (Ningaloo) [9.54 pm]: To some extent, I will play the devil's advocate. I am sure this would have been the last thing on the minds of members on both side of the House, and the last thing they would have expected, much less appreciated, in a debate such as this. I have a great deal of regard for the different things people have said. I understood what the Minister for Multicultural and Ethnic Affairs said; I also heard what he did not say. Many people from a diverse range of cultures who came to this country 30 or 40 years ago toiled, worked hard and carved out a place for themselves. Many of them are now some of the most racist people in my electorate, who have little appreciation, respect or understanding for those who immigrate today because they do not see them as being subjected to the same conditions and hardship - I do not expect them to endure that - as they were. However, it should not be made easy for today's immigrants to come to this country, not work and still be comfortable.

If we carry a motion such as this unanimously - and we will; even I will support it - discussion cannot be weighted by one group for whom people in our society have little regard; that is, politicians. Too often we cover our tracks in the way in which we are doing tonight. We must debate these issues. We must face up to anomalies and inconsistencies in our society, and the manifest problems about which the member for Kimberley talked. I understand and appreciate exactly what he said.

I am in my electorate probably more than many other members are in their electorates in the bush. More than half the people who come through my electorate office are Aboriginal people, and we are there to help them. Can members guess which family the mums who support between 30 and 35 kids when the husbands go on drinking binges call? It is mine, and we help them. For members in here to go on with some of the nonsense that has been peddled tonight is absolutely sickening.

Mr Graham: Then vote against it. If what people have said makes you sick, vote against the motion.

Mr SWEETMAN: I am talking about a majority. I will be recorded as speaking against something that is antidiscriminatory.

Mr Graham: Don't come in here with that absolute nonsense. Have some strength in your convictions. If you are going to say that, vote against the motion.

Mr SWEETMAN: I am trying to place on the record some of my concerns about this issue, and I am not being hypocritical.

Mr Graham: You are.

Mr SWEETMAN: I am trying to debate the issue. My concern is for some of the angst and the insecurity some people feel. They will rush to follow this woman because they see her as more representative of what they believe. In most cases it is not true.

Ms MacTiernan: What about the angst of your Aboriginal constituents?

Mr SWEETMAN: I should not respond to that because it will be recorded. In any event I did not clearly hear what the member said.

Ms MacTiernan: What about the angst of your Aboriginal constituents?

Mr Bradshaw: Why don't you listen, and you will hear.

Mr SWEETMAN: There is a lot of angst. It is not necessarily with people like me. I represent a lot of people. For example, I bowled into the Trades Hall in Newman the other day to tell people they are not disenfranchised and if they have concerns, I would love to speak to those issues in my party room.

I go to the Aboriginal communities and represent them diligently - in most cases, more so than others. I accept that there are inequities in our system that I want to address; however, I want to do that in an equitable and righteous manner because I want to represent those people.

There is an anger, and it is being fuelled. Many of the programs we see as providing equity are becoming enclaves for dominant families. The tribal and culture structures are suffering. The member for Dawesville spoke about the wonderful sporting role models. Many Aboriginal kids who are getting around the streets look more like Charles Barclay, Shaquille O'Neal and Michael Jordan, than Chris Lewis and David Wirrpunda. We must wake up to ourselves. Members may think we have trouble with the Aboriginal communities now, with alcoholism that leads to mentally and physically impaired kids, many of whom are in my electorate - I refer to those in my electorate because I do not want to offend other members upon whose territory I might be encroaching - but it is nothing compared to the trouble the next generation will face. I speak on behalf of the people of Ningaloo. We have massive problems there, and I am doing the best I can to sort it out. I do not see a motion such as this as solving the problem totally. Many people will see it as sweeping the issue under the carpet. We must be mature and act in a dignified and non-racist manner, and get out into the community and talk about the issues and do something about this matter.

Question put and passed.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL

Committee

Resumed from an earlier stage of the sitting. The Deputy Chairman of Committees (Mr Osborne) in the Chair, Mr Court (Premier) in charge of the Bill.

Progress was reported after clause 117 had been agreed to.

Clauses 118 to 132 put and passed.

Clause 133: Wildlife Conservation Act 1950 amended -

Dr EDWARDS : This clause amends quite a number of sections of the Wildlife Conservation Act. This Act is now 47 years old and does not reflect wildlife conservation needs in this State. For example, it does not make reference to the habitat of wildlife, which is critical to its conservation. When we were in government back in 1992, we released a draft Bill that would replace this 1950 Act. That has never been acted upon by the Government. Instead, we see tonight about seven pages of amendments in this Bill to amend the 1950 Act. An amendment which is long overdue is to remove reference to whales when talking about processing establishments. I am pleased that it is in there. It is a good move. Another amendment changes the definition of wildlife officer within the Act. The clause does not change the definition in a straightforward way but by making reference to the Department of Conservation and Land Management Act. Although I have no great problem with what the Government is trying to do, I have some problems with the way it is being carried out. The basis of my concern is that these wildlife officers have quite extraordinary powers. If they think that an offence has been committed, they can seize arms and vehicles and act like police officers.

Mr Court: It is the same with fisheries officers.

Dr EDWARDS: Yes, it is. Quite a number of amendments relate to wildlife officers. One amendment takes out the words "who is not a member of the Police Force", making very clear that wildlife officers have enormous powers. If we must change this Act so much, when will the Government bring in a totally new Act which is much more in keeping with the environment of the 1990s?

Another raft of changes alters the definition of fauna. There is a definition of fauna in the Wildlife Conservation Act but this clause tacks on other things. Has the Wildlife Conservation Act now moved beyond just looking at wildlife conservation and gone into the realm of RSPCA activities? The clause refers to fauna meaning any animal, which is fairly obvious, and "includes in relation to any animal the carcass, skin, plumage or fur". I wonder whether cruelty to animals will be inadvertently picked up under the Wildlife Conservation Act and, if it is, are we unwittingly conferring on wildlife officers the powers to look after injured animals as well as recognised fauna. A number of other changes again relate to fauna. Although I have compared legislation I have some trouble following it. The clause refers to "any animal other than fauna" and then in the same phrase refers to "other animal". In this clause we are making many amendments to the Wildlife Conservation Act. It is not the best way of going about the changes that we are trying to achieve. On the whole question of fauna, I wonder whether the Government is in a back door manner setting up a structure conferring amazing powers on wildlife officers.

Mrs EDWARDES : In reply to the first question of fauna meaning any animal, that is consistent with other sections in the Act which provide for prohibitions for animals other than fauna. The authority provided to wildlife officers does not extend to animals other than to fauna. Giving those powers to wildlife officers makes the legislation consistent. I agree with the comments on the Wildlife Conservation Act. We have completed the marine reserves legislation. We are now in the process of working on the drafting of a new Act. I suspect that we are probably looking at the end of next year as the time when we bring the Bill into this Chamber. This major overhaul of

legislation will require a lot of consultation with many of the stakeholders. We are looking at 18 months' work. An honorary wildlife officer has only the functions which are conferred on that officer under section 46(3); therefore, we are not giving those officers wider powers because their functions are conferred by their instrument of appointment and cannot go wider. The powers are obviously there for them to carry out their functions and should be included in relation to the Conservation and Land Management Act. I am happy to provide to the member information about how it will operate if the member has further concerns.

Dr Edwards: I have the CALM Act but it seems a circular reference.

Mrs EDWARDES: The legislation picks up from the CALM Act the functions that they carry out under their instrument of appointment, in relation to their ability to deal with certain functions under the Wildlife Conservation Act. We are bringing in honorary wildlife officers, who are very important. We appoint them more regularly now from Aboriginal communities and pastoralists, who have an important role to play. More and more honorary wildlife officers are becoming available and, therefore, they need powers, but no wider than those conferred by their instrument of appointment. I will provide the member with practical examples.

Clause put and passed.

Clause 134 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr Cowan (Deputy Premier), and passed.

House adjourned at 10.11 pm

QUESTIONS ON NOTICE

MINISTERIAL OFFICES - MINISTER FOR PRIMARY INDUSTRY

Refurbishments

254. Mr RIPPER to the Minister for Primary Industry; Fisheries:

(1) Have any refurbishments or renovations been undertaken to the Minister's office since December 1993?

(2) If so, what was the nature of the change/s?

(3) What was the cost of the work undertaken?

Mr HOUSE replied:

(1) Yes.

(2) Dismantle existing conference room partitioning and installation of new partitioning to create two offices.

(3) $980.

MINISTERIAL OFFICES - MINISTER FOR HOUSING

Refurbishments

259. Mr RIPPER to the Minister Housing, Aboriginal Affairs, Water Resources:

(1) Have any refurbishments or renovations been undertaken to the Minister's office since December 1993?

(2) If so, what was the nature of the change/s?

(3) What was the cost of the work undertaken?

Dr HAMES replied:

(1) Yes.

(2) New ministerial office fit out.

(3) $218 308.

MINISTERIAL OFFICES - MINISTER FOR HEALTH

Refurbishments

261. Mr RIPPER to the Minister for Health:

(1) Have any refurbishments or renovations been undertaken to the Minister's office since December 1993?

(2) If so, what was the nature of the change/s?

(3) What was the cost of the work undertaken?

Mr PRINCE replied:

(1) I moved into the ministerial premises previously occupied by the Minister for Planning on 13 January 1997 and am not aware of any costs for refurbishments or renovations undertaken before that date. Since 13 January 1997 previous signage has been removed and new signage installed.

(2) Signage and repairs as per (1).

(3) $329.32.

PEARLING - MONTE BELLO ISLAND

Leases

327. Mr RIEBELING to the Minister for Fisheries:

(1) Has the Minister approved the restructuring of pearling operations in the waters around the Monte Bello Islands?

(2) Is there only one approved operator in the Monte Bello Islands area?

(3) If yes, what is the company's name?

(4) Do the changes granted by the Minister now give the operator eleven separate sites to operate from?

(5) If not, what is the new configuration?

(6) Are there now any other suitable sites available to any other operators in the Monte Bello group?

(7) Did the Minister receive eight objections from representative groups to the changes he has now approved?

(8) Who lodged those objections and will the Minister table the submissions?

(9) Are all conditions of the leases being complied with?

(10) What action has been taken about the lack of brightly coloured bots on the end of each line (or string)?

Mr HOUSE replied:

(1) No. Under the Pearling Act 1990 the Executive Director of Fisheries issues pearl oyster farm leases.

(2) Yes.

(3) Morgan and Company Pty Ltd.

(4)-(5) The executive director has advised that he has considered an application by Morgan and Company Pty Ltd to realign a number of existing lease areas and relinquish others in the Monte Bello Islands. The application encompasses 11 separate areas and will result in a reduction in the total lease area held by Morgan and Company Pty Ltd in the Monte Bello Islands from approximately 1.44 square nm to 1.33 square nm.

(6) Applications for lease areas will be considered by the Executive Director of Fisheries through the usual consultation process and taking into account the Pearl Oyster Fishery Ministerial Policy Guidelines.

(7)-(8) The executive director has advised that details of the application were forwarded to 12 separate interest groups/agencies for comment. The executive director has advised that written comments were received from -

Shire of Roebourne
Department of Environmental Protection
Department of Conservation and Land Management
Department of Transport
Exmouth Regional Recreational Fishing Advisory Committee
Pearl Producers Association
Nanga-Ngoona Moora-Joorga Land Council

A verbal comment was received from the Pilbara Regional Recreational Fishing Advisory Committee. I received a separate letter from the Dampier Archipelago Preservation Association. This was provided to the Executive Director of Fisheries for his consideration as part of the lease application assessment process. The comments received have been taken into account in the executive director's consideration of the application. It is not usual practice to release submissions into the public domain as they are part of the deliberative process.

(9) The lease instrument has not yet been formally issued. The executive director has advised that approval of the lease is subject to a number of conditions which relate principally to marking of boundaries and navigation channels.

(10) I am not aware of the particular situation referred to in the member's question; however, all leaseholders are bound by conditions of their respective licences. With particular respect to the marking of leases, this is the subject of a review and changes are likely to be implemented to the standards in the future.

PEARLING - OPERATIONS

328. Mr RIEBELING to the Minister for Fisheries:

(1) Is the Pearling Association now paying the wages of one of the Fisheries officers based in Karratha?

(2) Do any of the three officers in Karratha have to justify their hours to the Pearling Association?

(3) Are reports from any of the three officers directed to the Pearling Association?

(4) Is it an offence for pearling operators to dump plastic into the ocean?

(5) In October and November 1996, was a large volume of plastic ties dumped in the ocean by Dampier Pearls?

(6) If yes, has any prosecution taken place against Dampier Pearls over the dumping?

Mr HOUSE replied:

(1)-(2) The Fisheries Department pays the salaries of all fisheries officers in Karratha and these officers complete time sheets that satisfy the department's reporting requirements.

(3) No.

(4) Not under the Pearling Act 1990.

(5) I am advised by the Fisheries Department that fisheries officers have been made aware of plastic ties being found on beaches in the Dampier Archipelago.

(6) No offence has been committed under the Pearling Act 1990. Discussions have been held with pearl farm operators in relation to methods to prevent plastic ties becoming loose during pearl shell operations.

COMMITTEES AND BOARDS - HEALTH

Membership

362. Dr CONSTABLE to the Minister for Health:

(1) With reference to your answer to question on notice 37 of 1997, who are the current members and chairpersons of the following -

Drug Advisory Committee;
Food Advisory Committee;
Fremantle Hospital and Health Service Board;
King Edward Memorial and Princess Margaret Hospitals Board;
Queen Elizabeth II Medical Centre Trust;
Radiological Council;
Royal Perth Hospital Board,
Sir Charles Gairdner Hospital Board
Western Australian Alcohol and Drug Authority;
Western Australian Health Promotion Foundation; and
Western Australian Alcohol and Drug Authority Board?

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

(3) How much remuneration is each member paid?

Mr PRINCE replied:

Current Members & Chairs of the following:

(1) BOARDS/COMMITTEES	(2) Appointed	Term	(3) Fees Paid
Drug Advisory Committee			
Dr Paul Psaila-Savona, Chairperson	12/5/92	Statutory	Nil
Dr John Hosking	28/3/89	Statutory	Nil
Mr Murray Patterson	12/5/92	Statutory	Nil
Mr Bob Moyle	12/5/92	Statutory	Nil
Food Advisory Committee			
Dr Paul Psaila-Savona, Chairperson	7/2/89	Statutory	Nil
Dr John Hosking	7/2/89	Statutory	Nil
Mr Kim Leighton	4/3/97	Statutory	Nil
Dr Timothy Inglis	4/3/97	2 years 48 weeks	Nil
Cathy Campbell	4/3/97	2 years 48 weeks	Nil
Mr Philip Walsh	7/2/89	3 years	$108 Full Day $ 73 ½ Day
Fremantle Hospital and Health Service Board			
Mr John Atkins	12/4/94	1 year 11 weeks	Nil
Ms Valerie Davies	12/4/94	1 year 11 weeks	Nil
Mr George Galvin	12/4/94	1 year 11 weeks	Nil
Ms Olga Hedemann	12/4/94	1 year 11 weeks	Nil
Mr Donald Humphreys	12/4/94	1 year 11 weeks	Nil
Mr Warren Jones, Chairperson	29/11/93	1 year 30 weeks	Nil

Professor Timothy Fletcher	17/6/96	2 years 1 weeks	Nil
Ms Lynette Whittingham	10/6/96	2 years 2 weeks	Nil
Mr Bernard Pearn-Rowe	1/8/95	2 years 47 weeks	Nil
Mr Norman Marinovich	10/7/95	2 years 51 weeks	Nil
Mr Robert Shields	3/4/95	3 years 12 weeks	Nil
King Edward Memorial and Princess Margaret Hospitals Board			
Professor Roy Lourens, Chairperson	30/6/95	2 years	Nil
Professor Lou Landau	30/6/95	2 years	Nil
Ms Judith Adams	30/6/95	2 years	Nil
Mr Michael Lishman	30/6/95	2 years	Nil
Professor Fiona Stanley	30/6/95	2 years	Nil
Professor Con Michael	30/6/95	2 years	Nil
Ms Lesley Maloney	30/6/95	2 years	Nil
Professor Michael Barber	30/6/95	2 years	Nil
Mr Frank Montgomery	30/6/95	2 years	Nil
Ms Jennifer Fear	30/6/95	2 years	Nil
Dr Alan Duncan	30/6/95	2 years	Nil
Dr Terry Thomas	30/6/95	2 years	Nil
Queen Elizabeth II Medical Centre Trust			
Hon Mr Justice Kennedy, Chairperson	18/8/88	At the Governor's pleasure	Nil
Professor Lou Landau	June 1996	At the Governor's pleasure	Nil
Prof Alan Robson	June 1996	At the Governor's pleasure	Nil
Mr Alan Bansemer	12/2/96	At the Governor's pleasure	Nil
Mr Ray H C Turner	10/10/94	At the Governor's pleasure	Nil
Radiological Council			
Dr Richard Fox	10/10/88	2 years 29 weeks	Nil
Dr Nick Costa	15/7/91	2 years 32 weeks	Nil
Dr Brian O'Connor	26/9/94	2 years 32 weeks	Nil
Dr Ken Brownlie	5/7/88	2 years 44 weeks	Nil
Dr Jim McNulty, Chairperson	6/5/76	3 years	$4,500 pa plus $600 expenses
Dr Harvey Turner	6/5/82	3 years	Nil
Royal Perth Hospital Board			
Professor Mark Liveris, Chairperson	1/8/83	1 year 47 weeks	Nil
Mr Tim Sharp	21/7/92	1 year 49 weeks	Nil
Dr Stewart Wynne	21/7/92	1 year 49 weeks	Nil
Ms Jane Morrison	1/7/94	3 years	Nil
Ms Jean Oldham	1/7/94	3 years	Nil
Professor Alan Robson	1/7/94	3 years	Nil
Dr Warwick Ruse	1/7/94	3 years	Nil
Mr Kevin Turtle	1/7/94	3 years	Nil
Sir Charles Gairdner Hospital Board			
Dr Brian Hutchinson	8/5/90	1 year 7 weeks	Nil
Ms Angela Kennedy	1/1/86	2 years 25 weeks	Nil
Professor Lou Landau	Nov 1995	2 years 30 weeks	Nil
Dr David Hillman	12/9/94	2 years 40 weeks	Nil
Ms Gail Phillips	1/7/94	3 years	Nil
Mr Harry Perkins	1/7/94	3 years	Nil
Mr Ray Turner, Chairperson	25/5/91	3 years 5 weeks	Nil
Mr Martin Griffith	1/3/88	3 years 17 weeks	Nil
Western Australian Alcohol and Drug Authority			
Not applicable - see Western Australian Alcohol and Drug Authority Board.			
Western Australian Health Promotion Foundation			
Mr Raymond Della-Polina, Chairperson	July 1994	3 years	$10,000 pa
Mr Alan Bansemer	Aug 1995	3 years	Nil
Mr Mike Daube	April 1996	3 years	Nil
Dr Peter le Souef	Feb 1997	3 years	$5,300 pa
Mr Ellis Griffiths	Dec 1994	3 years	Nil
Ms Christine Hardwick	Nov 1996	3 years	$5,300 pa
Ms Yvonne Rate	Nov 1996	3 years	$5,300 pa
Mr John Ryan	April 1994	3 years	$5,300 pa
Mr Malcolm Moore	Feb 1991	3 years 2 months	$5,300 pa
Dr Michael Jones	Feb 1991	3 years 2 months	$5,300 pa
Mr Jack Busch	Feb 1991	3 years 2 months	Nil
Western Australian Alcohol & Drug Authority Board*			
Ms Marian Kickett	21/9/87	expires 30/9/97	Nil
Dr Jim McNulty, Chairperson	29/9/87	expires 30/9/98	$3,600 pa

Professor David Hawks	24/1/94	expires 30/9/98	$108 Full Day $73 ½ Day

*(Allowances Tribunal has recommended new rates: chairperson $10,000 pa and Members $5,000 pa)

STATE SETTLEMENT PLAN - STRATEGIES

Minister for Primary Industry

376. Ms WARNOCK to the Minister for Primary Industry; Fisheries:

(1) What are the objectives of the Minister's departments' state settlement plan?

(2) What -

(a) internal; and
(b) external,

access strategies have been developed and implemented?

(3) What -

(a) financial; and
(b) human,

resources have been allocated to implement the state settlement plan?

(4) What consultation process has been undertaken by the Minister's department?

(5) Who from the -

(a) community;
(b) business sector; and
(c) academic sector,

has been consulted?

Mr HOUSE replied:

(1)-(5) The State Settlement Plan refers to matters outside the operations of Agencies/Departments within the Primary Industry and Fisheries portfolios.

STATE SETTLEMENT PLAN - STRATEGIES

Minister for Health

383. Ms WARNOCK to the Minister for Health:

(1) What are the objectives of the Minister's department's state settlement plan?

(2) What -

(a) internal; and
(b) external,

access strategies have been developed and implemented?

(3) What -

(a) financial; and
(b) human,

resources have been allocated to implement the state settlement plan?

(4) What consultation process has been undertaken by the Minister's department?

(5) Who from the -

(a) community;
(b) business sector; and
(c) academic sector,

has been consulted?

Mr PRINCE replied:

(1) The objective of the Health Department of Western Australia contribution to the State Settlement Plan is to provide a wide range of prevention, treatment and continuing care health services in communities and hospitals throughout WA which address the needs of culturally and linguistically diverse peoples.

(2) (a) Specific internal access strategies include the collection of ethnicity data, cross cultural training including interpreter and translator awareness and regular consultative mechanisms with regard to new and sensitive programs and services.

(b) Specific external access strategies include the utilisation of the Translation and Interpreting Services during major health consultations, the distribution of information on over 100 health topics in community languages and the use of ethnic radio and newsletters for delivering health messages.

(3) Implementation of the State Settlement Plan is an integral part of the Department's business and as such it is not possible to isolate the specific resources throughout the wider health system that are used during ongoing implementation. However, a special support unit - Multicultural Access Unit - does provide expertise and resources to specifically assist the health system with implementation of the State Settlement Plan.

(a) Recurrent financial resources allocated to the Multicultural Access Unit for 1996-97 totalled $150 000.

(b) Human resources located in the Multicultural Access Unit equal 2 FTEs.

(4) The consultation process employed by the Health Department in the development of the State Settlement Plan included routine community consultations facilitated through the Multicultural Access Unit as well as consultations with Health Service Multicultural Access Contact Officers, intra and inter departmental officers, service providers and experts in the field.

(5) (a) Those consulted from the community included -

Avro Community Mental Health Clinic;
Transcultural Psychiatry Unit;
Association for Survivors of Torture and Trauma;
ISHAR Multicultural Centre for Women's Health;
Multicultural Social Services Council; and
Lower North Metro Health Services, Cluster Project

(b) At present there are no plans to consult the business sector.

(c) At present there are no plans to consult the academic sector.

GOVERNMENT PROPERTY - SALE

413. Mr BROWN to the Minister for Primary Industry; Fisheries:

(1) How many State Government assets of the value of $200 000 or more have been sold by each of the departments or agencies under the Minister's control in each of the last four financial years?

(2) What is the total value of the assets sold?

(3) What have the moneys realised from the asset sales been used for?

Mr HOUSE replied:

Agriculture Western Australia

(1) One asset to the value of $200 000 or more was sold by Agriculture Western Australia. This being Chapman Valley Research Station in April 1995.

(2) $660 000.

(3) The moneys were used to assist in the funding for the development of the Geraldton Research Support Unit on Davies Road, Geraldton.

In relation to the other Agencies and Departments under my control, I advise that there were no sale transactions involving assets with a value of $200 000 or more.

GOVERNMENT PROPERTY - SALE

416. Mr BROWN to the Minister for Labour Relations; Planning; Heritage:

(1) How many State Government assets of the value of $200 000 or more have been sold by each of the departments or agencies under the Minister's control in each of the last four financial years?

(2) What is the total value of the assets sold?

(3) What have the moneys realised from the asset sales been used for?

Mr KIERATH replied:

Department of Productivity & Labour Relations

(1) Nil.

(2)-(3) Not applicable.

Commissioner of Workplace Agreements

(1) Nil.

(2)-(3) Not applicable.

WorkSafe Western Australia

(1) Nil.

(2)-(3) Not applicable.

WorkCover Western Australia

(1) Nil.

(2)-(3) Not applicable.

Department of the Registrar, Western Australian Industrial Relations Commission

(1) Nil.

(2)-(3) Not applicable.

Ministry for Planning

(1)-(2) See paper No 360 in respect of surplus land asset sales by the Western Australian Planning Commission.

(3) The Commission's proceeds of its land disposal are transferred to the Ministry for Planning's Metropolitan Regional Improvement Fund enabling the Commission to acquire or resume land and buildings required under the Metropolitan Region Scheme such as Important Regional Roads, Controlled Access Highway and Parks and Recreation.

Office of the Minister for Planning (Planning Appeals)

(1) Nil.

(2)-(3) Not applicable.

Heritage Council or Western Australia

(1) Nil.

(2)-(3) Not applicable.

East Perth Redevelopment Authority

(1) 37.

(2) $15 936 262.

(3) Redevelopment of East Perth.

Subiaco Redevelopment Authority

(1) Nil.

(2)-(3) Not applicable.

COMMITTEES AND BOARDS - POTATO MARKETING CORPORATION

Membership

453. Dr CONSTABLE to the Minister for Primary Industry:

(1) Who are the current members of the Potato Marketing Corporation?

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

(3) How much remuneration is each member paid?

Mr HOUSE replied:

(1)-(3)

POSITION	NAME	DATE APPOINTED	DATE EXPIRES	REMUNERATION PER ANNUM
Chairman	RJ Hussey	21/02/95	20/02/98	$16 800
Member	J Murphy	24/12/96	23/12/99	$ 5 400
Member	P Tew	21/02/95	20/02/98	$ 5 400
Member	NP Carter	22/09/95	21/09/98	$ 5 400
Member	AJ Ryan	22/09/94	21/09/97	$ 5 400
Member	GB Hick	10/05/96	10/05/99	$ 5 400

COMMITTEES AND BOARDS - AGRICULTURE PROTECTION BOARD

Membership

454. Dr CONSTABLE to the Minister for Primary Industry:

(1) Who are the chairman and the current members of the Agriculture Protection Board?

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

(3) How much remuneration is each member paid?

Mr HOUSE replied:

(1)-(3)

POSITION	NAME	DATE APPOINTED	DATE EXPIRES	REMUNERATION PER ANNUM
Chairman	K Enright	09/12/95	08/12/97	$17 100 + allowances
Member	DM Watt	09/12/95	08/12/97	$ 6 800
Member	RM Burnett	09/12/95	08/12/98	$ 6 800
Member	D Ramponi	09/12/95	08/12/97	$ 6 800
Member	MC Sclanders	09/12/96	08/12/99	Government Employee
Member	R Scott	09/12/95	08/12/97	$ 6 800
Member	B Young	09/12/96	08/12/99	$ 6 800

POSITION	NAME	DATE APPOINTED	DATE EXPIRES	REMUNERATION PER ANNUM
Member	G Bessen	09/12/95	08/12/98	$ 6 800
Member	J Simms	09/12/96	08/12/99	$ 6 800
Member	KW Keogh	09/12/95	08/12/98	$ 6 800
Member	RR Creagh	09/12/95	08/12/98	$ 6 800
Member	GA Robertson	-	-	Government Employee

WORKSAFE WESTERN AUSTRALIA - JEAKINGS, MR N.

Injury Complaint

457. Ms MacTIERNAN to the Minister for Labour Relations:

(1) Has WorkSafe Western Australia any record of a complaint made by Mr Nicolas Jeakings, to WorkSafe officer Bob Brierley, in respect of a serious injury which he sustained in October 1996 whilst employed by Murphy's Demolitions?

(2) Did Mr Brierley, or any other officer, contact the employer to investigate the complaint?

(3) Did Mr Brierley, or any other officer, visit the site where the accident took place?

(4) Did Mr Brierley, or any other officer, contact Mr Jeaking's doctor regarding the injuries sustained?

(5) What was the final outcome of the investigation of this incident?

Mr KIERATH replied:

(1) No.

(2)-(3) WorkSafe Western Australia does not have any record of contact, investigation or the site visited in respect of this injury.

(4) Mr Brierley is currently overseas on extended leave following the recent death of his wife and cannot be contacted.

(5) Not applicable.

SEWAGE - POINT PERON

Warning Signs

486. Dr EDWARDS to the Minister for Water Resources:

(1) What are the longitude and latitude co-ordinates at the ends of the Point Peron sewage outflow pipe?

(2) Are there any signs warning people not to take fish from these sites?

Dr HAMES replied:

(1) Longitude 115 39.291
Latitude 32 17.455

(2) There are no warning signs. The area in question is located 4.2km offshore in 20 metres of water. The treated effluent discharged in the area meets current Department of Environmental Protection licence requirements.

HEALTH - MENTAL

Migrants - Reports

526. Ms WARNOCK to the Minister for Health:

(1) Will the Minister table the reports of the committee reporting on the mental health needs of migrants, from culturally and linguistically diverse backgrounds, including -

(a) the majority report prepared by the Mental Health Service representatives on the committee; and

(b) the minority report prepared by representatives of the ethnic communities?

(2) If not, why not?

Mr PRINCE replied:

(1) (a)-(b) Yes - please see paper No 361.

(2) Not applicable.

HEALTH - MENTAL

Multicultural Psychiatric Centre - Staff

527. Ms WARNOCK to the Minister for Health:

How many of the previous staff of the Multicultural Psychiatric Centre are still employed in the mental health field, working in their area of special expertise?

Mr PRINCE replied:

Seven of the previous 11 staff of the Multicultural Psychiatric Centre are still employed in the Mental Health field and working in their area of special expertise. A staff member from the previous 11 staff of the Multicultural Psychiatric Centre currently works within the adult psychiatric service.

HEALTH - MENTAL

Ethnic Patients - Percentage

528. Ms WARNOCK to the Minister for Health:

What percentage of beds within the Mental Health Services are/were occupied by patients of culturally and linguistically diverse background origins in -

(a) 1990;
(b) 1991;
(c) 1992;
(d) 1993;
(e) 1994;
(f) 1995;
(g) 1996; and
(h) 1997?

Mr PRINCE replied:

The Mental Health Register currently records country of birth and does not identify cultural orientation nor language spoken at home. However, the available data from the Mental Health Register records the following information -

Psychiatric Admission in WA	% Birth non-English Speaking Country
1991	12.3
1992	12.1
1993	11.4
1994	11.6
1995	9.5

No further data is available.

HEALTH - MENTAL

Ethnic Patients - Suicide Rate

529. Ms WARNOCK to the Minister for Health:

What is/was the suicide rate amongst mental health patients of culturally and linguistically diverse backgrounds in -

(a) 1990;
(b) 1991;
(c) 1992;
(d) 1993;
(e) 1994;

(f) 1995;
(g) 1996; and
(h) 1997?

Mr PRINCE replied:

The Mental Health Register currently records country of birth and does not identify cultural orientation nor language spoken at home. However, the available data from the Mental Health Register records the following information -

Number of Attempted Suicides in WA	% Birth non-English Speaking Country
1990	19.8
1991	15.4
1992	17.8
1993	13.4
1994	12.6
1995	11.4

No further data available.

Number of Suicides Causing Death in WA	% Birth non-English Speaking Country
1991	10.9
1992	11.2
1993	13.4
1994	8.3
1995	12.2

HEALTH - MENTAL

Specialist Services - Migrants

531. Ms WARNOCK to the Minister for Health:

What provision has been made within mental health services to provide appropriate specialised services for -

(a) migrant youths; and
(b) migrant women?

Mr PRINCE replied:

Specialised services for migrant youths and migrant women with mental health disorders are accessible from the staff with cross-cultural training in skills in mental health at the following seven centres -

Mirrabooka Mental Health Service

Royal Perth Hospital
Inner City Mental Health Service

Alma Street Centre, Fremantle Hospital

AVRO Clinic

Graylands Hospital
Selby/Lemnos Hospital

Alma Street Clinic, Fremantle

Royal Perth Hospital
Inner City Mental Health Service
Transcultural Psychiatry Unit

A directory of multilingual persons with experience and training in mental health disorders was launched by the General Manager of Mental Health in January 1997 and was made widely available so that non-specialised staff coming in contact with these groups would have a more widely accessible system for referral.

HOSPITALS - PRIVATISATION OF SERVICES

544. Mr McGINTY to the Minister for Health:

I refer to the rejection of proposals to contract out the cleaning and catering services of Osborne Park Hospital and ask -

(a) will the Minister advise the House whether catering services at Princess Margaret Hospital, King Edward Memorial Hospital and Fremantle Hospital will be contracted out or continue to be performed by hospital employees;

(b) will the Minister table the reports of the contracting out evaluation committees which, in the case of Osborne Park Hospital, found that a business case for contracting out had not been established; and

(c) can the Minister advise the House of the cost of pursuing these privatisations?

Mr PRINCE replied:

(a) At its meeting on 7 April 1997 the Board of Management of King Edward Memorial and Princess Margaret Hospitals resolved not to contract out catering services, but to retain services in-house. The case was determined on business grounds.

(b) The reports contain sensitive commercial information, their release is inappropriate.

(c) The cost of employing external management consultants to assist in this process is less than $50 000. However, their efforts embraced more than just the tendering process. In addition, hospital staff were also invited. Irrespective of whether the service is contracted out or not, the process focused attention on cost and effectiveness of existing service provision and the extent to which they may be improved.

HEALTH - DEPARTMENT

Employees - Child Abuse

546. Dr CONSTABLE to the Minister for Health:

(1) I refer to the Minister's answer to question on notice 356 of 1997 and ask when does the Minister expect to have procedures/protocols in place with regard to employees and prospective employees of the Health Department of Western Australia who work with children and who have been convicted of, or are suspected of, crimes of child abuse?

(2) Will the Minister undertake to make public this policy when it is finalised?

Mr PRINCE replied:

(1) The Health Department is part of an interdepartmental working party looking at overseas and interstate experiences on procedures and protocols with regard to employees and prospective employees who work with children and who have been convicted of, or are suspected of crimes of child abuse. It is intended that each department will then formulate procedures and policies to be adopted for the respective industry areas. The Health Department anticipates having its procedures and protocols in place as soon as reasonably practicable.

(2) The policy will be made public once finalised.

HEALTH - DEPARTMENT

Employees - Child Abuse

547. Dr CONSTABLE to the Minister for Health:

(1) Have any employees of the Health Department of Western Australia been -

(a) charged; and
(b) convicted,

of crimes of child abuse in the past ten years?

(2) If yes to (1) above, how many employees have been -

(a) charged; and
(b) convicted of these crimes?

(3) Have any employees of the Health Department of Western Australia been -

(a) charged; and

(b) convicted,

of crimes of child abuse committed in the workplace in the past ten years?

(4) If yes to (3) above, how many?

Mr PRINCE replied:

(1)-(4) The Health Department of Western Australia is unable to give a definitive answer that covers the past 10 years as we do not record information in a way that can be accessed to provide the information requested. In the absence of specific records, HDWA human resources staff have advised that they are unaware of any instances involving employees of HDWA over the past 10 years. As indicated in the answer to question 546, we are reviewing all protocols and procedures and will be reviewing the need for such information to be recorded.

HEALTH - MENTAL

Funding - Non-government Organisations

552. Dr CONSTABLE to the Minister for Health:

With regard to State Government funding to non-government organisations or State allocated Commonwealth funding to NGOs in the field of mental health -

(a) do any of the following organisations currently receive funds -

(i) Casson Homes;
(ii) Wesleycare;
(iii) the Marillac Centre;
(iv) Ruah Inreach; and
(v) De Paul Community Support Service;

(b) does the Minister consider these organisations to be totally non-government;

(c) are these organisations independent of each other; and

(d) how many staff in each organisation are employed to work directly with clients and what are their qualifications in the field of mental health?

Mr PRINCE replied:

(a)-(b) Yes.

(c) No. The De Paul Community Support Service became Ruah Inreach in 1996. Ruah Inreach and Marillac Centre are both services operated by the Daughters of Charity Ltd WA.

(d) This information is only held by the organisations themselves.

HEALTH - MENTAL

Funding - Non-Government Organisations

553. Dr CONSTABLE to the Minister for Health:

With regard to State Government funding of non-Government organisations or State allocated Commonwealth funding to NGOs in the field of mental health -

(a) does the Minister currently have any applications for funding from the following organisations -

(i) Casson Homes;
(ii) Wesleycare;
(iii) the Marillac Centre;
(iv) Ruah Inreach; and
(v) De Paul Community Support Service;

(b) if yes, what is the amount of funding being requested by these organisations;

(c) what are the names of the panel members who will in each case decide which NGOs receive funds;

(d) are any of the panel members also service providers, or belong to an organisation which is a service provider, in the field of mental health, and have they, or their organisation, received Government funds; and

(e) if yes to (iv) above -

(i) when and how much;
(ii) who are they and which organisations do they belong to?

Mr PRINCE replied:

(a) No. There are no applications for current mental health funding programs.

(b)-(e) Not applicable.

HEALTH - MENTAL

Funding - Children and Adolescents

554. Dr CONSTABLE to the Minister for Health:

(1) With regard to State Government funding or State allocated Commonwealth funding in the field of mental health what was the total amount of funding provided for child and adolescent mental health in each of the last four financial years?

(2) Is a separate allocation of funding provided for Aboriginal mental health?

(3) If yes to (2) above, what was the total amount of funding provided for Aboriginal mental health in each of the last four financial years?

Mr PRINCE replied:

(1) 1995-96 $9.1m - earlier years data unavailable in this format.
1996-97 $10.7m

(2) Not as a special separate allocation.

(3) Not applicable.

HEALTH - ROSS RIVER VIRUS

Increase

555. Mr PENDAL to the Minister for Health:

(1) I refer to the recent answers given by the Minister to me over the significant six-fold rise in Ross River virus in Western Australia between 1995 and 1996 and ask whether the Minister will table all departmental files, reports, commentaries and medical assessments embracing his department's concerns and actions over Ross River virus?

(2) If not, why not?

(3) If no to (1) above, will the Minister assure the House that -

(a) his department is not overly concerned over the six-fold increase which took place in the years mentioned;

(b) no further action is required on his or his department's part to contain the virus in Western Australia; and

(c) the strategies outlined by him are adequate to the task of containment?

Mr PRINCE replied:

To assemble all the material requested would take considerable time and resources which I am not prepared to allocate. However, I would be happy to arrange for the member a full briefing on the department's concerns and actions over Ross River virus.

WATER - DRAINAGE

South-west Agricultural Areas

558. Mr MASTERS to the Minister for Water Resources:

What is the Water Corporation's current level of services being provided to drainage districts in the south west agricultural areas, specifically -

(a) who is responsible for maintenance of major drains and associated structures; and

(b) who is responsible for minor structures such as cattle stops?

Dr HAMES replied:

(a) The Water Corporation holds the operating licence for the six gazetted drainage districts in the south west of the State. This includes responsibility for maintenance of the drains, crossings and flood protection works.

(b) Minor structures such as cattle stops are the responsibility of the landowner.

ARGENTINE ANTS - CONTROL

Wetlands - Waterford

559. Mr PENDAL to the Minister for Primary Industry:

(1) Is the Minister aware of the concerns about Argentine ants, in general, in Western Australia and in Waterford (South Perth) in particular?

(2) Is the Minister aware that Argentine ants are now within 100 metres of wetlands next to the Waterford reserve which are regarded by scientists as being the finest wetlands along the Swan-Canning River system?

(3) Is it correct that Agriculture WA has conducted successful trials to control Argentine ants?

(4) Will the Minister consider having Agriculture WA implement a community campaign to control Argentine ants in the Waterford, and other sensitive, areas before an ant invasion degrades the valuable assets they contain?

Mr HOUSE replied:

(1) Yes. Argentine ants have spread to many areas, including Waterford, since the cessation of the Argentine ant control program in 1988.

(2) Many wetland areas along the Canning River are currently infested with Argentine ants. This is of concern as Argentine ants can be environmentally damaging. Another sensitive wetland, Herdsman Lake, has been infested since the 1950s.

(3) Trials of baits developed by Agriculture Western Australia have demonstrated a high level of control of Argentine ants, but reliable eradication of entire infestations has not yet been proved.

(4) Options for the future management of Argentine ants are still being formulated. My agency is soon to convene a meeting of interested parties, including CALM and the EPA, to explore the feasibility of a broader program. Commercialisation of the bait, developed by Agriculture Western Australia, is also being investigated.

GOVERNMENT VEHICLES - LEASING

Cost and Number

617. Mr BROWN to the Minister for Housing, Aboriginal Affairs, Water Resources:

(1) How many vehicles does each department and agency under the Minister's control lease?

(2) What is the monthly amount each department and agency pays for leasing the vehicles?

(3) What was the amount each department and agency paid for leasing the vehicles in February 1997?

Dr HAMES replied:

Rural Housing Authority Industrial and Commercial Employees' Housing -

(1) One.

(2)-(3) $105.

Aboriginal Affairs -

(1) Thirty-seven vehicles leased by the Aboriginal Affairs Department.

(2) $10 314 per month.

(3) $9 167 paid in February 1997.

*Water and Rivers Commission -

(1) Fifty-five.

(2) $12 853.73.

(3) $11 072.67.

*Swan River Trust -

(1) Five.

(2) $1 213.50.

(3) $300.52.

Water Corporation -

(1) Nil.

(2)-(3) Not applicable.

Office of Water Regulation -

(1) Nine.

(2)-(3) $2 478.56.

Homeswest

(1) 187.

(2) This figure varies according to the exchange of vehicles and the lease rates applying to those vehicles.

(3) $28 379.

Government Employees Housing Authority -

(1) Nil.

(2)-(3) Not applicable.

* The Water and Rivers Commission including the Swan River Trust still owns vehicles acquired at the time of integration - 1 January 1997. These vehicles are being converted to leases as they become due for replacement. This explains the increases in vehicles from February to March.

GOVERNMENT VEHICLES - LEASING

Cost and Number

619. Mr BROWN to the Minister for Health:

(1) How many vehicles does each department and agency under the Minister's control lease?

(2) What is the monthly amount each department and agency pays for leasing the vehicles?

(3) What was the amount each department and agency paid for leasing the vehicles in February 1997?

Mr PRINCE replied:

Health Department of Western Australia -

A detailed listing of the government health sector's vehicles involves in excess of 100 health service units and divisions. The aggregate figures for the Health Department of WA are presented:

(1) 1 285 vehicles.

(2) $161 575 average for the nine months ending March 1997.

(3) $194 375.98.

WA Alcohol and Drug Authority -

(1) Twenty-six.

(2) $9 700.

(3) $9 959.

Healthway -

(1)-(3) Nil.

Office of Health Review -

(1) Two vehicles.

(2)-(3) $730.43.

HEALTH - TOM PRICE-PARABURDOO

Services Upgrade - Strategic Plan

650. Mr RIEBELING to the Minister for Health:

(1) In June 1995, was an amount of $2.165m allocated to the Tom Price-Paraburdoo upgrade and rationalisation of the health service?

(2) Has a strategic plan been developed in relation to this allocation of funds?

(3) Who was engaged to prepare the strategic plan?

(4) What costs were associated in the development of the strategic plan by the consultants?

(5) Have consultant architects now been employed to do a facility redesign?

(6) If so, what is the cost of the consultants for that phase?

(7) What will be the total costs of consultants in relation to the spending of the $2.165m?

(8) What in total will be the amount spent on the services and upgrade for equipment and building?

Mr PRINCE replied:

(1)-(2) Yes.

(3) The strategic plan was formulated by the Director of Nursing/Manager Tom Price/Paraburdoo Health Service and the Human Resource Manager West Pilbara Health Service, and endorsed by the Tom Price Paraburdoo upgrade project control group and the Ashburton Health Service Board. Three consultants were engaged to carry out reviews of services which assisted in the preparation of the strategic plan.

(4) $4 895.

(5) Yes.

(6) $9 600 - Schematic Design.

(7) Approximately $159 200.

(8) Approximately $1 947 000.

GOVERNMENT VEHICLES - HOSPITAL

Accident - Tom Price-Karratha

651. Mr RIEBELING to the Minister for Health:

(1) In late November or early December 1996 was a hospital vehicle involved in an accident on the Tom Price to Karratha access road?

(2) Was the trip authorised by the Health Department?

(3) Who was driving the vehicle at the time of the accident?

(4) Who was the person in charge of/or responsible for that vehicle?

(5) Did the vehicle contain large volumes of campaigning material for the Liberal candidate, Mr Barry Haase?

(6) Was authority given by the Health Department to use Government vehicles in the campaign?

(7) If yes, who gave that authority?

(8) How many people were in the vehicle when the roll-over occurred?

Mr PRINCE replied:

(1)-(2) Yes.

(3)-(4) Director of Nursing/Manager, Tom Price/Paraburdoo, Health Services.

(5) The vehicle contained 25 rolled up posters and six "shoe size" sealed boxes of campaigning material for the Liberal candidate Barry Haase.

(6) No.

(7) Not applicable.

(8) Three.

HEALTH DEPARTMENT - STRATEGIC PLAN

Details

677. Dr CONSTABLE to the Minister for Health:

(1) Does the Health Department have a formal, written strategic plan for health services in the Perth metropolitan area?

(2) If yes to (1) above -

(a) is this a public document;

(b) when was it completed;

(c) who were the members of the strategic planning committee;

(d) what period of time does the strategic plan cover;

(e) when will the plan be revised; and

(f) does it define the role/future role of the major metropolitan hospitals?

Mr PRINCE replied:

(1)-(2) There is currently no formal, written strategic plan for health services in the metropolitan area. A document, "Foundations For A Healthier Future", setting out the planning framework and strategic directions for the health system is being finalised.

HOSPITALS - FUNDING

Casemix

678. Dr CONSTABLE to the Minister for Health:

(1) Is the Health Department planning to introduce casemix funding for Perth metropolitan hospitals?

(2) If yes, when does the department intend to introduce this method of funding?

Mr PRINCE replied:

(1)-(2) Casemix funding as a tool for purchasing admitted patient services has been in use since July 1994. It has been employed to inform the process of purchasing the appropriate mix of services from hospitals. Casemix is used in the management of waiting lists and in identifying and understanding growth in core hospital activity. A funding model is currently being developed which uses casemix principles to classify the work of hospitals into core or average cases and exceptional cases.

HEALTH - SERVICES

Regionalisation

679. Dr CONSTABLE to the Minister for Health:

(1) What is the extent of regionalisation of Perth metropolitan health services?

(2) What aspects of health services have been decentralised to each of the metropolitan regions?

Mr PRINCE replied:

(1)-(2) Regional offices were abolished in July 1994 and were replaced by three metropolitan purchasing authorities. The authorities ceased operations in July 1996. The current arrangements in the metropolitan area are purchasing and contracting for health services coordinated by the Health Department's operations division. Responsibilities for the provision of health services are fully devolved to chief executive officers of teaching hospitals and general managers of individual metropolitan health services.

HEALTH - SERVICES

East Metropolitan Region Office

680. Dr CONSTABLE to the Minister for Health:

(1) Has the east metropolitan region office been disbanded?

(2) If yes, when did this occur?

(3) If not, who heads up this office and where is it located?

(4) What are the functions of this office?

Mr PRINCE replied:

(1) Yes.

(2) July 1994

(3)-(4) Not applicable.

HEALTH - SERVICES

Regional Offices - Funding

681. Dr CONSTABLE to the Minister for Health:

What was the funding allocated to, and spent by, each of the metropolitan regional offices in the 1994-95 and 1995-96 financial years?

Mr PRINCE replied:

Nil. Metropolitan regional offices were not functioning in the years requested.

HOSPITALS - FREMANTLE

Cardiac Services Unit - Operation

682. Dr CONSTABLE to the Minister for Health:

(1) When is the Fremantle Hospital cardiac services unit due to commence operation?

(2) When was the initial announcement that this unit was to be established?

(3) What is the cost of establishing the unit?

(4) What are the estimated costs of running the unit in a full year?

(5) What is the estimated number of patients in the first 12 months?

(6) What is the commencement date for the unit?

(7) What has caused the delays in starting operations?

Mr PRINCE replied:

(1) Mid-August 1997.

(2) Capital funding provided to Fremantle Hospital in 1995-96 financial year.

(3) $5.7m.

(4) $10m.

(5) 350 patients.

(6) Mid-August 1997.

(7) The service will open in accordance with the planned schedule.

HOSPITALS - ROYAL PERTH

Cardiac Services Unit - Statistics

683. Dr CONSTABLE to the Minister for Health:

(1) When was the Royal Perth Hospital cardiac services unit established?

(2) What was the cost of running the unit in each of the following years -

(a) 1992;

(b) 1993;

(c) 1994;

(d) 1995; and

(e) 1996?

(3) What is the number of patients treated in each of the last five years for -

(a) coronary artery bypass grafting procedures; and

(b) heart valve procedures?

Mr PRINCE replied:

(1) Royal Perth Hospital has undertaken open heart surgery for more than 30 years. There is no cardiac services unit as such.

(2) Cardiovascular services at Royal Perth Hospital together cost approximately $25m. The hospital does not keep financial information in the form requested within this budget. However, an approximate cost can be given using average costs per procedure.

1991-92	1992-93	1993-94	1994-95	1995-96
$13.25m	$11.67m	$7.5m	$7.8m	$7.9m

(3) Royal Perth Hospital cardiac surgery:

Year	1991-92	1992-93	1993-94	1994-95	1995-96
CABG	994	814	559	552	596
VALVES	192	209	133	132	111

Note: Sir Charles Gairdner Hospital cardiac surgery unit opened in 1993. An increase in interventional cardiology procedures (angioplasty with/without stenting) has meant that the anticipated growth in coronary artery bypass grafting (CABG) has not occurred.

HOSPITALS - CARDIAC SERVICES UNITS

Viability

685. Dr CONSTABLE to the Minister for Health:

(1) What is the accepted minimum number of cardiac surgical cases per annum for a cardiac services unit to be viable, both financially and in terms of maintaining competence in surgical and medical management skills?

(2) What is the accepted minimum per annum number of heart valve procedures for a surgeon and cardiac services unit to remain competent?

Mr PRINCE replied:

(1) The literature would suggest a minimum of approximately 200 open heart procedures annually per institution and also per surgeon to ensure clinical standards are maintained.

(2) The minimum suggested is 30 per annum.

HOSPITALS - FREMANTLE

Cardiac Services Unit - Effect

686. Dr CONSTABLE to the Minister for Health:

(1) What effect will the commencement of the Fremantle Hospital cardiac surgery unit have on patient numbers for -

(a) coronary bypass grafting procedures; and
(b) heart valve procedures,

at Royal Perth Hospital and Sir Charles Gairdner Hospital units?

(2) When the Fremantle Hospital cardiac surgery unit commences, what will be the consequential effect on the cost per case for -

(a) coronary bypass grafting procedures; and
(b) heart valve procedures,

at Royal Perth Hospital and Sir Charles Gairdner Hospital?

Mr PRINCE replied:

(1) (a)-(b) Currently approximately 770 open heart surgery cases including coronary artery bypass grafting and heart valve procedures are carried out at Royal Perth Hospital each year. It is anticipated that up to 350 cases per annum of open heart surgery currently performed at Royal Perth Hospital will transfer to Fremantle Hospital with the opening of the Fremantle Hospital cardiac surgery unit.

The impact on the number of cardiac patients treated at Sir Charles Gairdner Hospital should be minimal. The overwhelming majority of patients referral patterns from the Fremantle area have their surgery at RPH. The estimated total number of patients referred to SCGH from the Fremantle area would be four or five cases per year. The number of cases that will transfer from each category is not known.

(2) (a)-(b) Previous studies have shown that a theatre needs a minimum of 350 open heart cases per year as a threshold to provide satisfactory cost levels and that additional cases up to a maximum of 450 provide increasing efficiency returns.

The impact of the Fremantle Hospital cardiac surgery unit on the cost per case is not known at this stage but indications are that the cost per case may increase in the order of 25 per cent. The impact will depend on whether current resources, e.g. staff, equipment and overheads can be utilised to undertake other procedures required by the Health Department's operations division. There should be no consequential effect on cost per case for either of these procedures at SCGH.

HOSPITALS - FREMANTLE

Cardiac Services Unit - Patients

687. Dr CONSTABLE to the Minister for Health:

In a full operating year of the Fremantle Hospital cardiac services unit, how many patients receiving -

(a) coronary by-pass grafting procedures; and
(b) heart valve replacement procedures,

will be drawn from -

(i) Royal Perth Hospital;
(ii) Sir Charles Gairdner Hospital; and

(iii) private hospitals?

Mr PRINCE replied:

(i) Royal Perth Hospital receives referrals of about 300 public cardiac cases and 50 public thoracic cases per year from the Fremantle Hospital catchment area. Fremantle Hospital will manage these 350 cases itself when the cardiothoracic surgery unit opens.

(ii) Sir Charles Gairdner Hospital does not currently care for patients from Fremantle's catchment area.

(iii) Private patients from south of the river will continue to be referred to the Mount Hospital.

Of the 300 estimated cardiac cases, approximately 82 per cent will be coronary artery bypass grafts, approximately 10 per cent will be valve replacements and approximately 8 per cent will have both procedures done.

HEALTH - DEPARTMENT

Major Trauma Management Review

688. Dr CONSTABLE to the Minister for Health:

(1) Is a major trauma management review being undertaken by the Health Department or has one been completed?

(2) If yes to (1) above -

(a) who is on the committee undertaking the review;

(b) when was the review undertaken/expected to be completed;

(c) when was the report completed/due to be completed;

(d) has the report been made public/will it be made public?

Mr PRINCE replied:

(1) The Commonwealth funded Trauma Service Study was established in 1994 to review trauma services in Western Australia and address the trauma component of Clinical Health Goals and Targets.

(2)(a) The State Trauma Advisory Committee was established in September 1994 to oversee the conduct of the Trauma Service Study. The following organisations are represented on the Committee by the following members -

Royal Perth Hospital, Dr B. Beresford (Chairman)
Australian College of Emergency Medicine, Dr D. Fatovich
College of Nursing, Dr I. Jacobs
College of Surgeons, Dr J. Hodge
Emergency Nurses Association, Ms J. Leslie
Epidemiology Branch HDWA, Dr I. Rouse
Fremantle Hospital, Dr P. Sprivulis
Health Department of Western Australia, Dr M. Stevens
Princess Margaret Hospital, Dr G. Geelhoed
Royal Flying Doctor Service, Dr S. Langford
Royal Perth Hospital, Dr R. Hirsch
Sir Charles Gairdner Hospital, Dr P. Woods
St John Ambulance, Dr H. Oxer
Western Australian College of Rural Medicine, Dr B. Williams
Project Coordinator, Trauma Service Study, Ms B. Lee

(b) The trauma service study was conducted over two years.

(c) The Commonwealth funding for the Trauma Service Study finished in 1996 after which time the Health Department agreed to fund the implementation of the "Strategic Plan for Trauma Services in Western Australia". The following reports were submitted as required in the funding agreement:

State Trauma Advisory Committee, 1995.
The Strategic Plan for Trauma Services in Western Australia. Perth State Trauma Advisory Committee, 1995.
Trauma Facilities and Equipment in Western Australian Non-Teaching Hospitals. Perth Trauma Service Study, 1995.
Quarterly Report - December 1995. Perth Trauma Service Study, 1995.
Quarterly Report - September 1995. Perth Trauma Service Study, 1995.

Quarterly Report - June 1995. Perth Trauma Service Study, 1995.
Quarterly Report - March 1995. Perth Trauma Service Study, 1995.
Report on Data Collection. Perth Trauma Service Study, 1995.
Trauma Registry Report. Perth Trauma Service Study, 1994.
Quarterly Report - December 1994. Perth Trauma Service Study, 1994.
Report on Existing Trauma Data Sets in Western Australia.

(d) Copies of all reports completed were forwarded to the commonwealth and state Health Departments.

HOSPITALS - TRAUMA SERVICES

Case Load

689. Dr CONSTABLE to the Minister for Health:

(1) What is the recommended case load for a level one trauma centre?

(2) What is the trauma load for -

(i) Royal Perth Hospital;
(ii) Sir Charles Gairdner Hospital; and
(ii) Fremantle Hospital?

Mr PRINCE replied:

(1) The National Road Trauma Advisory Council, in its report on Trauma Systems (July 1993) in Australia recommended that major trauma service to population ratio of one major trauma centre to at least one million people. This recommendation is designed as a guide to assist with the designation of hospitals as major trauma services and to ensure the provision of an adequate number of critically ill patients to permit the maintenance of staff skills and the optimum treatment and outcomes for patients.

(2) (i) In 1996 Royal Perth Hospital admitted 2960 trauma patients whose inpatient stay was more than 24 hrs within 7 days of injury. Patients who died within 24 hours of admission or were discharged within 24 hours are excluded from these figures.

324 of these patients were classified as "major trauma" and 241 had an Injury Severity Score of >15. The severity score is an international system for measuring injury; a score of >15 indicates a critically injured patient.

(ii) The figures supplied for Sir Charles Gairdner Hospital represent all trauma admissions recorded as per the Trauma Study protocol hence the fact that the figures only go back to October 1996. Due to the dynamic natures of the database, the figures may have a variation rate of 1-2%.

Major Trauma 53
Minor Trauma 623

(iii) The annual trauma load for Fremantle Hospital based on an extrapolation of figures derived from available trauma registry data is:

Major Trauma 77
Minor Trauma 1852

Major trauma refers to injuries above an injury Severity Score (ISS) modified by changes in the vital signs, temperature, pulse, respiration, blood pressure and conscious state. To qualify as a major injury using the ISS method, the patient would need to have a serious injury affecting at least two body systems.

HOSPITALS - TRAUMA SERVICES

Strategic Plan

690. Dr CONSTABLE to the Minister for Health:

(1) Is there a strategic plan in place for the development and maintenance of trauma services in Western Australian hospitals?

(2) If yes, who was involved in the development of this plan?

(3) When was the plan developed and when was it accepted by the Minister?

Mr PRINCE replied:

(1) Yes.

(2) The plan was developed by the State Trauma Advisory Committee as previously listed in the answer to question 688.

(3) The plan was submitted to the Commissioner of Health in October 1995. Funding for its implementation was received in early 1996.

HEALTH - DEPARTMENT

Committees, Reviews and Taskforces

691. Dr CONSTABLE to the Minister for Health:

(1) How many reviews, taskforces, committees etc. have been established in the Health Department since the Government came to power in 1993?

(2) What are those reviews, taskforces and committees?

Mr PRINCE replied:

(1) 25.

(2) Health Promotion Services: Aboriginal Health and Tobacco Committees
Review of Ethics Committee
Passive Smoking in Public Places: Passive Smoking Task Force
State Aboriginal Women's Task Force
State Goals & Targets Task Force
Statewide Health Authority: National Drug Strategy Committee (NDSC) Heroin Overdose Task Force
Healthy Ageing Task Force
Indonesian Focus Group Task Force
Task Force on Aboriginal Social Justice
Statewide Health Authority, Alcohol and Drug Authority: Ministerial Council on Drug Strategy, National Task Force on Cannabis.
Commissioner's Task Force on Cardiac Retrieval Services
Task Force on Families in Western Australia
Task Force on Substance Abuse
Community Health Services: Implementation of Task Force Recommendations
Systems Task Force Report December 1988 including Public Buildings Devolution
Task Force Review of Government Assets: Lakes Hospital Site
Task Force Review of Government Assets: Shenton Park Area
Statewide Health Authority, Alcohol and Drug Authority: National Psychostimulant Task Force Subcommittee of the National Drug Strategy Committee
Child and Adolescent Psychiatric Services in WA
Working Group 4: Intersectoral Co-ordination
Task Force to Review Drug Abuse in WA
Communicable Disease Control Unit: HIV/STD Task Force, Gascoyne
Communicable Disease Control Unit: Interdepartmental HIV/AIDS Task Force, Minutes, April 1995 onwards
South Metropolitan Health Authority: Mental Health Services
Mental Health Task Force: Data Collection.

HOSPITALS - DRUG AND SUICIDE CASES

Psychiatric Treatment

692. Dr CONSTABLE to the Minister for Health:

(1) What is the total number of -

(a) drug overdose cases; and
(b) attempted suicide cases,

resuscitated each year in Western Australian hospitals?

(2) With regard to (1) above, what is the estimated cost?

(3) Is the provision of acute psychiatric services to -

(a) drug overdose cases; and

(b) attempted suicide cases,

a routine aspect of the treatment of these patients?

(4) If no to (3) above, what percentage of cases in each category miss out on psychiatric care at the time of their treatment in hospital?

(5) What percentage of cases in each category do not receive follow up psychiatric treatment after they have been discharged from hospital?

Mr PRINCE replied:

(1) (a)-(b) This level of data is currently not available. However the number of hospital admissions created by the above categories provide an indication of the number of serious self inflicted injuries.

Type of Self Inflicted Injury	Cases	Bed days	Cost
Intentional drug overdose	2 173	7 736	$3 990 572
Other attempted suicides	549	4 375	$1 630 566
TOTAL	2 722	12 111	$5 621 138

(2) The costs provided in table 1 are the estimated costs for hospital admissions caused by self inflicted injuries.

(3)-(4) Data collected from hospitals do not provide the specific details to quantify the percentage of patients who attempted suicide where acute psychiatric treatment was part of their care. However teaching hospital protocols require that a person who is admitted to hospital following a self inflicted injury will have psychiatric review as part of their treatment.

(5) This question cannot be accurately answered as data is not collected for all patient contacts in all outpatient services, with doctors or other health professionals. However in 1995 of the 2 174 hospital admissions caused by self inflicted injuries it is estimated that 56 per cent of cases did not have any further contact with designated psychiatric services in Western Australia. However it must be stressed that these patients could have been treated by general practitioners, private psychiatrists or attended outpatient clinics at general hospitals. Part of hospital protocol is to send a discharge letter to a patient's GP and referrals to other relevant health services if appropriate.

POLLUTION - CONTAMINATED SITES

Omex - Health Effects

693. Dr EDWARDS to the Minister for Health:

(1) What action will be undertaken by the Health Department to assess possible harmful health effects arising from contaminated air and soil at the Omex site in Bellevue?

(2) What action will be taken to reassure local residents concerned about possible health effects?

Mr PRINCE replied:

(1) The Health Department in conjunction with the Department of Environmental Protection is currently examining a program for assessing soil contamination at residential properties in the immediate vicinity of the site. At this stage analyses for lead and polyaromatic hydrocarbons are being contemplated. These are the most indicative tests in view of the previous use of the site. However, the actual number of samples to be taken has yet to be determined. Any sampling by the Health Department would be carried out in consultation with local residents and the Shire of Swan.

With regard to air monitoring, no action is contemplated at this stage because data already available shows that there is no contamination of air from the Omex Pit to nearby residents. However, air monitoring may be appropriate when the site is remediated.

A survey of the health of residents is not contemplated since this is not an appropriate means of assessment of the contamination, and is unlikely to be productive of relevant health information and results would be very difficult to interpret. A health risk assessment has been undertaken and on the basis of air and soil analyses already available, there is no health risk to nearby residents.

(2) Local residents have been kept informed by officers of the Health Department. A senior officer of the Health Department attends meetings of the local community group. The Health Department will continue to provide advice to residents should the circumstances change.

SOUTH PERTH FERRY TERMINAL - TOILETS

Plumbing

696. Dr EDWARDS to the Minister for Water Resources:

(1) When was the Swan River Trust informed of problems with plumbing in the women's toilets at the South Perth ferry terminal?

(2) Was sewage leaking from this site into the river?

(3) If yes, for how long?

(4) When were these faults rectified?

(5) How is it thought these problems arose?

Dr HAMES replied:

(1) 5 January 1996.

(2)-(3) No.

(4) 5 January 1996.

(5) The problem arose because of a faulty valve in a cistern which allowed it to overflow.

HOSPITALS - JOONDALUP

Sexually Transmitted Disease Service

703. Mr McGINTY to the Minister for Health:

(1) Does the contract with Health Care Australia to provide hospital and health services to the public at Joondalup Hospital require the hospital to provide a sexually transmitted disease service at the hospital?

(2) If yes, what are the terms of that contractual provision?

(3) If no, why not?

(4) Where and what is the nearest STD program available to the people of the northern suburbs?

(5) What program and what dedicated staff are available to assist patients who report to Joondalup Hospital with STDs?

Mr PRINCE replied:

(1) No specific clinic is provided, however public patients may be admitted and treated for their condition or referred as required.

(2) Admitted patients are treated on the basis of their clinical requirements.

(3) Not applicable.

(4) There are two specialist clinics within the metropolitan area: The Communicable Diseases Clinic at Royal Perth Hospital and the Infectious Diseases Clinic at Fremantle Hospital. Extensive ongoing training in STD diagnosis and management for general practitioners occurs to allow patients to access services in their local area. Referral to specialist clinics occurs if necessary.

(5) No specific staff are appointed; patients are treated as per normal hospital policy.

CLONTARF BOYS' HOME - ELECTRIC SHOCK BED WETTING MACHINES

Approval

710. Mr CARPENTER to the Minister for Health:

(1) Is the Minister aware that on page 7 of the newspaper *The Record* dated 19 September 1996, the Province Leader of the Christian Brothers of Western Australia and South Australia said that in the 1950s the Child

Welfare Department sent a doctor to Clontarf Boys' Home to demonstrate the use of an electric shock machine on sleeping boys who were bed-wetters?

(2) Did the Senior Medical Officer of Schools and Medical Superintendent of Infant Health, Doctor Eleanor Margrethe Stang, MB, BS (Melb), DPH, or any other officer holding those positions approve the use of such a machine?

(3) If so -

(a) on what date was such approval granted;

(b) what was the name and position of the officer who granted such approval;

(c) what was the name of the machine used;

(d) what was the name of the manufacturer of the machine;

(e) did the version of the machine for use on boys comprise a rubber cup which attached to the penis and a belt worn around the waist with several small studs on the inside through which an electric-shock from a battery was passed;

(f) if the version of the machine for use on boys was not that as described in (3) (e) above, to what part of the body was the machine attached and to what part of the body was the electric-shock administered;

(g) was the machine used on the person of a child migrant as described in the Immigration (Guardianship of Children) Act 1946 of the Commonwealth of Australia;

(h) in which archival files does correspondence about the machine lie?

(4) If the machine was used on the person of a child migrant, as described in the Immigration (Guardianship of Children) Act 1946, did an officer of the Health Department seek the approval of the Immigration Minister's delegate, who was by that Act appointed the guardian of such a child, for such use?

(5) If so, on what date or dates was such approval sought?

Mr PRINCE replied:

I thank the member for the question. Due to the age of the matters raised in the question, the Health Department is unable to provide an answer immediately. I have asked the Health Department to inquire into the matter and identify the archival files on which the information requested resides. I will respond to the member directly when this information is available.

HEALTH - MENTAL

Funding - Non-government Organisations

723. Dr CONSTABLE to the Minister for Health:

(1) Further to (d) and (e) of question on notice 553, when did the panel members provide services in the field of mental health?

(2) Which panel members received Government funds?

(3) When did the panel members or their organisations receive the funds?

(4) In respect of what services did they receive the funds, and what payment was made for each service?

Mr PRINCE replied:

This is a supplementary question to question 553 of 1997 regarding the establishment of panel members in panel establishment for the purpose of allocating funds. As such panels have not been established hence the answer to questions (1), (2), (3) and (4) are as follows -

(1)-(4) Not applicable.

QUESTIONS WITHOUT NOTICE

SENATE VACANCY - JOINT SITTING

Date

216. Dr GALLOP to the Premier:

I refer to the letter from the President of the Senate to His Excellency the Governor dated 3 February 1997 advising of a Senate vacancy.

(1) When does the Premier intend to cause a joint sitting to take place to fill the vacancy?

(2) Does he believe Western Australia's interests are being served by the absence of one of its senators for so long?

Mr COURT replied:

(1)-(2) As I understand the process, a motion will be moved in this House and the other House for the Presiding Officers to determine when a joint sitting will be held to fill the vacancy. There has been a lot of speculation about it and I envisage it will happen within three weeks.

INDUSTRIAL RELATIONS - INDUSTRIAL DISPUTE

Power Cuts

217. Mr BLOFFWITCH to the Acting Minister for Energy:

Will the Acting Minister give the House an update on the power cuts arising from union action after yesterday's unions' day off?

Mr BOARD replied:

Western Power is responsible for the delivery of power to the community and has a duty of care to provide uninterrupted power. At a meeting last night it was agreed by the Trades and Labor Council that if Western Power withdrew its application for a 127 order in the federal Industrial Relations Commission, it would make its best endeavours to ensure, after onsite union meetings at 10.30 this morning, that striking workers would return to work. The subsequent meeting this morning of striking coal handling plant operators at Muja power station decided to continue bans and its picket line. This is of great concern to me as the Acting Minister and to the Government and I have an onus of responsibility to maintain power and make my best efforts in the interests of the community. As a result, I am informed that Western Power has no alternative other than to seek a 127 order from the federal Industrial Relations Commission. The Government and Western Power have acted in good faith and will continue to seek an early resolution to this issue.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - PRINCIPLES

Preservation by Government

218. Dr GALLOP to the Premier:

I refer to the Premier's statements that the Government will not back away from the principles embodied in the Labour Relations Legislation Amendment Bill. What are the principles that must be preserved?

Mr COURT replied:

I am sure the Leader of the Opposition understands the legislation as well as most people in this Parliament. Last night a meeting was held between officials from the Australian Council of Trade Unions, the Trades and Labor Council, the Minister for Labour Relations and me. We ran through key areas of the legislation. We agreed that there were some areas about which we may be able to accommodate the concerns expressed. There are also areas about which we agreed we would never agree. When we left, the arrangement was that the executive of the TLC would meet on Thursday and it would put proposals to the Government on Friday. Members know only too well those key sections of the legislation.

Dr Gallop: What are the principles?

Mr COURT: Members opposite are aware that we would like to see the principle of pre-strike ballots implemented through legislation. I believe that is now something that the Leader of the Opposition supports. I am sure he also agrees with the principle of giving people a choice about political donations. One point that I want to make is that

in trying to get its point across, the union movement is promoting economic sanctions by overseas countries, including South Africa, Malaysia and Indonesia. We will not be pushed around by those sorts of threats; it is as simple as that. This is an industrial relations issue to be resolved within Western Australia, and threats of sanctions of those types are despicable.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - PRE-STRIKE BALLOTS

Principle Involved

219. Dr GALLOP to the Premier:

I have a supplementary question.

(1) What is the principle involved in the pre-strike ballot proposed in the Bill that gives no right for workers to actually hold a pre-strike ballot; no guarantee that such a ballot will be secret; no right to take industrial action even after full compliance with the onerous ballot provisions; and no protection against legal action when a strike is held in accordance with it?

(2) What sort of a principle is that?

Mr COURT replied:

(1)-(2) The principle of holding a pre-strike ballot after all the dispute resolution processes have been gone through is something that this Government supports, and I am told that these days members opposite also support it.

INDUSTRIAL RELATIONS - UNIONS

Compulsion to Join

220. Mr BAKER to the Minister for Labour Relations:

(1) Under the current state Industrial Relations Act can an employee be compelled to join a union?

(2) If not, can an employer dismiss an employee for refusing to join a union?

(3) Do any penalties apply in cases of this kind?

(4) What is the previous Labor Government's record on this matter?

Point of Order

Mr KOBELKE: Most parts of the question, if not all of them, are out of order. The last part seeks the Minister for Labour Relations' opinion on the previous Labor Government's policies and the other parts seek a legal opinion.

The SPEAKER: Order! I must accept the point of order. The question does seek an opinion, and it is contrary to standing orders. If the member is prepared to rephrase the question, I will give him an opportunity to ask it at a later stage.

Questions without Notice Resumed

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - MINIMUM WAGE

Impact of Legislation

221. Mr KOBELKE to the Premier:

(1) Is the Premier aware that the minimum wage under federal awards is $359.40 a week?

(2) Is the Premier aware that the minimum wage under Western Australian awards or workplace agreements is $332; that is, $27.40 a week less than that payable under a federal award?

(3) Given that the Labour Relations Legislation Amendment Bill penalises unions that seek federal award coverage, thus trying to force lower wages on Western Australian workers, how can the Premier justify his statement yesterday in this House that this Bill will not lower wages for Western Australian workers?

Mr COURT replied:

(1)-(3) When the Government introduced the industrial relations legislation in its previous term, we were told that there would be no minimum conditions of employment and that there would be a decline in those conditions - and the exact opposite occurred; there was a considerable increase. I am not aware of the

specific amounts, but I am aware that the minimum conditions that have been put in place are considerably better than when those opposite were in government.

EMPLOYMENT AND TRAINING - EMPLOYMENT GROWTH

Departmental Forecasts, Inconsistency

222. Mrs HOLMES to the Minister for Employment and Training:

(1) Has the Minister had an opportunity to check the accuracy of a question asked yesterday by the Leader of the Opposition, in which he claimed that two government departments had made radically different forecasts on employment growth?

(2) If so, what is the position?

Mrs EDWARDES replied:

I thank the member for some notice of this question.

(1)-(2) Yes; I have had an opportunity to check the claim of the Leader of the Opposition and provide the following explanation. The forecast he attributed to the Department of Training was, in fact, the result of a survey of business expectations by the Australian Bureau of Statistics. It was simply summarised in the March edition of the department's publication entitled "WA Labour Market Review". This was a survey-based methodology and is an indicator of what business operators think, as distinct from the far more sophisticated model-based methodology used by Treasury. The Treasury method is specifically designed to produce comprehensive and internally consistent forecasts for a range of economic variables relating to the Western Australian economy. That includes analysing trends at both state and national levels and forward indicators, such as business and consumer confidence; a detailed analysis of prospective investment projects; as well as consultation with industry and private sector representatives. As I said, Treasury's forecast is based on far more detailed information than the ABS survey of business operators who traditionally take a more conservative approach.

The Leader of the Opposition also complained that he had been unable to obtain a copy of the Working Nation program of the former Federal Labor Government and that perhaps the current Federal Government had shredded all copies of the document when it came to office. That is not so, and I am happy to lend the Leader of the Opposition my copy of the document.

MINING - GOLD ROYALTY

Impact on Marginal Operations

223. Mr GRILL to the Premier:

I refer to the announcement by the Premier of a gold royalty in the recent state Budget.

(1) Has any work been done to ascertain the number of marginal operations that will be jeopardised by a gold royalty; if so, what is the number?

(2) To what extent will the royalty prevent new or existing mine operations from proceeding?

(3) What effects will it have on the exploration effort?

(4) If these assessments have not been made, why not?

(5) How does the Government intend to protect marginal operations, as distinct from small operations, as the Premier indicated to the industry some time ago he would endeavour to do?

Mr COURT replied:

I thank the member for some notice of this question.

(1)-(5) I will answer the final part of the question first. The small operators would be exempted from paying a gold royalty -

Mr Grill: I am not worried about that. I am more concerned about the marginal operators.

Mr COURT: I just said that small operators would be exempted.

One of the proposals submitted includes a profit based royalty, and that is being considered. We have asked the industry to submit proposals. One State gives the miners the choice.

Mr Grill: That is Tasmania.

Mr COURT: I thought it was Queensland. However, it gives them a choice of either a straight royalty on production or a profit based royalty. I am told that it is a difficult decision to make because in some climates it works in their favour and in others it does not.

Mr Grill: Will you think about providing that option?

Mr COURT: Yes, we have made that clear. Feedback from industry indicates little support for the profit based proposal.

As the member will know, a number of studies have been undertaken in relation to the marginal operators. Companies do not necessarily want to publicise that they might be in a marginal situation, so it is difficult to be precise. However, the Department of Minerals and Energy and the Department of Resources Development have reasonable information in respect of marginal operations.

The member asked whether this will prevent new or existing mines proceeding.

Mr Grill: The Premier probably misheard. I asked to what extent a royalty would prevent new or existing operations from proceeding to mine new ore.

Mr COURT: As the member will know, mining operations are continually moving from one ore body to the next. A mine usually has a lifespan of five to seven years. I hope that the phasing-in process will not stop new operations being established; in fact, factors other than this would be more detrimental.

The Government has also made it clear that if the price of gold drops below a certain level, it will not implement the second phase of the royalty. We are negotiating in relation to that issue. However, the concern relates to the price of gold and the effect of the diesel fuel rebate if the rebate is limited. I hope that the exploration effort, not only in gold but throughout the mining sector, will lift considerably once we achieve certainty in our native title system.

INDUSTRIAL RELATIONS - UNIONS

Compulsion to Join

224. Mr BAKER to the Minister for Labour Relations:

Does the Minister support legislation providing that an employee can be compelled to join a union or that an employer can dismiss an employee for refusing to join a union, and does he support any penalties in respect of either matter?

Mr KIERATH replied:

I thank the member for Joondalup for the question and for some notice of it. I know that he is very interested because he has had personal experience in relation to freedom of association; that is, to join or not to join a union.

This legislation was introduced by a coalition Government in 1982. Since then it has been illegal to force workers to join or not to join a union. Surely that is a democratic principle that even the Opposition would uphold. If it does not, this Government certainly does.

Penalties exist for those found guilty of discriminating either for or against union membership, ranging from $400 to $5 000 for individuals and $1 000 to $10 000 for others, and a daily penalty of $500. Those penalties have existed since 1982.

The member for Joondalup will be aware that sometimes laws are not upheld. The member will also be aware of a complaint lodged some years ago with the Department of Productivity and Labour Relations claiming that an employee was sacked for not joining a union. That employee was simply exercising his or her democratic and legal right. The then ALP Minister was aware of the case. One can only guess the reason nothing happened and the employer was not prosecuted. It is interesting to note that the worker was discriminated against but the Labor Government of the day would not provide protection. The Minister of the day and the department refused to uphold the law -

Several members interjected.

Mr KIERATH: We hear from members opposite about freedom, democracy and upholding workers' rights. This is a classic case of the behaviour of members opposite: When a worker was discriminated against, they refused to uphold the law, which they were entrusted to do.

GLOBAL DANCE FOUNDATION - FUNDING

Accounting Records

225. Mr BROWN to the Premier:

Some notice of this question has been given. I refer the Premier to his answer yesterday when he claimed that the Global Dance Foundation Incorporated had a board of management in place when it was receiving cheques totalling $430 000 from the Government.

(1) Will the Premier explain why the Western Australian Tourism Commission appointee to the board advised the WATC on 18 August 1995, just one month after the cheque was paid, "No action has occurred to date, a Board has not been formed, a meeting had not been held and a progress report was due from the company"?

(2) Will the Premier explain why a letter had been sent from EventsCorp to Mr Reynolds in December 1995 threatening legal action unless he set up a proper accounting record and appointed a board?

Mr COURT replied:

(1) I cannot speak on behalf of an appointee to the board of the Tourism Commission. I am sure the member would not expect me to. We know how many members were on the board.

(2) On 13 December 1995 a letter was forwarded by the Crown Solicitor's office to the chairman of Global Dance Foundation, detailing actions and failures in performance by the foundation with regard to its obligations under the agreement. One of the failures stated was a failure to submit proper financial reports in accordance with the agreement. The letter stated that the foundation centre had difficulty understanding and applying clauses regarding reporting of information related to the event's accounts. The letter also requested that more frequent board meetings and fuller briefing of board members, including the WATC representative, would help in improving the foundation's interaction with WATC.

SEWERAGE - CONNECTION TO DEEP SEWERAGE SYSTEM

Television Advertisements

226. Dr CONSTABLE to the Minister for Water Resources:

(1) Is the Minister conversant with the current television advertisement about homes being connected to the deep sewerage system?

(2) If yes, does he endorse the view that it is unhealthy not to be connected to the deep sewerage system and that septic tank systems are unsafe?

(3) What evidence does he have for such assertions and does he subscribe to the view that the value of a property is diminished if it has a septic tank?

Dr HAMES replied:

(1)-(3) Yes, I am aware of the television advertisements by the Water Corporation. The whole purpose is to try to get people to connect to a system on which this Government has spent a huge amount of money. The Government is spending about $70m a year in bringing infill sewerage to Western Australia. The installation of the infill sewerage in the first place is as a result of concerns expressed by many people and bodies, including the Environmental Protection Authority, about the long term future of the septic system in Western Australia. About 95 per cent of the areas of other major cities in Australia have infill sewerage. Western Australia's area was in the order of 55 per cent. This huge region in Western Australia was contributing to pollution of areas such as the Bayswater main drain. The member for Maylands is the chair of a committee looking after drainage into the Swan River in that area. Evidence has shown significant contamination of underground water by septic systems in the longer term. In the shorter term and in many areas they are perfectly safe and not causing environmental problems. That is not the case in other areas.

The infill sewerage system is extremely important to our long term future. There is a limit of five years within which people must connect to the system. We did not want to come out with the big stick approach, given that the end of that five year period is approaching, and say, "Now we will connect." We want to try to encourage people to connect. To do that we have to point out to them the problems that occur when they do not connect to the system. I have been advised that connection to the infill sewerage system significantly improves the value of a property. That is not to say that the value of a property with a septic system that is functioning well is diminished in any way, and the advertisements are not designed to give that impression. We want to encourage all people who have access to the infill sewerage system to connect to it, because that is good for the environment and for Western Australia.

SEWERAGE - INFILL PROGRAM

Health and Safety Concerns

227. Dr CONSTABLE to the Minister for Water Resources:

Will the Minister reassure those people who do not have the opportunity to connect to the infill sewerage system because they are last on the list that they are not living in unhealthy and unsafe situations and that the value of their property will not be diminished in the short term?

Dr HAMES replied:

It is not possible for me to give that guarantee, because it depends upon the circumstances and the location of the property. The first areas that were connected to the infill sewerage system were those that had significant environmental problems. The member for Belmont will know that at certain times during the winter, some areas in his electorate had sewerage running down the street. The member for Bassendean, who now represents some sections of Morley, and the member for Ballajura will know that in Morley, people have to pump out their septic systems two to three times a year because their septic tanks can no longer cope with the sewerage load.

Members must remember that this is a 10 year, $800m program by the Water Corporation. Before we came to government, between $5m and $10m was spent per year on infill sewerage. I have spoken to many people who were told they would be connected within the next five years, and when they rang back when the five years was almost up, they were told they would be connected within the next five years, but that five years never came around because there was never enough money to do it. The individual briefing papers for all the electorates in Western Australia indicate that we are putting massive amounts of money into each electorate that does not have infill sewerage to upgrade the system. People must be patient. I am sure the wait will be worth it.

COTTON - NEW SOUTH WALES INDUSTRY

Premier's Visit

228. Mr McNEE to the Premier:

What was the purpose of the Premier's visit to the cotton growing areas of New South Wales; and does the Premier expect any advantages to flow to the Western Australian cotton industry?

Mr COURT replied:

I thank the member for some notice of this question. A week or so ago, the member for Moore, the member for Kimberley and I visited the two main cotton growing areas in New South Wales - Bourke and Moree - to look at developments in the cotton industry, the irrigation systems being used, and what has been the first major season using the new inguard transgenic cotton. The visit highlighted the fact that many of the on-farm irrigation schemes being used in that area could be adapted for developments in areas such as the Fitzroy Valley. A number of research projects are currently under way in Western Australia to look at the viability of those areas.

Similarly, the first complete season with the new strain of cotton appears to have been successful. It has meant a reduction in the use of pesticides to control the insects that affect that crop. The major issue in that area is the supply of water. Huge interest has been generated in what has been achieved in the cotton industry in a relatively short time, and that has resulted in growers moving to Western Australia to establish an industry. Agriculture Western Australia and other departments are doing whatever they can to encourage the development of the industry.

The new strains of cotton are proving to be prospective in reducing the use of pesticides. The irrigation scheme will provide innovative ways to start cotton growing without initially damming the rivers in the Fitzroy Valley and growers have shown genuine interest in investing in that industry in our State.

GLOBAL DANCE FOUNDATION - FUNDING

Tourism Commission Advice

229. Mr BROWN to the Premier:

I refer to the Premier's decision to approve an upfront payment of $430 000 to Peter Reynolds of Global Dance Foundation Inc and again ask -

(1) Did the Premier receive a memorandum dated 21 October 1994 from the chief executive officer of the Tourism Commission saying that an upfront payment to Mr Reynolds was "not acceptable"?

(2) Was the Premier informed that the government-appointed tourism commissioners did not support an upfront payment to Mr Reynolds?

(3) If yes, why does the Premier keep claiming that the method of funding Global Dance was approved and he was only acting on advice when it is patently clear that was not the case?

Mr COURT replied:

I have answered this question on a number of occasions. The member for Bassendean asked a question yesterday. The member has access to one specific memorandum. However, he knows only too well that other correspondence, information, approaches from Treasury and the like indicate that Treasury made and agreed to a decision after a number of meetings had taken place. I have said openly that I have nothing to hide. We have given the member that information.

Mr Brown: The Premier pursued this issue. He wanted this funded.

Mr COURT: The decision was made following a number of meetings and advice being received from a number of departments.

ARGENTINE ANTS - CONTROL AGENT

Trial

230. Mr OSBORNE to the Minister for Primary Industry:

A trial to assess the effectiveness of an Argentine ant control agent was recently completed in Bunbury. What are the results of the trial, and what steps will the Government now take to bring the Argentine ant menace under control in Western Australia?

Mr HOUSE replied:

Mr Speaker -

Mr Kobelke interjected.

Mr HOUSE: The member is thinking of white ants, and they are all on his side.

Argentine ants are a problem in Western Australia from Albany to Bunbury and in parts of the metropolitan area. The chemicals that were originally used to control Argentine ants have been banned under national and international agreements. That has created an enormous problem. Agriculture Western Australia has completed a reasonably successful trial of new chemicals that originated in the United States. The trial program ran in Bunbury at the instigation of the member for Bunbury and in conjunction with the Bunbury City Council. To be registered for general use in Western Australia the chemicals must undergo more trials and the parent company needs to agree that we can use them. If Agriculture Western Australia can resolve a number of problems with the federal authorities and the company that owns the patent, I am confident those chemicals will control Argentine ants. However, we have some way to go. We will need the cooperation and help of local authorities when that time comes. I will keep the member informed on progress.

PASTORAL LANDS BOARD - CHAIRMAN

Hon Philip Lockyer

231. Mr McGOWAN to the Minister for Lands:

Can the Minister confirm that he has offered his Liberal Party colleague Hon Phil Lockyer the position of Chairman of the Pastoral Lands Board upon his retirement from Parliament?

Mr SHAVE replied:

If I had made that offer to Hon Philip Lockyer I am sure that it would receive the overwhelming support of this Chamber, knowing what a fine member of Parliament he is. His name has been put forward to me.

Several members interjected.

Mr SHAVE: Receiving the support of my colleague the Minister for Labour Relations further confirms the ability of Hon Philip Lockyer.

No determination has been made on that position. At this time I have made no offer to Hon Philip Lockyer.

FIREARMS - BUYBACK SCHEME

Success

232. Mr BLOFFWITCH to the Minister for Police:

Can the Minister inform the House of the success of the gun buyback scheme and the delay experienced by people in getting paid for the guns that are being returned? I am still receiving complaints from constituents who have handed in their weapons and are waiting for payment.

Mr DAY replied:

I thank the member for some notice of this question. The gun buyback scheme continues to be a success in Western Australia and across the nation. At the end of the business on Monday 28 April about 19 000 firearms had been handed in to police in Western Australia. The value of compensation for those firearms is about $6.7m. Across Australia the scheme has so far collected about 379 000 firearms worth about $193m, so significant progress has been made in reducing the number of firearms in the community.

The official turnaround time for compensation is six weeks. However, I understand that the majority of cases are dealt within 10 to 12 working days. If members of the public are experiencing some problems or delays with their payments they can contact an 1800 number.

On the general issue of the provision of information about the licensing scheme, in particular the implementation of the new firearms licensing laws, I advise that a copy of the police firearms licensing manual will be made available to members of Parliament within the next couple of weeks. This will go a long way towards ensuring that appropriate information is available to members and the public generally. It will help ensure that a consistent approach is taken to licensing procedures across the State.
