WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Wednesday, 27 August 1997

Legislative Assembly

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

PETITION - YANCHEP LAGOON BEACH

MR MacLEAN (Wanneroo) [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 urge the Government to take urgent action to stop the silting up of Yanchep Lagoon Beach which has been caused by the groyne now being above the high tide mark.
>
> 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 1 320 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 83.]

STATEMENT - MINISTER FOR LABOUR RELATIONS

WorkSafe Week '97

MR KIERATH (Riverton - Minister for Labour Relations) [11.08 am]: I rise to make a ministerial statement about WorkSafe Week '97, Western Australia's premier occupational safety and health event. WorkSafe Week, which is now in its third year, has been enthusiastically embraced by organisations and individuals with an interest in improving safety and health at work.

The Safety and Health Exhibition at Challenge Stadium has brought together 50 suppliers of occupational safety and health products and services. More than 3 000 people have attended the first two days of the three day exhibition. Some 1 300 people are attending industry specific seminars conducted by WorkSafe Western Australia in Perth, and another 150 in Bunbury. In addition, 250 organisations and enterprises have formally advised WorkSafe Week coordinators of their intention to participate in the week, by conducting activities for their employees or the public.

The interest shown in WorkSafe Week reflects the improvements that have been made in occupational safety and health in Western Australia over the past few years. Between 1992-93 and 1995-96, there has been a 21 per cent reduction in the rate of lost time occupational injury and disease. Between 1992-93 and 1996-97 there has been a 27 per cent fall in the rate of work related fatalities. Enforcement activity has increased over the same period, with an 87 per cent increase in prosecutions, a 23 per cent increase in improvement notices, and a 25 per cent increase in prohibition notices.

The militant construction unions have been particularly vocal, yet deaths in the construction industry have been reduced by 50 per cent, from eight in 1992-93 to four in 1996-97. Further, there has been a 111 per cent increase in prosecutions in the construction industry, and a 44 per cent increase in improvement and prohibition notices issued since the change of government.

The facts contradict the political campaign being run by unions to detract from the high achievement of the Government on safety. The Government believes that further improvements in occupational safety and health can and should be made. That is why it has the WorkSafe WA 2000 vision targets of world best practice in occupational safety and health; the lowest work related injury, disease and fatality rates in Australia; and disease and fatality rates to be at least 50 per cent lower than they were in June 1995.

To achieve these results, the Government's WorkSafe WA 2000 plan is in place to provide a balanced approach between enforcement and safety awareness promotion within industry and the community to achieve best practice. These strategies will ensure that by the year 2000 Western Australia's workplaces will be the safest in the world.

STATEMENT - MINISTER FOR SERVICES

Small Business Procurement Advisory Council

MR BOARD (Murdoch - Minister for Services) [11.10 am]: I rise to inform the House of another new initiative

aimed at assisting small business in Western Australia. Small business is vital to the State's economy and it is critical that issues which impact on it are both heard and addressed by the Government. As a result, I have established an advisory council to hear from the private sector about government purchasing and contracting issues which affect small business.

The Small Business Procurement Advisory Council will also inform government about practices and new initiatives being adopted in its area of private enterprise. The council represents a wide cross-section of industry groups involved in providing goods and services. Its function will strengthen communications between small business and the Government on issues relating to the procurement of goods and services, particularly those dealing with competitive tendering and contracting.

State Government purchasing of goods and services in Western Australia is big business. Each year government agencies spend more than $6b purchasing goods and providing services and infrastructure. It is imperative that both buyers and suppliers appreciate the impact their actions have on the State's economy and on the community as a whole. Already the Government's Buying Wisely policy is having a significant effect on the purchasing environment and is establishing Western Australia at the forefront of service delivery, electronic commerce and buyer-supplier relations.

As Minister for Works, I will chair the 11 member council which comprises representatives from the WA Floor Covering Association, the Printing Industries Association of WA, the Master Cleaners Guild of WA, the Retail Traders Association of WA, the Chamber of Commerce and Industry of Western Australia, the Electronic Industries Association, the Small Business Development Corporation, the Department of Commerce and Trade, the Office of the Minister for Works and, of course, the Department of Contract and Management Services. I have also invited representation from the advertising industry. The Small Business Procurement Advisory Council presents a perfect opportunity to hear from those involved in small business, to address their issues and assist them in their day to day dealings with government agencies. Last week I detailed two major initiatives which this State Government had recently endorsed to benefit significantly small to medium businesses which supply governments in Australia and New Zealand.

The Small Business Procurement Advisory Council, along with the National Action Plan on small to medium enterprises and the Australia and New Zealand Government Procurement Agreement, is further proof of this Government's commitment to small business and honouring its election commitments.

STANDING ORDERS AND PROCEDURE COMMITTEE

Membership

On motion by Mr Barnett (Leader of the House), resolved -

> That the member for Joondalup be discharged from the Standing Orders and Procedure Committee and the member for Geraldton be appointed in his place.

BILLS (3) - INTRODUCTION AND FIRST READING

1. Loan Bill.

2. Appropriation (Consolidated Fund) Bill (No 3).

   Bills introduced, on motion by Mr Court (Treasurer), and read a first time.

3. Acts Amendment (State Supply and Public Works) Bill.

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

FAMILY COURT (ORDERS OF REGISTRARS) BILL

Second Reading

Resumed from 19 August.

MS ANWYL (Kalgoorlie) [11.16 am]: The Opposition supports this legislation. I will make some comment in passing partly in relation to the jurisdictional problems which are likely to continue to present themselves as a result of our unusual position in the Federation because of our individual Family Court Act and the ways in which that has application. From time to time it creates some difficulties for not only litigants, but also the administration of justice in the State.

First of all, I turn to the specific provisions of the Bill. This legislation cannot pass through the House quickly

enough, because a great deal of uncertainty has been created as a result of the decision in Horne v Horne, handed down by the Full Court of the Family Court in February of this year. The ramifications of the decision led to a flurry of activity in the legal profession. There was quite wide coverage of the decision in both *The West Australian* and the other forms of the media in this State.

For those members who are not familiar with the ramifications of that decision, a very large number of Family Court orders that had been made by registrars, they being quasi-judicial officials of the Family Court, were found to be invalid. Members will be familiar with the level of anxiety and sometimes bitterness and animosity that is frequent in court proceedings. This decision was effectively an undoing of many consent orders which had been reached by husbands and wives in Family Court proceedings. Many of those consent orders related to minor issues such as child maintenance, but others related to significant child welfare matters, such as custody, access and matters of that kind.

Effectively, it led to an undoing of the effect of the Family Court orders made by consent, which meant that the status of the legal agreements was thrown back into challenge. I am sure that members have had experience of individuals involved in Family Court proceedings visiting their electorate offices. In some cases, parties want to re-visit the litigation and choose to use the opportunity to try to re-litigate the whole issue of, for example, custody, access or child maintenance.

The legislation is supported by the Opposition. A couple of speakers will follow me, and I believe we will go into Committee, albeit briefly.

The principal problems arose with cases in the metropolitan area. For members not familiar with the operations of the Family Court in regional areas, it is common for proceedings to commence in a regional Court of Petty Sessions. Many consent orders, where both parties agree to the consent order, are made by local magistrates sitting in the Court of Petty Sessions. Thankfully, this applied to many of my past clients who sought advice on these matters. It is well known in Kalgoorlie that I provide legal advice for free these days.

Mr Prince: What do the rest of the profession say about that?

Ms ANWYL: The Minister will have to ask them.

Mr Prince: Are you still practising?

Ms ANWYL: I hold a practising certificate.

Mr Prince: Very wise.

Ms ANWYL: I also have insurance. The reality is that the problem in the country is not as large as that in the metropolitan area as most country consent orders have been made by magistrates. The Opposition has been concerned that this legislation took approximately six months to come before the House.

Mr Prince: It required agreement with the Commonwealth regarding how it was to be handled. Immediate agreement was reached that it needed to be fixed, but how it was to be done needed the Commonwealth's involvement. You will find that my second reading speech mentioned that the way to approach the matter was not to validate past procedures but to give substantive rights and liabilities. It required the Commonwealth to engage in a consultative process to agree on that, and that is why it has taken so long.

Ms ANWYL: I was going to comment on how the method - which I support - was achieved.

Mr Prince: The delay was not caused through want of action on our part. It took time because of the consultative nature of the Commonwealth.

Ms ANWYL: I hope no bureaucratic problems were caused by the federal aspects. That may have been the case because the Attorney General is trying to deal with a number of issues federally, and I am interested to know the priority given to this legislation.

Mr Prince: Both Attorneys, state and federal, agreed that the matter should be resolved quickly. Officers worked out how to proceed and legislation in this State, for example, had to be drafted and presented to Parliament. Six months for that process is a long time, but at least it was done adequately, as you support it.

Ms ANWYL: I thank the Minister for his explanation.

Certainly, the problem under consideration is not so great in country areas. Now that some explanation has been given for the delay, in fairness it should be pointed out that many of those problems have not led to the litigation initially expected. I am unsure of the reasons for that outcome. I imagine that some praise must go to the Family Court of Western Australia for the manner in which it has handled this aspect. Certainly, mediation and counselling facilities play a big part in the ongoing resolution of disputes created as a result of the uncertainty of the decision.

However, improvement is needed in the resources available to those sections of the Family Court. Clearly, when such jurisdictional problems occur, a large resource drain occurs with the court generally. If those problems are ironed out at a fairly early stage through court counselling and mediation services, a saving can be achieved not only in human terms, but also economically. Bearing in mind that the paramount concern of the Family Court is the welfare of children, savings can be made in human terms and economic savings can result from a reduction in court time adjudicating such disputes.

I understand that calls have been made to effectively privatise the counselling services of the Family Court, which is very much opposed by the Family Court judges, certainly by their spokesman, the chief judge. We must be extremely careful to ensure that any such move leads to increased resources available to mothers and fathers, and husbands and wives, who need the service.

Only yesterday, two constituents visited my electorate office outlining the lack of access to the court counselling service. The reality in Kalgoorlie is that we have three circuit visits a year; although some talk was heard of an increase to four circuits a year, it has not occurred. A counsellor visits at least each time the court circuit visits, and the conciliation circuit takes place with the registrar before the counsellor's visit. It is perceived that the counselling services are not as available as they might be.

Mr Prince: It might be that if you were able to contract for counsellors, who are mostly psychologists and social workers, you would be able to provide a more frequent service. I do not know whether there are any plans for privatisation. I simply proffer the observation that you could provide a more flexible response with a greater number of counsellors through private contractual arrangements with individuals.

Ms ANWYL: That may be so. The Minister would be aware of the key issue in the employment of professionals in country areas: If one has a similar salary package in the country as found in the metropolitan area, one would find it difficult to attract professionals to country areas without the provision of extra incentives.

Mr Prince: Most are peripatetic: They are city based and travel to and from the regional centres in conjunction with the registrar's circuit. I do not know any place where a counsellor is located outside the metropolitan area.

Ms ANWYL: I do not know of any either. The counsellor visiting Kalgoorlie-Boulder, I understand, is employed on a part time basis, and the concern expressed by constituents is that they cannot follow up matters with that counsellor in Perth as she is employed only part time when visiting the circuit. I am pursuing that matter.

The Minister is right: There could be some benefit for regional areas in the privatisation proposal, but we must be extremely careful to ensure that any such tampering with the existing arrangement results in freeing up more counselling hours to individual litigants and potential litigants. Counselling services should be available before people institute Family Court proceedings. The human and economic cost of court proceedings is great, and any efforts to resolve matters before they reach that stage are very important.

The concern with the sporadic visiting of circuits to country centres is the length of time it takes to reach a final hearing. The Minister and I had an exchange about criminal lists last week. In the case of the Family Court urgent cases will knock out other cases which have been in the list for a very long time. Although someone with an urgent case will get a better result in Kalgoorlie, some litigants who have been in the list for a long time are worse off.

Mr Riebeling: How often do circuits go to Kalgoorlie?

Ms ANWYL: I said earlier that they visited three times a year. I understand that they visit Bunbury five times a year. Bunbury also has fairly palatial court buildings. I know because I have practised there as a family lawyer.

Mr Prince: Bunbury has everything.

Mr Riebeling: Not Albany!

Mr Prince: I think we have four circuit visits in Albany and the same number of registrar visits.

Ms ANWYL: Yes, I realise that the issue is one of resources and their deployment. As a result of numerous representations to me I foreshadow undertaking some sort of assessment of the lists in regional centres, given the sorts of social costs that we see as a result of lengthy litigation. Anyone who has practised in the family law area will tell members that the longer and more protracted the litigation, the greater the fallout of levels of bitterness and problems that can occur with children.

Mr Prince: As one who practised under the Married Persons (Summary Relief) Act, the Matrimonial Causes Act and the Family Court Act, I agree with you.

Ms ANWYL: I am not advocating a return to the pre-1979 days.

Mr Prince: There is much to be gained by looking at procedure. We are looking only at procedure and not at the question of fault. Procedurally, the system pre-1974 was certainly speedier.

Ms ANWYL: Yes. I have concerns about the level of paperwork. The biggest concern must be the cost to individual litigants, especially those who post-trial are trying to enforce orders. A custodial parent, for example, might flout access orders, or contact orders as they are now known. The cost of pursuing that sort of case through the courts is prohibitive. In those circumstances the counselling service becomes very vital.

In country courts access to counselling and mediation facilities is limited. One very important reform we have seen recently at the state level is the understanding of the dynamics of domestic violence, which has been recognised through amendments to the Family Law Act. A trend in the Family Law Act has been to require parties to take part in compulsory proceedings, such as mediation conferences and information sessions. I have referred to my reasons for thinking that is a desirable end. However, we must recognise that within the system, there are some couples who, once separated, have some very serious issues to deal with. Those issues may have occurred during the marriage and may escalate after separation. A murder trial is going on this week in our courts. It involves a separation in which subsequently the estranged wife was killed. The outcome of that alleged murder case is still pending. It illustrates the seriousness of domestic violence. In the country the checks and balances which ensure that parties do not have to get together unless they wish to do so do not apply as they operate in the metropolitan area. Essentially, the reason is that matters are less sophisticated in the country, there is no real opportunity for issues to be weighed up before a court appearance, and courthouses in many regional centres are rundown, as the member for Burrup put it, with the exception of Bunbury, and the rooms to ensure that contact does not occur are not always available.

If I may labour the point, as a family law practitioner for many years, I cannot overestimate the trauma of an injured party, who is often the woman, having to appear in court. It may involve something simple like a compulsory counselling session before proceeding to trial. Parties must have compulsory counselling for a child welfare matter. In those circumstances the sort of trauma that is caused to a victim of domestic violence cannot be overestimated. The question comes back to the same old debate about resources and their deployment. In many cases the risks of injury and death are greater after separation. That issue needs to be examined within the family law system of this State.

I am pleased to note from the Minister's second reading speech that consultation occurred with the legal profession. By way of interjection, the Minister informed the House about the dialogue that took place with the commonwealth Attorney-General's Department. Consultation also took place with the state and commonwealth Solicitors General, the Crown Solicitor's Office and the Family Court. The umbrella organisation in this State of the Western Australian Family Law Practitioners Association is not mentioned. I hope it was consulted. It is a very powerful advocate as to defects in the current system.

I mentioned at the outset that other jurisdictional problems exist. This is a timely moment to briefly address those. Western Australia occupies a unique position in Australia because it has its own Family Court Act. The Act enables Western Australia to choose which part of federal legislation will be enacted here. I am sure that most members, if not all, will be aware of the most anomalous situation in which, if a child is born to a de facto couple, as opposed to a married couple within the meaning of the Family Law Act, the Family Court Act therefore applies. This means that completely different custody provisions apply. A child of a marriage is deemed to be in the joint custody of both parents. Under the state system, an ex-nuptial child is deemed to be in the sole custody of the mother. It leads to an enormous amount of confusion in our community and can lead to extremely complicated jurisdictional problems. If the state Family Court Act must apply for the ex-nuptial situation and the child and/or one parent are absent from the State, then the state court does not have jurisdiction. One has then to go through an absolute jurisdictional maze. I must confess that I never got to the bottom of that issue. I can recall that at one time I contacted Professor Dickey, who is probably the leading academic in Western Australia in the family law field. I thought I had found the answer, but when I sought his advice I think he told me I was wrong. I must admit that I still do not know the answer.

Mr Prince: Did he offer a solution?

Ms ANWYL: It was a short conversation and sadly the answer is no. I do not want to be unfair to him because I did not ask him to provide a solution. That was several years ago. It was a problem whereby the child and/or one parent was absent from the State. It creates huge problems. Extra legal fees are required to get to the bottom of that issue. I was pleased to see on the Notice Paper some mention of amending legislation to standardise the custody situation as between de facto and married couples.

The other major issue is property rights. Although we all consider that children are the most important concern in the break up of a relationship, property issues can create many problems. We need to bring property matters under the jurisdiction of the Family Court as well; currently they are dealt with in the Supreme Court.

Mr Prince: That is a matter of opinion.

Ms ANWYL: That may be; however, I would have thought that Supreme Court judges - not that I have asked them - would like to see that part of their duties transferred to the Family Court. Nevertheless, it is one of those issues where one's particular moral, religious or philosophical views may come into play.

Mr Prince: Transferring the jurisdiction of the Supreme Court and Family Court is problematic; it is an issue of when it is best done. The issue is whether we write new law to put people in a de facto relationship in the same legal position as people in a marriage relationship. It is not an issue of jurisdiction.

Ms ANWYL: It does create practical problems for those working in the field. The solution may not be simple. We have a number of state models. The States do not have a standard approach to deal with it. While Western Australia has a unique position in child welfare matters, it is not unique in the issue of property.

Mr Prince: I proffer the observation that you would not necessarily legislate in that area to make things easier for those who practice in the area, whether it be judges, lawyers, social workers and others. You must legislate according to that which is acceptable to society.

Ms ANWYL: I agree. The Government would also be in troubled waters if it discriminated against married couples as opposed to de facto couples which, effectively, is occurring in that area. That is occurring in a number of areas. The Administration Act is in severe need of reform. I will not use this venue to pursue that. An argument has been put that discrimination is occurring.

I praise the method by which a solution has been found here; that is, rather than retrospective legislation this Bill provides some substantive rights and liabilities in relation to the purported orders. I support the method of achieving that end and the manner in which retrospective legislation has been avoided. It is opposition policy that retrospective legislation is a matter of last resort.

The Opposition supports the legislation. I ask that the Minister for Health, who is representing the Attorney General in this place, relate some of my concerns about regional areas to the Attorney General. The Minister for Health may care to remark upon my comments in his response to the second reading debate.

MR RIEBELING (Burrup) [11.44 am]: I take -

Mr House: You have shaved.

Mr RIEBELING: Yes, I have. As the Minister for Fisheries has interjected, I take the opportunity to congratulate him on his recent efforts in the Dampier Archipelago that created adverse publicity for the Minister that was not in any way justified. It was not stirred up by me, because I think the Minister did a great job.

This legislation is an attempt to resolve -

Mr Prince: What do you mean an attempt?

Mr RIEBELING: Until the legislation is passed it is an attempt; once it is passed it will be an achievement. At the moment it is an attempt. This legislation was required as a result of a decision of the Full Court of the Family Court of Australia in the matter of Horne v Horne which threw into doubt the system of registrars registering consent orders. The full court said that system was not sufficient and consent orders must go before a judge of the Family Court. It is disappointing that the Full Court of the Family Court came to that conclusion.

Family law is a difficult area of law, as the Minister representing the Attorney General in this place would agree. One of the areas in which the law responded well was where parties who agree to a consent order do not have to wait to go before a judge; they can go before a registrar in the Family Court, who is the equivalent of a magistrate. That system saved a huge amount of money and time for the parties involved in a Family Court action and for the Family Court.

One reason that the process of allowing registrars to make consent orders was put in place was a desire to better utilise the resources of the Family Court in Western Australia. It was decided that where everyone was in agreement, they would not waste the time of the judges in the Family Court and would put the matter before a registrar. That was an eminently sensible solution, albeit one which the full court disagreed with. More than anything else, it was a pedantic decision. The full court thought that the Western Australian process was moving away from the authority of the Family Court. One of the problems in the Family Court, because the parties are in dispute, is that one party will always be unhappy with a Family Court decision. This ruling showed that Western Australia had it right and the Family Court did not.

The Minister for Health, who is representing the Attorney General, indicated that after 1974 the divorce process

became much quicker. He forgot to mention that before 1974 it was almost impossible to get a divorce in Australia, and domestic violence and the like was hidden. After 1974 great changes occurred in the area of matrimonial legislation. There was a huge explosion in the number of people getting divorced. That was not because there was an increase in the percentage of people wanting a divorce; the number increased because people were able to access the courts. Divorce numbers have levelled out since the explosion that occurred in about 1974.

The Minister's desire to revert to a procedural system that reflects the system which existed prior to 1974 worries me. That system was so restrictive that very few people could access it. Not many people wanted to access it because of the hoops they had to go through to get a hearing.

It has taken eight months from the time the solution to the procedural problems was reached to draft this Bill. The member for Kalgoorlie said she was pleased that this is non-retrospective legislation. However, the average punter in the street would find the proposed system more confusing than retrospective legislation.

The proposal before the House is that the effects of the orders that were made will be given lawful enforceability, but there is no retrospective backdating of the authority of the registrar to make those orders. I understand the legislation, when it is passed, will give judges the ability to delegate their authority to registrars. I also understand that lawyers will say that it is the best system to adopt; however, it is probably not the best system for the public to understand. I accept that every legal person in this place would probably agree that it is the best way to deal with the problem.

Mr Prince: It should prevent any potential appeal that might have been able to be brought were one to have attempted to legislate retrospectively. The object of the exercise is certainty.

Mr RIEBELING: Over the last eight months has there been a rush of people trying to overturn the effect of the orders that were made?

Mr Prince: Apocryphally there has certainly been a significant number of people going to lawyers wanting to do that, but because both the state and federal Attorneys General made statements early in the piece that this would be legislated so that could not be done, I gather that most lawyers have taken the proper view and said to their clients, "There may be a way, but it will be legislated so you will not be able to do it. Therefore, don't waste your money."

Mr RIEBELING: I do not know whether the Minister heard the comments I made relating to his comments about what occurred prior to 1974.

Mr Prince: I am sorry, but I was called out.

Mr RIEBELING: Prior to 1974 very few people had access to the divorce courts.

Mr Prince: I dispute that.

Mr RIEBELING: My recollection of the 1974 system is that a greater number of people had access to divorce courts. The existing process, albeit clogged up, is more desirable than the situation that prevailed prior to 1974.

Mr Prince: You are, undoubtedly, younger than I and were not around when that was running.

Mr RIEBELING: The difference between the system which prevailed prior to 1974 and the existing system is that today a greater number of people are involved in divorce cases because of the increase in population. The answer is to increase the resources to the Family Court and to not change the system.

Previously the registrars were able to make orders under the system which was deemed by the Family Court to be incorrect. The reason they made those orders was the resources the Family Court had at its disposal. It was determined that orders made by consent could be safely and successfully made by registrars.

Mr Prince: It was the best thing for the parties. They sat in mediation with the registrar and came, however reluctantly, to a conclusion and the registrar made the orders.

Mr RIEBELING: The Minister is absolutely right. It is one area of the Family Court process that was a success. However, it is the one area that the Full Court of the Family Court of Australia decided, in its eminent lack of wisdom, to overturn. I cannot work it out.

Mr Prince: Because the law does not allow for it.

Mr RIEBELING: The law is a reflection of what the Parliament intends. In this case the Parliament allowed a system to operate in which registrars are appointed, and they are equivalent to magistrates. It is not an onerous task for a person as qualified as a registrar to make consent orders, nor is it beyond his ability.

Mr Prince: I agree.

Mr RIEBELING: The previous process was simple and it saved the State a large amount of money. The people involved in the Family Court dispute had peace of mind.

Mr Prince: When I respond I will remark on the time it takes to get there.

Mr RIEBELING: In all courts there is a degree of annoyance that there are lengthy delays. The Family Court visits the Pilbara region twice a year.

Mr Prince: Does that include two judge circuits and two registrar circuits?

Mr RIEBELING: Unless the system has changed over the past six or seven years, they visit together and their visits are well attended. The Minister may say that the problem with the system in the Pilbara is that if 10 minutes after the judge leaves the town one is ready to go to court, the minimum waiting time will be six months, or the person can travel to Perth. There is an ability to list in Perth. When I was involved in the courts six years ago we were able to get matters that were ready for court into the Family Court within three months. Considering the courts' waiting lists, that is not bad. Anything quicker than that might put some parties at a disadvantage.

Mr Prince: They might not have a complete case.

Mr RIEBELING: That is right. The process that was developed in the Family Court for dissolution and conferences was very good and it developed over time because of commonsense rather than anything that Parliament wanted. The people in the Family Court who were dealing with the problems on a daily basis resolved those matters by adopting a commonsense approach which reflected the least possible aggravation in the system of dissolving marriages and what that means financially to children and parties who feel aggrieved.

To put not too fine a point on it, the Full Court of the Family Court of Australia has missed the mark by its decision, albeit it was legally correct. The result is greater waiting times and people have to go through a formal structure to solve their problems. The registrars employed by the Family Court are underutilised because of the removal of a great amount of work they were doing. It is a decision that cost the Family Court system a great deal and it should have been solved more quickly.

The Minister indicated that there appears to be a problem in the Commonwealth about why it took eight months to solve this issue. If that is the case the Commonwealth should cop some flak for taking eight months to solve the problem. I am sure it was not in the Western Australian system. I am positive the Western Australian draftsmen would not take eight months to draft a seven page piece of legislation. If they did that, they would not be productive. The holdup might be in the federal system. In his second reading speech the Minister alluded to the fact that the Commonwealth is enacting legislation to solve its part of the problem, but he did not indicate when the Commonwealth is likely to lodge its changes to legislation so that our amendments will make sense and give effect to what we need to do. As I understand it, we hope to put back in place a system which the Full Court has stated that we should not have. We will do that by changing the legislation to enable magistrates or registrars to be delegated to make certain orders by consent only. That was the process prior to February.

Quite frequently the Family Court gains some notoriety in the Press, for all the wrong reasons. That notoriety occurs when a party to a divorce takes action into his or her hands probably as a result of misinformation. People get angry and act violently as a result of Family Court actions. Often parties to a defended Family Court case are not happy with the result. I have worked in the courts for 20-odd years and I cannot recall a single Family Court matter which was resolved by trial where both parties were happy with the results. Usually in a trial, there is a winner and a loser. The loser may become bitter and the winner, at times, can gloat or not take the victory very graciously. Therefore, the situation can end in violence. Under the current system, many people are forced into Family Court trials. Another problem is that some matters do not need to go to the Family Court to be heard by a judge when consent orders are made; and judges are forced to waste their precious time dealing with matters which could easily be dealt with outside the formal structure, before registrars. With this legislation, I hope that the Minister is endorsing the correct process.

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

Mr RIEBELING: As the Minister has said, in the main this delay was caused by the Commonwealth Government. I seek more information about the effect of the eight month delay, because according to the second reading speech the areas affected by the Full Court ruling are consent orders dealing with property, access and custody. Access and custody matters especially can become very heated, and quite often with the skills of the registrars and many hours of counselling, a consent order is made for access and custody.

As a result of much hard work by the registrars trying to convince both parties it is not in their interests to go to trial, but it is in their interests to reach a consent situation in which both parties may not be completely happy, to some

degree both parties finally see the commonsense in arriving at a consent order. I am interested to know whether numerous breaches of access and custody orders have occurred.

I understand the Minister's comments about people having the right to appeal, and so on, but the other side of the equation is of more interest to me. That relates to enforceability of access and custody orders by consent. If an access order were fiercely disputed but ultimately by consent the husband, for instance, gained access to the children every second Sunday, all day, and if for the past eight months the custodial parent had refused that access, would such an order have been enforced since the Full Court made its decision?

Mr Prince: I have no figures with respect to those matters. I am aware only as a result of conversation with people in the profession and people who come to my electorate office that there are constant breaches, many of which are not taken back to the court. That is one of the problems. Whether we have a problem with regard to the effectiveness of the orders, people see the enforceability provisions of the Family Court structure do not work.

Mr RIEBELING: I understand that. The question is whether the orders that have been breached regularly over the past eight months are proper orders.

Mr Prince: Exactly.

Mr RIEBELING: Other than maintenance, access and custody orders are the main concern -

Mr Prince: It is an interesting question. I cannot answer it. However, for my interest as well, I will see if I can provide an answer. I will get the Attorney to provide the answer to both of us.

Mr RIEBELING: I understand the reason that retrospectivity is not favoured. However, if an action is taken against a breach which took place in the past eight months it has the effect of retrospectivity if the terms of the order are enforceable. That is the aim of the legislation. It can be called anything one likes, but that will happen. The Bill seeks to reinstate the enforceability of orders. If an aggrieved party in a Family Court matter thought it was an opportunity because the husband will not see his children until the problem is solved, he cannot do anything about it. There are two arguments, the first being that the custodial parent cannot do anything about the situation but if he or she could it will mean that retrospectivity will relate at least to the enforceability of the orders.

The only concern for the Family Court is the enforceability aspect of orders, not necessarily their structure. To backdate authority of registrars to make orders would be the more simple path to take. I am not a lawyer, so the Minister will probably be able to tell me where I am wrong, and I am sure the other lawyers in the room will agree with the Minister. However I, and I am sure the public, can see little difference between what this Bill will achieve and backdating the authority of registrars to whenever they started to make consent orders so that those orders will be enforceable in full. We seem to have done a stunt whereby we do not need to do that, yet consent orders will remain enforceable. I am looking forward to hearing the Minister explain why it is important to go down this path.

I congratulate the Government on bringing forward this legislation and making every effort to resolve this problem. This matter had to be resolved quickly. I am sure it is as disappointing to the Minister as it is to members on this side of the House that the Commonwealth appears to have taken some sort of delaying tactic to prevent this legislation from being introduced until now. I cannot work out why it has done that. If the reason is that the Commonwealth is incompetent, something should be done; it is the Attorney General's responsibility to take action if there is a problem in the federal arena.

It was blatantly obvious to every person who had anything to do with the Family Court system that the decision of the full court created more problems than it resolved. That is a good argument for not using the full court very often. It created a mess which did not need to exist. I believe the previous process was a harmless mistake in law which improved the situation for the benefit of all Western Australians, but the full court had its nose put out of joint because we were using magistrates and registrars rather than judges and determined that we had to change the system. I believe that will be to the detriment of the system. If these changes will resolve that situation, I congratulate the Minister.

MR McGOWAN (Rockingham) [12.13 pm]: I support the comments made by my colleagues the members for Kalgoorlie and Burrup in support of the Family Court (Orders of Registrars) Bill. The Opposition supports the general thrust of this Bill because it will make life easier for people who have had consent orders made in the past. As I have not practised in the area of family law and I did not complete my studies in Western Australia, I am somewhat confused by the Family Court of Western Australia system. However, I believe that the purpose of this Bill is to rectify the anomaly which was discovered by the Full Court of the Family Court in the case of Horne v Horne. The full court determined in that case that consent orders made by registrars were not appealable to the full court; therefore, those orders were invalid. I do not know whether any other reasoning lay behind that decision; for example, that registrars were exercising judicial powers when they were not judicial officers.

That case created quite a quandary and was the subject of some comment in *The West Australian*, because since 1985, when the Family Court Act was amended to enable registrars to make consent orders, many people have operated under consent orders made by registrars. Consent orders are a great system for resolving matters in a non-adversarial fashion because they enable two parties who have a difficulty with a family law matter to agree on consent orders which set out their respective rights and liabilities. In fact, yesterday I suggested to a constituent that his son obtain consent orders for that very reason. Having said that it is a great system, obviously the full court found some difficulties with it and determined that it should be amended.

Therefore the Government, to its credit, according to a question on notice in the other House, prepared some legislation last year which it introduced into the upper House in April this year. If that legislation was prepared last year and a number of people in the community had concerns, I am perplexed about why that legislation was not brought before this House earlier. It appears that there was ample opportunity in the early part of this year to bring this legislation before the House. However, it is good that the legislation is now before us.

This State and the Commonwealth have agreed to address this problem. Apparently complementary legislation has either gone or will go through the Commonwealth Parliament to also address this situation. I am pleased that the State Government did not decide to appeal the findings of the Full Court of the Family Court but decided to accept the judgment of the full court. The Government has decided to right the wrongs by legislation rather than take the matter to appeal, I presume from the Full Court of the Family Court to the High Court. The State Government has done the right thing and put this Bill before the House, and in conjunction a Bill is to be introduced into the Commonwealth Parliament. Has that legislation been passed yet?

Mr Prince: Not to my knowledge, but I understand from the commonwealth Attorney that it will be introduced this session.

Mr McGOWAN: I am not sure whether the fact that the commonwealth legislation has not been passed will impinge upon the applicability of this Bill once it receives royal assent.

Mr Prince: No, it will not.

Mr McGOWAN: I am sure we will investigate that further in Committee. The Minister's second reading speech sets out the features of this legislation and states that the approach in the Bill has not been to validate past procedures but rather to give substantive rights and liabilities to the effect of the purported orders. My colleague the member for Burrup addressed this issue and said that all lawyers in the Chamber will have a good grasp of the meaning of that provision. Unfortunately, I do not have a good grasp of the Government's intent in that statement. In the second reading speech the Minister said this matter has been addressed by the High Court and judicial approval has been received from that court to give substantive rights and liabilities to the effect of the purported orders. I am confused about the difference between this technique and the technique of retrospectively approving all prior orders. It probably is an example of legalese rather than a statement that means anything of substance. However, apparently this matter has been addressed and the High Court has approved of it. Therefore, it must be a legitimate technique although I find it somewhat perplexing.

The remainder of the second reading speech addresses other family law issues that the State Government will no doubt address in future. My colleague the member for Kalgoorlie referred to amendments to bring Western Australia into line with other States in cases involving ex-nuptial children. I am interested to know whether that will take place as part of the overall package the House will address in this session of Parliament. Naturally, I am concerned that the finding of the High Court means the registrars' role in consent orders is invalid and, subsequent to the finding of the Full Court in Horne v Horne, any orders made by registrars are therefore invalid. I have deduced from the answers to questions asked in the upper House that when registrars approve consent orders they are acting in their capacity as magistrates, as provided for under the Family Law Act. Accordingly, as decisions of magistrates are appealable to the Full Court of the Family Court or Family Court judges, decisions of registrars on consent orders will now be valid. One wonders why registrars did not act in their capacity as magistrates prior to this, if there was judicial uncertainty about whether consent orders were valid when issued by registrars. It appears the situation is now under control.

I alluded earlier to the jurisdictional problems faced in Western Australia. I completed my studies in another State, but I recall it was a subject of some confusion in other jurisdictions as to why Western Australia has its own Family Court and does not accept the commonwealth jurisdiction and the Family Court of Australia. I am at a loss to understand why this system was adopted in Western Australia. It should perhaps be changed to bring WA into line with the commonwealth jurisdiction so that people bringing legal cases in Western Australia are not required to undergo rigorous jurisdictional disputes which can affect people from interstate. It means they must spend more money to achieve a resolution of their problem because it cannot be dealt with in one jurisdiction. I do not know why that situation has not been addressed in Western Australia to bring the Family Court under the commonwealth

umbrella. I listened to the comments of my colleague the member for Kalgoorlie, who has practised in family law in Western Australia. She indicated it has something to do with the difference between ex-nuptial children and the children of a marriage. It means that some matters must be heard before the Supreme Court, as happens in other States. I ask the Minister to advise whether Western Australia has legislation dealing with de facto relationships.

Mr Prince: No, it does not.

Mr McGOWAN: That being the case, in order to assert their rights people in de facto relationships and ex-nuptial children must rely upon a trust situation.

Mr Prince: You can argue that for de facto relationships, but everything else is dealt with in the Family Court.

Mr McGOWAN: It is a matter of some confusion.

Mr Prince: I will endeavour to explain it.

Mr McGOWAN: It is always better to have a national approach to something of this magnitude to avoid any confusion.

Mr Prince: Western Australia has led the way in putting one court in place to handle everything. The other States did not do so. I am sorry, but you are on the wrong track in trying to slam Western Australia on this.

Mr McGOWAN: I am not trying to slam Western Australia. The Minister obviously got out of the wrong side of the bed this morning. It is a serious matter and I do not think Western Australia should be different just for the sake of it; if that is the case the situation should be changed.

Mr Prince: No, it is not the case.

Mr McGOWAN: Having indicated that the Opposition supports this Bill, I must refer to the concern expressed to me about the courthouse in my electorate. It is related to this Bill because Family Court registrars occasionally sit in the courthouse in Rockingham. That courthouse was constructed in 1957 and, therefore, is 40 years old. It was constructed when the population of Rockingham was a tenth of its present size, and urgent attention is needed. I have appeared in the court on a number of occasions, principally on criminal matters, and it is far too small. It is stuffy, old and falling apart.

Mr Prince: Raise it as a grievance and I can be specifically informed to be able to respond to it.

Mr McGOWAN: I raise this matter now because it is an appalling example of public infrastructure in the southern corridor, and it deserves attention. A number of other regional areas have decent court facilities in which people can work, and which the public can access. Many people who use the courthouse are not involved in criminal matters, but in civil suits. These people are absolutely amazed at the conditions. It needs a dramatic upgrade in the very near future. A city of 70 000 deserves a facility that is better than that designed to cater for 7 000 people.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [12.30 pm]: I am not a legal eagle; however, from my reading of it and the understanding I gained from the briefing I attended, this Bill is to tidy up the declared ineffective orders made by registrars mainly covering partnership and family relationships; that is, maintenance payments, property rights, access to children and parenting skills. As has been acknowledged by other speakers, this Bill came about because the Full Court of the Family Court decided in the matter of Horne v Horne that a consent order of a registrar in Western Australia was not valid. The Attorney General had to look at ways in which the orders that had been made were enforceable.

Other speakers have been talking about the legal implications of the Bill, but it will impact on human beings and their relationships. Many people, mainly women, have come to my office to discuss this decision which raised queries about a number of consent orders made by registrars which left many people in limbo. One of the effects, which has occurred in only a small number of cases, is that some respondents, mostly fathers who were maintaining their children by financial support, looked at the loophole in the law as a way of withdrawing their support. In April the Child Support Agency urged divorcees and others to continue to pay despite the ruling because it advised it would chase up non-payment once this retrospective legislation is in place.

Some constituents have told me that people are worried that their children might be taken out of the State because, as a result of this Full Court ruling, a court could not do anything to enforce these orders. One person who was very upset was being refused visiting rights because the partner was frightened that this person would take the child out the State. The quicker we can pass the legislation and tidy up the matter, the better. Another example is of a woman in the hills whose ex-husband stopped paying maintenance, and she is borrowing money from her parents to survive. The maintenance payments for her two children just stopped.

There is a major personal consideration in this legislation. Western Australia is the only State to have an individual Family Court; therefore, we were affected most by this ruling. That is a rather sad situation considering the number of people who are affected. It is very pleasing that this legislation is now before the Parliament. It will bring some legal status to the confusion surrounding the impact of the decision made by that Full Court. I commend the Bill. I hope we can get it passed quickly so that many of the anomalies and much of the human sadness will be attended to as early as possible.

MR PRINCE (Albany - Minister for Health) [12.34 pm]: I thank members for their contribution and members opposite for their support of this legislation. Many members opposite spoke at some at length about the origin and background of the necessity for the Bill, arising as it does from the decision of Horne v Horne on 13 February this year. I refer to some of the comments made, mostly by the member for Burrup, about the decision of the Full Court of the Family Court. I point out that the Full Court did not make the law here. It was asked to rule whether there was in law an appropriate delegation of power to Western Australian registrars to make the consent orders they were making.

The situation was created some time ago when the Federal Family Law Rules were amended. Prior to that, consent orders had to be made by the magistrate in the Family Court or the judge. The rules promulgated under the Commonwealth Family Law Act stated that registrars could make orders. However, there was no delegation of power at law to Western Australian registrars to make those decisions. That, in itself, did not create the problems; the difficulty was that the decisions were not appealed and, hence, were found to be invalid by the Full Court. That is a technical argument, but the nub of it was that there was no lawful authority to make the orders. That is highly regrettable.

I agree with the remarks made by the members for Burrup and Kalgoorlie that it was, and still is, a very good process and procedure for people to come to a conclusion, whether it be amicable or under some pressure, because at least they owned the result, rather than having something that was imposed on them in a judicial sense. That is undoubtedly one reason for a relatively low percentage of applications winding up in a trial - it is 6 per cent, or thereabouts - and such a large number of matters being resolved prior to trial.

Mr Riebeling: It is very successful.

Mr PRINCE: Mediation of the Family Court has been one of its great strengths since 1974-75 when it was first brought into effect.

I note the comments made by the member for Burrup concerning process. That is why I made those remarks about the previous situation with the summary relief Act and the Matrimonial Causes Act. Process under both those pieces of legislation was a lot quicker and a lot less complex in the volume of paperwork, and the time required was also much less, particularly in summary relief exercises before a magistrate which often involved examining in detail issues related to children. The paramount consideration was always the welfare of the child. I am not suggesting that we return to fault, although in society the widespread perception is that fault is still something to be considered.

Mr Riebeling: There was a massive expansion in the numbers of applications.

Mr PRINCE: I was in practice when it happened. I practised under the old regime and the new. There was a huge backlog of applications from people who were not prepared to go to court to allege adultery or cruelty or constructive desertion or whatever. That is fair enough; I have no problem with that. It took approximately two years to clear that backlog. Once it was over - since 1978 - we saw a gradual increase in applications in relation to the number of marriages that have broken down. I cannot remember the figure at the moment, but it is significantly more today than it was 20 years ago.

Mr Riebeling: The one-year irretrievable breakdown cause was introduced in 1974.

Mr PRINCE: Prior to that, people had to prove adultery, and the ground of separation involved five years. That has had some bearing on those figures. I practised in family law until mid to late 1980 when one of my partners decided he wanted to specialise in this area, and I was delighted he did. It was becoming much more bureaucratic in the sense that the system required more paperwork and very lengthy affidavits, and I think much of it could have been cut down. Pleadings of cause and effect are a better way to go than the affidavit used in recent times.

Mr Riebeling: The Family Court affidavit is fairly standardised; it is more a form than an affidavit.

Mr PRINCE: The member will find that things have changed in the six years since he worked in the field; it is now more pleadings based. If that results in less paper and a concentration on the contentious issue, it is a good thing.

Mr Riebeling: The pleading is usually done by lawyers.

Mr PRINCE: That is not a bad thing as at least the lawyers know the law. Otherwise, someone somewhere in the court bureaucracy must work it out. Therefore, it is a balancing exercise.

The member for Burrup asking about breaches of orders in relation to guardianship and contact orders, but I cannot answer his interesting question. I proffered by interjection that a great many people who could bring some form of contempt application for breach of an order do not do so because they cannot afford it or do not want to go through the process again. I guess these will be the really contentious exercises in which parties are battling and children are the weapons - they always have been, and probably always will be - until the children are old enough to make a decision for themselves. Those cases tend to have umpteen breaches and applications.

One will never get a handle on that statistically as it does not count matters for which applications are not made for contempt or enforcement. I am interested in the question the member raises. I will ask the Attorney whether some figures are available to show whether an increase has occurred in the last eight months in the number of applications for remedy on some breach. When I have that information, I will provide it to the member.

Mr Riebeling: The other question might be whether the courts are accepting the applications.

Mr PRINCE: I do not think one could do that with consent orders made under form 12A. Is that correct, Mr Acting Speaker (Mr Baker), as your experience is more recent that the member's or mine? I doubt that the courts could accept the application as one would be seeking to enforce an invalid order.

Mr Riebeling: What about once they go through?

Mr PRINCE: Then they can.

Mr Riebeling: If they are more than six months of age, will the Statute of limitations not apply?

Mr PRINCE: I thought it was two years in this field.

Mr Riebeling: Presumably they could then lodge a big stack of them.

Mr PRINCE: They could, but the question would be: In what instance? If one is talking about contact visits - what the member called access - it is presumably an ongoing breach. It is not a refusal once perhaps last Easter to obey the order, as it is refusal, full stop.

Mr Riebeling: In contempt you must prove a specific contempt.

Mr PRINCE: Yes. Regarding maintenance, for instance, the Child Support Agency has all the legislative power in the world to get money from people if it is available. In property orders, one might seek some form of contempt ruling to progress further to have documents signed by a registrar.

Mr Riebeling: Most of it will be in the access area.

Mr PRINCE: Yes, but that is not necessarily a problem. I doubt that anyone will entertain an application for contempt, breach or enforcement in relation to one refusal. It will apply with continuing refusal. With regard to the method used to correct the problem raised by Horne v Horne, the member for Burrup was somewhat critical of this approach rather than using a piece of legislation which states that we retrospectively confirm those orders. The reason for adopting this approach - namely, not to validate past procedure, but to give substantive rights and liabilities to the extent that the court orders - is that it has worked in other areas.

The process of saying that the substantive rights and liabilities are the tenor of the otherwise invalid order has been approved by the High Court in the case of the Crown v Humby and Rooney 1973, reported at 129 *Commonwealth Law Report* on page 231. The law is certain on this procedure. It is based on a recognition of respective roles of courts and Legislatures. The principle espoused in the Humby case has been subsequently approved by the High Court.

The most recent case was the Polyukhovich v The Commonwealth matter of 1991 reported on 172 CLR page 501. The chief justice stated that this is the way to deal with the matter. It gets around problems which could arise in relation to what we do either in this place or in the Commonwealth Parliament to fix the problem. If we brought in legislation to say retrospectively that the orders were okay, questions of constitutionality could be raised on whether the Commonwealth Parliament or this place had the power to legislate retrospectively in this area. We do not want to create uncertainty; we want certainty for people who thought they had certainty, and were suddenly given uncertainty. We know that handling the matter in this way will bring certainty to the parties. Perhaps it is simpler to say retrospectively it is all okay, but that is not certain to work in law.

Mr Riebeling: You're saying that the registrars could not make the orders; however, the orders they made are enforceable.

Mr PRINCE: Exactly.

Mr Riebeling: Does that make sense to the common person?

Mr PRINCE: Yes, it does.

Mr Riebeling: I think not.

Mr PRINCE: Perhaps. I would explain it to my constituents in this way: "Some doubt existed on whether the registrar putting his seal of approval on your agreement was lawful, and that uncertainty has been cleared up once and for all. What you agreed to, and the registrar countersigned, is the agreement which is enforceable - that is it."

Mr Riebeling: You're saying that he should not have signed it but what he signed is okay.

Mr PRINCE: If the member wants to get that technical, that is right; I hope he does not charge for that sort of advice!

Regarding matters raised by the member for Rockingham, when the Family Law Act of 1974 came into effect -

Mr McGowan: It was 1975.

Mr PRINCE: It was in the Commonwealth Parliament in 1974 and came into effect in 1975. When it came into effect, it stated specifically that a State could bring in complementary legislation to empower one court with conjunctional jurisdiction to deal with state matters as well as commonwealth matters. However, Western Australia was the only State in the Commonwealth to do so. All the other States, for reasons largely lost in history, said, "We will not do that; we will maintain our state court, and the commonwealth court will deal only with matters arising out of divorce." It is silly. One court dealing with all family law matters is a much more sensible exercise; if a person wants to make an application for custody, access or property without going for divorce, it can be done in the same place in which a divorce application is brought. This creates a specialist court. The other States said, "Here is the specialist divorce court, and here is the state court dealing with custody, maintenance and access rights pre-divorce." Therefore, one set of papers goes into one court, and a year later the same papers are passed to the other court. It was truly stupid. This State did the sensible thing from the point of view of litigants.

The Family Court of Western Australia was subsequently empowered to deal also with ex-nuptial children regarding custody, access and maintenance. It has worked extremely well and Western Australia has led the way. The situation in other States has not worked very well at all. Legislation has been passed in New South Wales, and possibly elsewhere, dealing with property rights of de facto couples, and we do not have such legislation in this State. That is a relatively small area of the totality of what some would describe as family law. There is a debate about whether we should have property rights for de facto couples.

Mr McGowan: It is a growing area.

Mr PRINCE: Yes. At the moment those sorts of matters are dealt with by pleadings alleging implied trusts and resulting trusts which are heard in the Supreme Court. Decisions on custody, guardianship, as it is now, and maintenance of ex-nuptial children have been heard since 1975 in the Family Court. Those critical issues for people have all been heard under one roof of the specialist court. That has been a first class exercise.

Mr McGowan: You said that when other States had the Family Law Act of 1975 it was then to deal only with divorce and not other matters.

Mr PRINCE: That is right.

Mr McGowan: The other States have changed since then and have transferred jurisdictions.

Mr PRINCE: They have caught up with Western Australia.

Mr McGowan: That is part of the jurisdiction of the Family Court of Australia under the Family Law Act.

Mr PRINCE: They have given state jurisdiction to the Commonwealth.

Mr McGowan: That is right, whereas here we have the Family Court Act of Western Australia, which in some areas has different laws from those applying elsewhere in the country.

Mr PRINCE: Very slightly. The Family Court of Western Australia has concurrent federal and state jurisdiction under the Family Law Act of the Commonwealth and the Family Court Act of Western Australia. That is what we did in this State in 1974-75, which was entirely sensible at the time. It has worked extremely well and I see no reason to change it. What happened in the rest of the Commonwealth was something of a debacle. The other States eventually decided to hand over jurisdiction, and not everywhere either.

The problem that has arisen here is extraordinary in the sense that the Family Court rules contemplate that registrars can make consent orders, but nobody bothered to delegate power.

Mr McGowan: Who in Western Australia pays for the administration of the Family Court of Western Australia?

Mr PRINCE: It is a joint exercise partly funded by Commonwealth taxpayers' dollars and state taxpayers' dollars. It is a funding agreement.

Mr McGowan: Who pays with the other States?

Mr PRINCE: I do not know.

Mr McGowan: In the other States because it is under the Family Law Act -

Mr PRINCE: I do not know.

Mr McGowan: If it were found that we were spending more money out of our budget than other States, would you consider changing the situation back to the way it is in other States in order to save money?

Mr PRINCE: If it is worth looking at. I do not know whether the Commonwealth would be amenable to that sort of thing. My experience of dealing with the Commonwealth is that it calls such moves cost shifting and would penalise us in some other way. I do not know the financial relationships in other States. If there were to be a budgetary saving to this State, we would perhaps look at it. The member will find that most people who have had any connection in an operable sense with the Family Court structure of this State would say that it works extremely well.

Mr McGowan: Are you saying that a Family Court of Western Australia matter is easily transferred across the nation into the Family Court of Australia?

Mr PRINCE: The only way in which one does that is by appeal to the Full Court of the Family Court of Australia, which happens all the time. The Full Court of the Family Court is composed of Family Court judges from around Australia.

Mr McGowan: Sometimes matters are commenced in the wrong jurisdiction due to locational factors.

Mr PRINCE: That is not a problem.

Mr McGowan: Let us say that a case is due to be commenced in Queensland. Is that easily transferred here?

Mr PRINCE: Under the rules of the Family Court of Australia cases are moved around very easily.

Mr McGowan: Ours are interchangeable, are they?

Mr PRINCE: Yes. I am a former family lawyer, who has not practised in recent years in the area. The Acting Speaker (Mr Baker) until his election to this place practised extensively in the area. I suggest a cup of coffee and half an hour spent with him will find the member far better informed.

Mr McGowan: That is probably why he ran for Parliament.

Mr PRINCE: Mr Acting Speaker cannot comment and so it is unfair to comment. I merely make the point that the member has an available source with far more recent experience.

The member for Rockingham referred to the Rockingham courthouse. The courthouse in Albany was built in 1893.

Mr Riebeling: Have you ever seen the Rockingham courthouse?

Mr PRINCE: I have; I have appeared in it.

Mr Riebeling: It is awful.

Mr PRINCE: I agree. I suggest the member raise the question by way of a specific grievance which I can deal with. In that way the question will get into the system.

Mr Riebeling: I remember seeing a couple of years ago in the newspaper a picture of the Attorney General wandering around Rockingham and pointing out where the new courthouse would be.

Mr PRINCE: If the member raises that as a grievance, I will deal with it.

The member for Swan Hills is quite right; although much of the debate has been on the intricacies of the way in which the system operates, it is important to bring certainty to the lives of people. People have suffered over the last six

or seven months over the uncertainty that has been created. I agree with the member entirely and everybody agrees in a bipartisan manner that this matter should be progressed as speedily as possible for the benefit of the people.

Question put and passed.

Bill read a second time.

Committee

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

Clause 1: Short title -

Progress reported.

Sitting suspended from 12.59 to 2.00 pm

[Questions without notice taken.]

PARLIAMENT HOUSE - VISITORS AND GUESTS

THE SPEAKER (Mr Strickland): Order! I take this opportunity to welcome into the Speaker's Gallery some distinguished guests. They are Hon Don Wing, MLC, from Tasmania who is the Commonwealth Parliamentary Association regional representative, and Dr Nichola Debelich, the new Consul General of Croatia, and Mrs Debelich.

[Applause.]

LAND ADMINISTRATION BILL

Standing Orders Suspension

MR BARNETT (Cottesloe - Leader of the House) [2.40 pm]: I move, without notice -

> That so much of the standing orders be suspended as would allow me to move the following motion forthwith -
>
> > That this House -
> >
> > (a) recognises that the ruling of the Speaker in relation to the Land Administration Bill 1997, is consistent with the past practice of this House;
> >
> > (b) acknowledges the need for the Land Administration Bill 1997 to be brought into effect in the near future;
> >
> > (c) suspends so much of the standing orders as is necessary for the Land Administration Bill 1997 to be accepted from the Legislative Council and proceed through its stages in the Legislative Assembly, commencing forthwith; and
> >
> > (d) directs that this variation not be taken as a precedent for the future practice of the House.

This is a most important matter. Mr Speaker, you ruled on 19 August of this year that the Land Administration Bill 1997 was out of order. The Bill had been introduced into the Legislative Council and had completed its passage through the Council. On arrival in the Legislative Assembly it was ruled out of order on the grounds that it appropriated revenue and as such it was a money Bill and should have required a Governor's message and should therefore have been introduced into the Legislative Assembly.

Mr Speaker, it is important that this House has the opportunity of debating your ruling and some of the issues that flow from it. It is important because this whole issue goes to our Constitution and to the respective powers of the two Houses of this Parliament. It is important because the Land Administration Bill is an important piece of legislation, which has already had a long period of parliamentary passage. Therefore, it is an important parliamentary and constitutional issue, the Land Administration Bill is important and this matter is important given the time that has already been spent on debating the legislation. I understand that members opposite will cooperate with the suspension of standing orders so that we can debate the substantive motion and have an opportunity to debate your ruling and some of the implications of the ruling.

Question put and passed with an absolute majority.

Passage of the Bill

MR BARNETT (Cottesloe - Leader of the House) [2.44 pm]: I move -

That this House -

(a) recognises that the ruling of the Speaker in relation to the Land Administration Bill 1997, is consistent with the past practice of this House;

(b) acknowledges the need for the Land Administration Bill 1997 to be brought into effect in the near future;

(c) suspends so much of the standing orders as is necessary for the Land Administration Bill 1997 to be accepted from the Legislative Council and proceed through its stages in the Legislative Assembly, commencing forthwith; and

(d) directs that this variation not be taken as a precedent for the future practice of the House.

If I may, I will take some time to outline the background to this issue. On 19 August 1997 you ruled, Mr Speaker, that the Land Administration Bill 1997 was out of order. As I have said, the Bill was introduced into the Legislative Council and had completed its passage through the Council. On arrival in the Legislative Assembly it was ruled out of order on the grounds that it appropriated revenue and as such it was a money Bill and, therefore, according to the Constitution it should have commenced its parliamentary passage in the Legislative Assembly and required a Governor's message. In debating this ruling we are getting to important issues which relate to the interpretation of our Constitution and to the respective powers of the two Houses. The Land Administration Bill is an important Bill which has already had a long and detailed parliamentary passage.

Let me make clear the Government's position. In the first place, Mr Speaker, we recognise your ruling and the reasons you gave for it. We recognise that the ruling is consistent with previous rulings made by you and previous Speakers in this House. We also recognise that there are differing views as to what constitutes an appropriation and, therefore, what constitutes a money Bill. I contend that the circumstances surrounding the passage of the Land Administration Bill are such that the Bill should be accepted into this House as having been properly passed by the upper House. The Government acknowledges that for so long as these issues are unresolved Bills which may be in doubt as to whether they involve appropriation should be introduced first into the Legislative Assembly; in other words, while these issues remain unresolved there can be no excuses for future Bills. It is incumbent upon the Government and the Ministers responsible, if there is a doubt, to ensure that a Bill is introduced first into the lower House.

The constitutional bases to these matters are very important. I refer to the Constitution Acts Amendment Act 1899 and to section 46(1), which reads -

> Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council . . .

That is quite clear. Section 46 is an extremely important part of our Constitution. It is the only section which establishes the differences between the two Houses of this Parliament. It is integral to our parliamentary system that the majority within this House has the right to form a government and, therefore, a right to assume executive powers. Fundamental to forming a government and executing executive powers is the capacity to control the finances of this State. In essence the Government is formed in the lower House and, therefore, control of government money must be with the Government and retained within the lower House. That is an essential principle of the Westminster system and of our Constitution.

The question is, however, what constitutes an appropriation of money? This is where the doubt and the debate arises. Taxation Bills, loan Bills, budget Bills, agreement Acts and the like clearly either raise or spend money and, therefore, are money Bills and must start in the lower House. In other cases a policy change or an administrative rearrangement or action may clearly be part of a Bill but may not be have a specific appropriation of money, even though the policy change may well have an effect on the financial dealings of the State. The question is whether it is a money Bill.

The Land Administration Bill 1997 replaces the Pastoral Board with a Pastoral Lands Board with an increased membership. It also re-establishes the right of compensation to pastoralists for improvements on their property if their lease is not renewed. The Bill did not include a specific money appropriation for these purposes. However, on the basis that to expand the board and to pay compensation would involve the payment of moneys, the Speaker ruled that it was a money Bill and therefore should have required a Governor's message and started in the lower House.

Let me reflect on some previous decisions by you, Mr Speaker, and other Speakers. I will refer first to some recent legislation and rulings. In your ruling of 9 April 1997 you ruled that the Gender Reassignment Bill 1997, started in the upper House, was out of order. It established a Gender Reassignment Board and allowed for remuneration to board members and the appointment of an executive officer. On that basis, Mr Speaker, you indicated that it clearly involved the spending of moneys and, as it had been introduced into the upper House, it was out of order. The Government accepted your ruling in that case. Part of the reason was that in that case an entirely new board was created. There was no questioning of your ruling or the reasons you gave. The Government immediately moved to reintroduce the Bill into this House, presumably for it to proceed through this House and through the upper House.

A second Bill is the Acts Amendment (Marine Reserves) Bill 1997. In your ruling of 10 April 1997, Mr Speaker, you again made a number of comments on the issue. In that case the Bill established a Marine Parks and Reserves Authority. It also created a marine parks and reserves scientific advisory committee. In that case, Mr Speaker, you did not rule the Bill out of order even though it was introduced in the upper House and had created those bodies. In your ruling on that occasion, Mr Speaker, you referred to it as being an internal rearrangement within the Department of Conservation and Land Management.

Regarding rulings by previous Speakers, Hon Mike Barnett ruled out of order the Children's Court of Western Australia Bill 1989 on the basis it established a Children's Court and related to the appointment of magistrates and the like. In previous years other Bills in this House have also brought about debate on this issue, such as the Director of Public Prosecutions Bill and the University Amalgamations Bill of 1989.

It is true that the decisions made in this House were consistent, as was your decision and ruling on the Land Administration Bill, Mr Speaker. However, views within the legal community differ on the interpretation of the Constitution.

Dr Gallop: They are irrelevant.

Mr BARNETT: Let me finish. The decision about what constitutes a money Bill can be determined, quite properly, only by the Houses of Parliament. I agree with the Leader of the Opposition on that. However, we cannot ignore that legal opinions have been made and no doubt will be made in the future.

I refer first to Robert Cock, Crown Counsel, with respect to the Industrial Relations Legislation Amendment and Repeal Bill 1995. His opinion reads as follows -

> Bills do not appropriate revenue or money within the meaning of subsections 46(1) and (8) of the Act, if they only provide for expenditure which will be the subject of some later appropriation as opposed to Bills which themselves actually appropriate money.

In other words, in Mr Cock's opinion a Bill is not an appropriation Bill if the money is to be subsequently appropriated in some other Bill; that is, a budget Bill. Another opinion is from Peter Nisbet QC on the Land Administration Bill 1997 in advice provided to the Minister for Lands. He argued that as the Bill did not appropriate revenue it did not breach section 46(1) of the Constitution. On request by the Minister for Lands, Mr Jerome Talbot, Deputy Parliamentary Counsel, examined 136 Bills that had originated in the Legislative Council over the years 1990 to 1996. He determined that 14 of those 136 Bills could be seen to create some expenditure from the public purse, but had not been ruled out of order by the Speaker at the time.

I will assess what I consider to be some conflicting evidence and perhaps some conflicting rulings over the years. Despite your ruling on the Land Administration Bill, Mr Speaker, I put it to members that the situation is not resolved. It is true that successive Speakers have ruled out of order Bills which have the effect of spending moneys and which originated in the upper House.

To that extent your ruling, Mr Speaker, and the ruling of your predecessors have been consistent. However, the reasons given from time to time have been somewhat inconclusive. A grey area exists for the justification of the rulings; for example, I reiterate that the Gender Reassignment Bill was ruled out of order because a new body, the Gender Reassignment Board, was created. The Acts Amendment (Marine Reserves) Bill was ruled in order as it was interpreted as only an internal rearrangement within the Department of Conservation and Land Management.

The Land Administration Bill was then ruled out of order when it was a rearrangement and an expansion of a board. Different situations have occurred.

Mr Graham: That is not entirely true.

Mr BARNETT: The member for Pilbara can speak later.

Mr Graham interjected.

Mr BARNETT: I referred to that already; the member should have listened. Moreover, at least 14 Bills which could have been seen to create an obligation to spend money and which could have been ruled out of order in this House were not ruled out.

Although not the determining factor in any sense for this Parliament, legal opinion has been to interpret section 46 in such a way that a Bill originating in the upper House is in contravention of section 46 only if it appropriates money.

The Land Administration Bill has a long history. It was first introduced into the upper House by Hon George Cash on 6 December 1995. It was then followed by an extensive period of public consultation. Changes were made and a new Bill was introduced by the then Minister for Lands, Hon Graham Kierath, on 26 June 1996. The Bill lapsed when Parliament was prorogued prior to the December 1996 state election.

The current Bill was then introduced into the upper House on 26 March 1997. The second reading debate was agreed to on 9 April 1997 and then up to clause 123 was debated in Committee in the Legislative Council. The Government in the upper House accepted amendments from the other side and the Bill was passed through the Legislative Council with the support of government and opposition members.

Its history goes back to 1995 and although changes were made, the current Bill is not fundamentally different from the original Bill of 1995. Moreover, the Bill was debated extensively in the Legislative Council and the passage in the upper House had begun and was well underway by the time you made rulings, Mr Speaker, on both the Gender Reassignment Bill and the Acts Amendment (Marine Reserves) Bill.

The Land Administration Bill has been caught up in this debate because it was progressing through the upper House when rulings were made in this House. This House should allow the Land Administration Bill to proceed for four reasons: First, the situation is not resolved regarding what constitutes a money Bill.

Dr Gallop: It is resolved; the Speaker gave a ruling.

Mr BARNETT: The Leader of the Opposition can argue but that must be resolved; it is a wider issue than the Land Administration Bill. It relates to the Constitution, the respective powers and the roles of the two Houses of this Parliament. One could even argue that it relates to electoral reform in this State and our electoral system. It is a wide, all encompassing issue that this House and the other House should take on board. It is important to the system of government and democracy in this State.

It is a matter that can probably be resolved only by constitutional amendment. We will not make constitutional amendments in the context of debate about the Land Administration Bill.

The second reason the Bill should proceed is that it had already begun its passage and was well advanced at the time the Speaker made his ruling on other Bills that have now impacted. The third reason is that over the years a number of other Bills with similar provisions originated in the upper House and were not ruled out of order by the Speaker at the time. The fourth reason is that the Constitution seems to recognise such possibilities as have arisen on the Land Administration Bill. I refer members to section 46(9) which requires that any failure to observe any provision of this section shall not be taken to affect the validity of any Act whether enacted before or after the coming into operation of the Constitution Amendment Act 1997. In other words, although money Bills should not originate in the upper House, if they do and if they are passed by both Houses, they are still valid pieces of legislation and are not open to legal challenge because of the way in which they passed through these Houses of Parliament.

This is a most important issue for this House, this Parliament and our system of government. It is important because it relates to the interpretation of our Constitution, the respective powers of the two Houses of Parliament, the right to form a government in this House and the right to have control of the finances of the State.

We should accept the Speaker's ruling as consistent with previous rulings. We must also deal with a Bill that has been caught up in the process of rulings made on other Bills before this Parliament. Hence, the Government is moving to re-establish the Land Administration Bill and to treat it as having been passed by the upper House. The Government does not intend to create a precedent by this action. Indeed, there is no excuse in any future Bill -

Several members interjected.

Mr BARNETT: I recognise the dilemma.

Several members interjected.

Mr BARNETT: Members must rise to the debate, and I am sure the Leader of the Opposition will do that competently.

Mr Kobelke: So much for debate; you will not take reasonable interjections.

Mr BARNETT: I have only three minutes left.

Mr Kobelke: We will give you an extension.

Mr BARNETT: I will keep to the time.

The Government clearly acknowledges that there are wider issues than those relating to this Bill, and they are important issues. However, they will be resolved only in a more formal way, not by individual rulings or actions dealing with individual pieces of legislation. That would be a large step and it should be thought through with great care. As I said, it would require constitutional change.

This is a most important motion. It relates to our parliamentary system. While the Government does not intend to create a precedent, I realise that to some extent any action has that effect. However, we have a problem in that a Bill to which the Opposition agreed in the other House and which originated in 1995 was passed in good faith through that House. It has been ruled out of order through no fault of the passage of that Bill or the Ministers involved. Now that that Bill is in this House, the Government accepts the Speaker's ruling and its consistency. However, at the same time, it recognises that that Bill has been debated and agreed to and should continue its parliamentary passage.

This issue is not black and white. Indeed, the reasons given in successive rulings vary greatly. The rulings might be consistent, but the rationale is equivocal. This is a fundamental issue. That is the basis upon which the Government acknowledges the ruling but will move to reinstate the Land Administration Bill so that it can complete its passage through this Parliament. It is an important piece of legislation and it should continue its parliamentary passage.

DR GALLOP (Victoria Park - Leader of the Opposition) [3.03 pm]: I agree with one thing the Leader of the House said in his defence of this motion; that is, that it is a most important matter. I also agree with his assessment of his situation, as he said, "We have a problem." Indeed we do. The problem is that the Speaker has ruled in respect of this matter and that causes inconvenience to the Government of the day and, in particular, to the Minister for Lands in his desire to have this legislation passed through the Parliament. My agreement with the leader ends at that point. His description of the motion as most important is correct and his description of the dilemma he faces is fair. However, I do not agree with the conclusions he reaches.

I am also most concerned that, in the course of the leader's defence of this motion, he questioned the Speaker's ruling. It is most unsatisfactory when a motion reads that the Speaker's ruling is accepted as consistent with past practice but is not accepted in principle. It is most serious that the Government of the day has moved a motion that does not accept the philosophical basis and principle of the Speaker's decision. I do not believe the House can accept this motion.

I will go through the two parts of the argument. The first part deals with the Speaker's ruling, which I believe is correct, and the second part relates to the Government's response and the very unfortunate signal that that response sends.

Mr Speaker, you ruled that the Land Administration Bill is out of order because it originated in the Legislative Council. You argued that it is a Bill appropriating revenue and consequently can be introduced only in the Legislative Assembly. The basis of your ruling is section 46(1) of the Constitution Act Amendment Act 1899, which provides -

> Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licenses, or fees for registration or other services under the Bill.

That is a very important clause in our Constitution and it is one of a whole series dealing with the relations between the two Houses. Other parts of section 46 also deal with the powers of the Assembly and the Council in respect of financial legislation. For example, subsection (8) provides -

> A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

These clauses were enacted in our Constitution in 1921 following work undertaken by select committees of both Houses in 1915. It is interesting to note that select committees of both Houses were set up in 1915 and the legislation was finally passed in 1921. The wheels of Parliament move slowly.

The basis of the clause comes from our federal Constitution, in particular sections 53 to 56. It is most interesting that, in dealing with relations between the Assembly and the Council, our Constitution has taken on board the federal Constitution's account of relations between the Senate and the House of Representatives, with one important difference: There is no deadlock resolving procedure in our Constitution.

The former Clerk of the Legislative Assembly, Bruce Okely, has summarised the purposes and effects of section 46 in his book *A Guide to Parliamentary Procedure*, and he states that the two purposes of this clause are -

> - through the system of Governor's Messages, to provide the Government of the day with control over initiatives in the area of new expenditure from revenue, and
>
> - to preserve to the Assembly the final power and responsibility in matters of taxation and expenditure.

Put simply, our Legislative Council is presented in section 46 as a House of Review. Restrictions on its powers to initiate and amend reflect this view of the Legislative Council. Even though the restrictions are very limited compared with those of other upper Houses, they must be given some status if we are to take our Constitution seriously. I re-emphasise that point: If we are to take our Constitution seriously and give these clauses status, it is most important that we in this Parliament act on the basis of the Constitution.

Let us note the limits on these restrictions on the power of the Legislative Council. First, there is no deadlock resolving mechanism in the event that the two Houses differ in their interpretation and application of these powers. Second, section 46(9) makes it clear that any argument about these powers stays within the Parliament and cannot be referred to a court for adjudication. In other words, the provisions can be ignored or circumvented without any threat to the validity of the law that is consequently passed. What are the implications of those two facts? First, there are no deadlock resolving procedures and, second, judicial review is not available in respect of this part of the Constitution. That places a special responsibility on the Speaker to see to it that we understand and apply the rules consistently and without fear or favour. In other words, because this is not a matter for the courts, because no deadlock resolving procedure is available, ultimate authority in these matters rests with the Speaker: It is for the Speaker to interpret those clauses and to do it consistently and without fear or favour. This is one function the Speaker has in our system of government that is very important.

In the case of the Land Administration Bill the Speaker has pursued the tradition of his predecessors by looking not just at the words of the Bill - in particular, whether it contains an appropriating phrase - but at the effect of the Bill; in particular, whether it has the effect of creating new and definable costs on the consolidated fund or of creating a potential liability for such costs. The Speaker has ruled in a way his predecessors have; that is, do not look at what the words say in any legislation, but at the effect of that legislation on the appropriation of revenue. This comes to the nub of the argument. This being the case, it seems extraordinary that the Government should have relied on legal opinion that a Bill "must in its terms appropriate" and that the practice of the Assembly in this respect is not supported by the Constitution.

Mr Barnett: That's not fair. I quoted legal opinion, but I made it clear the decision lies with the Speaker, in the first instance, and this House. I just noted that legal opinion tended to differ from rulings of Speakers.

Dr GALLOP: Let me return to the point: It seems extraordinary that the Government should have introduced this Bill in the Legislative Council on the basis of legal opinion that clearly was inconsistent with rulings of Speakers over the years. Responsibility for that lies with the Government of the day. Responsibility for accepting legal opinion, which historically has been inconsistent with Speakers' opinions, lies with the Government of the day. It is no good counterpoising legal opinion to the opinions that have been expressed by the Speaker because, as indicated earlier, these are not matters for judicial interpretation, but for parliamentary determination.

The guardian of the Assembly in these matters is the Speaker, taking advice as he does from the officers of the Parliament. I do not find it surprising that Speakers over the years have given a broad interpretation of Bills appropriating revenue or moneys. To do otherwise would be to compromise the powers of the House of government in relation to the House of Review. I find it most interesting that one of the points the Leader of the House makes in defence of his position is that the matter of your ruling, Mr Speaker, does not resolve this issue. Your ruling does resolve the issue, unless of course this Parliament wants to dissent from your ruling and remove you from the Chair as Speaker. Mr Speaker, it is your responsibility to give those rulings; it is your responsibility under our system of government to interpret those clauses of the Constitution. The fact that you have done it in a manner consistent with your predecessors should be the end of the argument. The failure of the Government to heed good legal advice and to introduce the Bill in the Legislative Council is the Government's problem. The Parliament should not rescue the Government of the day from a problem it has created by taking bad advice.

I return to an important point. Mr Speaker, if we are not to accept your ruling in its totality, without exception and without compromise, there is no doubt that we will be compromising the powers of this House in relation to the

House of Review and acting against the spirit of our Constitution. Let us remind ourselves of a number of facts. First, as Clerk of the Legislative Council Laurie Marquet has written in *The House on the Hill*, the framers of the 1889 Act clearly intended that the Assembly would be the Chamber in which the financial initiative and privileges of the Crown would be exercised. The 1921 Bill confirmed this by conceding to the Legislative Council the right to initiate Bills that could be considered financial measures only to the extent that small fees or charges were involved. The original 1889 Act made it clear that financial initiative lay with this House and 1921 amendments to the Constitution Acts Amendment Act of 1899 confirmed this principle. The only way that principle will be upheld is if this Chamber defends its position, vis-a-vis the House of Review.

Mr Barnett: How do you define "minor"? What is a minor or major appropriation is not defined.

Dr GALLOP: Small fees or charges are a different issue. We are not talking about fees or charges here; we are talking about appropriating revenue in the Land Administration Bill.

Second, if confidence is lost, it is the members of the Legislative Assembly who are liable to early election, not the Legislative Councillors who enjoy fixed terms. To undermine the authority of such a House, to be solely responsible for the initiation of Bills appropriating revenue and imposing taxation, dilutes the concept of government and the accountability that flows from it. There are those who believe upper Houses should have no power over financial legislation for this very reason. However, that is another issue that members have debated from time to time in this Parliament.

Mr Shave: You'd abolish it.

Dr GALLOP: The Labor Party does not agree with abolishing the upper House. What is the member for Alfred Cove's evidence that it does?

Mr Shave: I understood that was your position.

Dr GALLOP: Labor Party policy since 1978 has been to reform the Legislative Council - not to abolish it.

Third, it is important to note that section 46(5) of the Constitution Acts Amendment Act states that except as provided in that section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills. It is reasonable to assume that for this provision to have any meaning, it should be interpreted in a way that strictly interprets the right of the Assembly on financial matters. For those reasons, I am not surprised that Speakers over the years have taken a hard line on this issue. To do otherwise would have allowed a drift in authority and power to an upper House whose constitution and role is quite different from this place, particularly since the establishment of proportional representation.

Mr Barnett: Do you think the marine reserves Bill should have been ruled out of order?

Dr GALLOP: I confess I do not know the details of that legislation. The fact that there may have been some inconsistencies and that some Bills which have infringed on section 46 have passed through Parliament is neither here nor there. When there has been a conscious attempt to define and interpret by the Speaker, the results have been surprisingly clear and consistent. Last week's decision should be seen in this light.

Let us get to the nub of the issue: Either we support the Speaker and his interpretation, or we do not. To do otherwise makes a mockery of his role as a guardian of the Assembly's power and authority. Also, it gives justification to the continuing efforts of legal advisers outside Parliament to narrowly and literally define the words of our Constitution in a way that reduces the importance of the House of government. It is most disturbing that the Leader of the House in the course of defending this motion that is before us today gave credence to the views of legal advisers outside this Parliament, rather than affirm his support for your ruling, Mr Speaker. I believe that in future references on this issue those same legal advisers outside this Parliament will quote the opinion of the Leader of the House and encourage Governments to try to have their way by introducing legislation in the Legislative Council for their own convenience. I do not believe the Leader of the House gave a defence of the position of this House in relation to the Legislative Council. That is a most important weakness in the case.

Why should the short term needs of the Government prevail over the authority of the Speaker and the power of the Assembly he is obliged to protect? There is no principle to answer in that question; there is only a pragmatic answer to that question. In other words, the defence that the Government gives is that it has gone through the trouble of passing the Bill through the Council, debating it in the Council, and making amendments in the Council, and it needs to get the legislation up. Mr Speaker, your ruling is a spanner in the works. Who will prevail - the will of the Speaker, which is consistent with past interpretation, or the will of the Government based upon its convenience in August 1997? I argue that if we were to accept the position adopted by the Leader of the House we would undermine your authority and the authority of the Assembly in relation to the House of Review. To do anything else is to accept a very bad practice in relation to section 46 of the Constitution.

Even if the Government had said up-front and clearly that it supported your ruling and backed up its support by the words that it uttered in the Parliament, and then said that it was inconvenient, we would have opposed it. However the Government failed to support your ruling in principle and by pointing only to the fact that it was consistent with earlier rulings the Government has added force to the Opposition's claim that a vote for this motion would be a vote against this Chamber, our Constitution, and the traditions of this House. Such a vote would put you, as Speaker of this Parliament, in a precarious position.

I would find it extraordinary if any member of the National Party supported this motion before the Chamber today. Given what I have heard the National Party say over many years in this Parliament about rulings of the Speaker I would find it extraordinary if they supported a motion that simply says that they recognise that your ruling is consistent with past practice. What a mealy mouthed, weak response to your ruling. There can be no other interpretation except that the Government of the day has made a mistake and you have exposed that mistake with a principled argument based upon precedent. We have no alternative but to start again. If we do not start again in this matter we will undermine your authority and the authority of the House of Government as opposed to the House of Review, and we will send a weak message out to the community when we argue with them about parliamentary privilege. What a weak old Parliament! Members opposite have a chance to stand up for their rights within this Parliament, and they do not even have the strength of character to stand up for their own House in relation to the other House. Why should the community support them when they claim their privileges?

Mr Speaker, the Opposition supports your ruling in principle. We will vote against this motion and will vote for your ruling delivered as Speaker of this Chamber.

MR KOBELKE (Nollamara) [3.23 pm]: The Leader of the Opposition has eloquently and clearly outlined the very important matters of principle involved in trying to re-establish before this House the Land Administration Bill 1997. I regret that the Leader of the House has put forward a motion which is contradictory, and when I interjected on him he was not willing to enter into rational debate on the points he was making.

In this Government's time in office it has not been able to establish that it understands the principles of democratic government. It seizes every opportunity to try to establish party political advantage rather than matters of principle within the Westminster style of democracy which we have been trying to develop in Western Australia.

I will go through the four points in the motion which is now before the House. The first paragraph of the motion is a tricky play on words to suggest that somehow the Government accepts your ruling, Mr Speaker, when clearly the intent is totally contrary to that. However, if we accept that the Government does believe in what it has put in the first part of the motion it must be taken that we should uphold your ruling and do away with paragraphs (2), (3) and (4), which seek to overturn that ruling. The Leader of the House in his contribution indicated that your ruling had not resolved the matter. As far as I am concerned it has totally resolved the matter: The Land Administration Bill is no longer before this House and your ruling should be accepted for what it is. There should not be an attempt through this motion to overturn it.

The Leader of the House also alluded to the potential for constitutional amendments. Clearly constitutional matters are involved here. However, what we have seen over the years is that the conservative parties have not been willing to try to improve the mechanisms of government - our constitutional basis - because it did not suit their party political purposes. In this instance, the Government is willing to overturn the sustained practice and reading on the Constitution for a narrow, trivial, party political advantage; that is, the conservative parties do not want this Bill to go back to the other place and perhaps now be subject to further amendment.

The second paragraph of the motion before the House is that the Land Administration Bill needs to be brought into effect in the near future. What is the hurry? The Minister has acknowledged that this Bill has been before the Parliament of Western Australia since 1995. The Minister gave no explanation of any sudden crisis that required our constitutional system to be overturned to put this Bill in place. No argument has been mounted for that. Clearly the improvements contained in the Land Administration Bill are all things that we would like to see put into effect. However, no argument has been made for any urgency in its implementation and therefore the need to overturn the constitution and practice in the two Houses of Parliament.

Paragraph (3) is a clear overturning of the Speaker's ruling. The Speaker ruled that the Land Administration Bill 1997 could not proceed because of section 46 of the Constitution Acts Amendment Act. This motion seeks to overturn that ruling of the Speaker. The fourth paragraph is simply a play on words. The Leader of the House would have us believe that if he tells us that the sky is green we should all believe that the sky is green. It is an absolute load of nonsense. How can this motion include a statement that this variation is not to be taken as a precedent when clearly it will be a precedent. It is an overturning of a ruling given by the Speaker and which paragraph (1) of the motion acknowledges is consistent with the past practices of the House.

The bicameral Parliament in Western Australia needs reform. The mechanisms for the passage of legislation through the two Houses and, particularly, to resolve any deadlocks between the two Houses is out of date. In 1984-85 the Edwards Royal Commission into Parliamentary Deadlocks addressed this issue. The conservatives have not been willing to take up any of those proposals. When they were in opposition they thwarted the attempts of the Labor Government to do something, and now they have been in government for the fifth year they see no need to reform the relationship between the two Houses. Although it suits members on the government side occasionally to talk about the Westminster system, page 31 of the report of the Edwards royal commission states that the House of Lords cannot now veto a Bill absolutely; it can delay a money Bill for one month and a Bill other than a money Bill for just over a year. Even the British Parliament has nowhere near the powers that reside in the Legislative Council of the Parliament of Western Australia. Western Australia has the most powerful upper House of any Westminster system throughout the world. The upper House is elected by gross malapportionment and, until recently, it had been controlled by the conservatives. It is an upper House which, given the right set of circumstances, can send the Legislative Assembly to an election while members in that House hold their seats until a fixed date. It makes the upper House a very powerful body - in some respects, more powerful than this House.

It is evident from Mr Speaker's ruling that there is a need to uphold the authority and the powers of this House. This motion will overturn that for minor political advantage. If members opposite vote for this motion they will be overturning the very important principle of Westminster democracy, which is the primacy of the Legislative Assembly. They will be giving even greater power to the other place.

It has been drawn to the attention of members that section 46(5) of the Constitution Acts Amendment Act states -

> Except as provided in this section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills.

This is the one section that gives the Assembly ascendency over the other place. That resides mainly in subsection (1) and is supported by Mr Speaker's ruling. I do not intend to go into that ruling, but section 46(1) of the Constitution Acts Amendment Act states -

> Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council; but a Bill shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand of payment or appropriation of fees for licences, or fees for registration or other services under the Bill.

That power is fairly limited, but it gives a primacy to the Legislative Assembly. I turn now to section 46 (9) on which I asked the Minister to comment, but he refused. It reads -

> Any failure to observe any provision of this section shall not be taken to affect the validity of any Act whether enacted before or after the coming into operation of the *Constitution Acts Amendment Act 1977*.

Two very important implications arise in subsection (9). The first is that if there is uncertainty between the two Houses the validity of an Act that had passed through Parliament could not be raised in a court of law. That makes good sense. I ask members to consider another very important meaning in subsection (9); that is, the difference in power between the two Houses must be governed by the Parliament and not by the courts.

The primacy of the Legislative Assembly with respect to originating and controlling major legislation is something that the Houses must determine. That is what subsection (9) must be taken to mean. That being the case, who is the person who upholds the powers and authority of this place? Clearly it is the elected Speaker. We cannot lightly put aside the ruling of the Speaker. Members will note that I have not entered into the legal advice that has been obtained on the Speaker's ruling with respect to precedents. The arguments put by Mr Speaker are cogent and well researched, and they make sense.

We can go back and argue the cases and the precedents, but there is no provision for that in this motion. The motion accepts that the Speaker's ruling is clearly consistent with the past practice of the House, therefore that is not the issue. Mr Speaker, the issue is that your ruling is to uphold the authority of this Chamber, and quite rightly so. For this House to overturn your ruling and set such a remarkable precedent is another way of saying that the powers of this place are to be subjugated to the Legislative Council, a Chamber which, given the circumstances, can put this House to an election while members in that place do not have to face the voters until they have served out the time for which they were elected, and that fact cannot be pushed aside.

I reiterate that this Government has established itself as a Government without principles. The understanding of the principles of Westminster democracy by members opposite will be put on the line. If they vote for this motion they will be taking a stand which casts aside the principle of Westminster democracy that the primacy of this Parliament

should be in the lower House. The fact that paragraph (4) says there is no precedent is nonsense. Members opposite will be establishing such a precedent if they vote for this motion.

The Government says it has legal advice. Opposition members know that all Governments find it difficult to release legal advice. I can understand that after the event and when it knew it had made a mistake, the Government would obtain legal advice to support its argument - not legal advice to state the open and full truth. That is what the Government did in this instance. If the Government says it had legal advice prior to introducing legislation in the other place the Opposition has grave doubts about the standard of that advice and the Government's use of it. I do not wish to besmirch the reputation of the lawyers who advise the Government because in most cases the Government misrepresents the legal advice for political purposes or simply misunderstands the legal advice. If I had the legal advice this Government has supposedly received over the years I would sack its lawyers. This Government wasted millions of dollars on the Mabo legislation which went before the High Court when members on this side of the House told the Government that it had no chance of getting that legislation to stand. It was overturned 7:0 in the High Court; however, this Government said its legal advice indicated it would win. If that is the standard of the legal advice this Government obtains it should either sack its legal advice or own up to the fact that, for political purposes, it has misrepresented and misconstrued that legal advice because it did not suit it. Any sound legal advice on this matter, prior to its being introduced into the other place, would have indicated that if it passed through the Parliament the legislation would stand and would not be subject to challenge in the court because of subsection (9). That is only a part of it. Sound legal advice would have drawn the Government's attention to the constitutional basis for this Parliament, for the relative powers of the two Houses and the fact that it would be the Speaker's role to uphold the rights and authorities of this House if that legislation were introduced in the other place. The Government needs to be more open and frank with its legal advice and not use it in a biased way to give support for the untenable political position it is trying to foist on the Parliament of Western Australia.

Mr Speaker, I believe your ruling is sound. While lawyers can pick over the issues contained in it, the most important point is that you have upheld the traditions of the Speaker to preserve and uphold the authority of this House. It is something that should gain you the support of all members of this Chamber. Members opposite should realise that if they vote for this motion it is really a vote of no confidence in the Speaker's ability to uphold the rights of the House. If that suited some important political goal of the Government's, one could understand, but what is the political advantage to the Government of the Land Administration Bill 1997? What is the huge political consequence of not passing this legislation in the next few weeks? The Bill has been around since 1995 and no arguments have been put by the Government to suggest that any real urgency exists. Why, in part, overturn more than 100 years of Westminster political democracy in this Parliament by taking such an unprecedented action of moving a motion which is a vote of no confidence in the Speaker? That has been done before, but why in this case when the Government does not have any huge political advantage and when the ruling of the Speaker is so well founded and so well presented?

When moving the motion the Leader of the House was unwilling to answer interjections or to put arguments in a number of areas. As I have already indicated, he should look closely at section 46(9) and note not only the protection of laws enacted by Parliament but also the clear implication that the matter must be resolved between the Houses and, therefore, it is an obligation on the Speaker, whoever he may be, to uphold the standing of this Chamber. The Speaker has attempted to do that, and on this occasion we must defeat the motion and support the ruling of the Speaker. If we do not, in effect we will be passing a vote of no confidence in the Speaker.

I hope government members will think carefully before they simply follow a political line - an argument that members opposite often use in flourishes of rhetoric. They say that they vote on the principle of a matter; that they do not follow the herd and vote according to instructions by the party room. That is the usual rhetoric from members on the conservative side. However, today they have an opportunity to indicate if there is any basis to the rhetoric or whether it is purely empty rhetoric and nothing more. Today they will vote on a matter which does not have great political implications, but it has implications as a matter of principle for our system of government. I hope that members opposite will consider that and perhaps have the courage to vote with us in support of the Speaker and against the motion.

MR PENDAL (South Perth) [3.42 pm]: This is a very serious matter. I go further and say that we are being asked to play a very dangerous game with the precedents of the House. No matter how people dress up the matter, it is akin to our being asked to witness the public execution of the Speaker - minus the scaffold - to distract us from what is really happening. The result will be that the Speaker may not be lifeless but his ruling and the prestige of the Speakership will be seriously damaged by an affirmative vote.

By any account, this is a de facto motion of dissent. I refer members to the words used by the Leader of the House when he spoke to the motion. I paraphrase but I believe the spirit of his comments were to the effect that, "I contend that the Bill did arrive here properly." That is a challenge to the Speaker's ruling. That is a motion of dissent, albeit

dressed up in slightly more respectable terms. Mr Speaker, the Leader of the House and every member knows that if we challenge the Speaker's ruling, if we move to dissent from that ruling - as is the right of any member - under Standing Order No 143 it must be done immediately. The whole point of that is to underscore the seriousness with which the mover views the Speaker's decision; that the decision is so bad and so unacceptable to the House that it cannot be allowed to stand for more than one day. However, that did not occur -

Mr Barnett: The Speaker's ruling was very lengthy and complicated. It is a complicated issue, and it is reasonable for people to consider their views and then respond.

Mr PENDAL: I accept that. We know that the ruling was made in the most meticulous and fine detail. It was probably one of the longest rulings of its kind that I have ever heard. Nonetheless the Leader of the House's interjection cannot be taken to override the provisions of Standing Order No 143 which demand that a member move dissent immediately. We are being asked today - five days after the event - to deal de facto with a dissent motion. Therefore, one could argue that this motion is improperly before the House for that reason alone.

In effect the House will be saying to you, Mr Speaker, for future precedents, notwithstanding paragraph (3) or (4) of the motion, that we agreed with the Speaker's ruling last week but, just on this occasion, we will set aside the ruling because to not do so will cause us a problem. That action will seriously damage the prestige of the Speaker's office, if this motion is passed.

To give an analogy in another jurisdiction: What would happen if the High Court of Australia or the Supreme Court of Western Australia were to make a judgment in a particular matter, but a Government or a party to that judgment were able to say, "Your Honours, we accept what you have said and we will apply it in all other cases that come before us but, on this one occasion, we will set it aside"? That would be absurd. One could accept the ruling - in which case we get on with the job; that is, introduce the Bill here, begin and complete its passage, and send it to the other place. In the final analysis, why are we doing this? We are doing it to avoid it going to another House because the composition of the upper House has altered in the meantime.

I was not one who complained when the Government called together the Parliament between the election and 22 May in order to achieve whatever political ends it could. I did not go along with the people who said that it was a misuse of Parliament or the Constitution. The fact is that the Constitution said no, and the people in 1993 said that the upper House was elected from 22 May that year to 22 May 1997. I did not complain about that but I will complain when the Government introduces legislation in order to circumvent the new majority post-22 May; it mucks it up and in order to "unmuck" it, it then seeks to undermine the prestige of the Speaker's office. That is why the matter we have been asked to deal with today is a very serious matter. It is the difference between people who understand what it is to have a parliamentary institution and what separates us from many countries that do not understand the institution of Parliament and the rule of law.

In a significant way, we are being asked to set that aside today for the convenience of the Government. The role of the Parliament and the prestige and authority of the Speaker are more important than the convenience of the Government in this instance. It should be accepted that the Government tried it on and that if it could get away with it and it did not debase the parliamentary system, no harm would be done. However, Mr Speaker, as you said, the Government should not get away with it; this Bill should have begun in the lower House, for all the reasons you gave in your very lucid decision. This House should be wary of overturning that decision.

It is nonsensical in the extreme to add to the bottom of the motion a direction that this variation not be taken as a precedent for future action. Of course it will be taken as a precedent. Every person who sits in the seat of the Leader of the House will use the same convenience that he is now seeking to use. That is almost the role that has developed for the Leader of the House: It is for his and the Government's convenience. I do not even object to that. However, I do object, Mr Speaker, when your role, regardless of from which party you come, as Speaker of the House is debased and demeaned in the manner in which we are being asked today to debase and demean it. It is wrong, and I will vote against the motion.

MR GRAHAM (Pilbara) [3.51 pm]: I am interested in the Leader of the House's argument that certain things should happen in this House. I am interested for a number of reasons. Mr Speaker, you will recall that I said post the 1993 election, without wanting to be overly personal about the member for Cottesloe, that he was arguably the worst Leader of the House that we had ever seen because of his inability to manage the business of the Legislature. He promptly confirmed that to me in later months by constructing the guillotine that has now been institutionalised in this Parliament -

Mr Shave: Would you abolish it if you ever got into government?

Mr GRAHAM: If I were Leader of the House, I certainly would.

Mr Shave: Would you vote against it if your party voted for it?

Mr GRAHAM: If I were Leader of the House, we would not have it; and if I were in Caucus, I would argue against it strongly. While I am a member of Parliament, I will never vote for that sort of guillotine to be institutionalised in this Parliament. I am happy for the member for Melville to take that down and use it against me any time he likes; he can put it in his office and sort it out with me later. My view that the member for Cottesloe is unable to manage the House is reinforced by the fact that he can do it only by using the back of the axe.

I remember distinctly the member for Cottesloe's absolute outrage when we dealt with the Kingstream agreement Bill and people suggested that there was potential for that legislation to be dealt with in the upper House by a committee on which he did not have the numbers. I will never forget the member for Cottesloe and the member for Albany shouting across the Chamber to me that that was political blackmail. I said at the time, "You are dead right. That is political blackmail, and that is what the conservative parties have been doing to the Labor Party for 105 years".

The SPEAKER: Order! I remind the member for Pilbara of the motion that we are debating. Although I will allow a bit of latitude, it is not a motion to attack the Leader of the House, and I ask the member for Pilbara to return to the motion.

Mr GRAHAM: Mr Speaker, I believe that we are being asked to dissent from a ruling that you have made. Whether I am correct in thinking that is the case, and ultimately whether you think that is the case, is a matter for each of us to determine. However, let us not misunderstand what the Leader of the House is attempting to do in this House. The Leader of the House said that this Bill arrived in this House properly. That is in quite clear conflict with what you said in your ruling, Mr Speaker. I will outline some of the reasons given by the Leader of the House and your answers to them.

The Leader of the House said at the start of his speech, and he reinforced this on three or four occasions throughout his speech, that this is an important issue, and he tied that to the fact that it is important that we debate your ruling. Mr Speaker, you will recall that I interjected the first time he said that by saying, "If you want to debate the Speaker's ruling, why not move dissent?" I will tell members why he did not move dissent. The first reason is that he cannot move dissent today because you would, Mr Speaker, knowing the standing orders as I know you do, rule him out of order on the argument put by the member for South Perth; namely, that a member who wants to dissent from a Speaker's ruling must do it there and then.

The Leader of the House cannot dissent today but should have done it when the ruling was made. The reason that the Leader of the House did not move dissent when the ruling was made is that for the first time since he has been in government, he did not have the numbers. He needed an absolute majority, but the National Party was not here, and the Independents and the Australian Labor Party had indicated that they would not support it. This motion is nothing less than a vehicle to get the Leader of the House off the hook.

Mr Cowan: I do not wish to take up your time, but when the Speaker made that ruling, the National Party was here.

Mr GRAHAM: It was not. I was privy to the discussions, and the National Party was not here.

Mr Cowan: I was here when the Speaker delivered that ruling.

Mr GRAHAM: Why did the Leader of the National Party not move dissent from the Speaker's ruling? Would he have supported it?

Mr Cowan: I will not tell you. I am telling you that we were here.

Mr GRAHAM: I do not agree. We obviously have different recollections of the same event. That is ground for a royal commission! Leaving that to one side, because that is a bit of frivolous politics, I was privy to the discussions behind the Chair.

Mr Cowan: I do not know what discussions you are talking about. I am saying that when the Speaker delivered his ruling, the National Party was present.

Mr GRAHAM: Would the Leader of the National Party have supported a motion of dissent from the Speaker's ruling?

Mr Cowan: At that time?

Mr GRAHAM: Now, or at any time.

Mr Cowan: I cannot do that now.

Mr GRAHAM: Why not? One of the things that I have always liked about the National Party is that it has a

longstanding tradition of voting to support Speakers' rulings, be they right or wrong, proper or improper. What will the National party do this time?

Mr Cowan: Good question!

Mr GRAHAM: Would the Leader of the National Party like to give me an answer?

Mr Cowan: No.

Mr GRAHAM: I think we will find out in the fulness of time.

Mr Cowan: You will.

Mr GRAHAM: The National Party has no alternative. In my view, given the track record of the National Party, it has to make one of two decisions: Rat on the party's entire history, or vote to support the Speaker.

Mr Cowan: I always like your language. It is quite entertaining. It is sometimes a bit different from the truth, but it is always colourful.

Mr GRAHAM: That is not fair, and the Leader of the National Party knows it. The Leader of the National Party has no other choice. The Leader of the National Party should take time out to read the speech of the Leader of the House; and I am sure they would have discussed it in Cabinet. The Leader of the House said clearly that this is a debate about the Speaker's ruling, that it is important that we debate the Speaker's ruling, and that, in his view, the Bill arrived properly in this House. The Leader of the National Party cannot hold that view and vote for this motion.

Mr Cowan: You said that we have a track record of supporting Speakers' rulings. If you looked at *Hansard* you would find that on at least one occasion I have moved to dissent from the Speaker's ruling, so it is not always the case that I support the Speaker's ruling.

Mr GRAHAM: Given that - I will not argue with that - I make this offer to the Leader of the National Party. His party traditionally supports the Speaker. I have not yet spoken to my leader about this, but if the Leader of the National Party will move a motion that accurately reflects what is happening - that is, move dissent from the Speaker's ruling - I will second it to allow for debate on the matter. In that way at least the political debate will be in the real world.

The Leader of the House is pretending that he is not dissenting from the Speaker's ruling, which is absolute nonsense. His first argument was that the matter should not be dealt with in this House because it has a long history. The Bill was introduced in 1995, there was much debate and it lapsed when the House was prorogued. Extensive debate took place on it in the upper House. You, Mr Speaker, will not let me comment on the incompetence of the Leader of the House and his ability to perform his duties, so I will not do so. However, those facts and the Bill speak for themselves. It is now 1997 and the Speaker has had to strike down a Bill introduced by the Leader of the House in 1995.

The second leg of the argument by the Leader of the House was to quote a series of legal opinions about who could or should, and when and where each of the Houses could or should introduce legislation. He quoted Cock, Nisbet and Talbot but those legal opinions were quoted by you, Mr Speaker, in your original decision. They are not new decisions; they are not decisions raised by the member for Cottesloe. They were quoted by you, Mr Speaker, in your original decision to suspend debate on the Bill. You dealt very adequately with each of those legal opinions. The question confronting the House is whether to take legal opinion on an issue, particularly one relating to the constitutionality of legislation, or take the advice of the Speaker.

Mr Barnett: You have skipped one of the arguments. The second argument was some of the reasons given for each of the rulings on the Gender Reassignment Bill, the Acts Amendment (Marine Reserves) Bill and the Land Administration Bill. I hope you will comment on those decisions.

Mr GRAHAM: I will in the limited time available to me. I assume I will be given an extension.

Mr Barnett: No-one else has had an extension but you no doubt will.

Mr GRAHAM: The Leader of the House asked me to comment. The legal opinion quoted by the Leader of the House was, in cricketing parlance, dispatched to the boundary by the Speaker's decision. In the very rhetoric used by the Leader of the House to support his view, he is again calling into question your decision, Mr Speaker, and your detailed reasons for the decision. There is a practical consideration in all this: If the Leader of the House is of the view that legal consideration is to be the determinant, how will the Parliament be run? Who will make the decisions? The answer quite clearly is that it does not matter what form of advice is sought in this Parliament, the Presiding Officer rules. That is how it must work.

When the Parliament disagrees with a decision of the Presiding Officer, it can and should do the honourable thing; that is, move dissent from his ruling. In the past I have moved a vote of no confidence in a Speaker, and I am aware it is a difficult decision to make and hard to carry out. However, sometimes it must be done. Speakers do not take personal umbrage if they are people of quality and of high calibre. They deal with the issue and the House will determine the outcome. It would be nice if some people understood the issue in its entirety.

I refer briefly to the second leg of the argument raised by the Leader of the House, and the argument about whether something reorganises money or allocates new money. With all due respect to the Leader of the House, I do not need to comment on that because the Speaker already has done so in his decision.

Mr Barnett: What are you commenting on?

Mr GRAHAM: I am saying the Speaker is right and the Leader of the House is wrong. It is that simple, and it is black and white. The Speaker addressed exactly that issue in his ruling. He had a view as the Speaker and gave his reasons, and the Leader of the House disagrees with him. The Leader of the House should do the manly thing. In his motion he conceded that the Speaker has made a decision consistent with the past rulings of the House. He is suggesting that in this case the House should deal with the Bill.

The last leg of the argument by the Leader of the House was that other Bills have passed through the Parliament and, therefore, this Bill should be allowed to go through and we should all vote for it. You, Mr Speaker, dealt with that quite clearly in your decision when you said -

> The Clerks of the House have not been requested to read every Bill and where appropriate consider it in conjunction with the parent Act to consider whether the Bill infringes the approach taken by the House, but they do advise when asked and bring to the attention of the Speaker any Bills which they notice or which are brought to their attention. Consequently, there will continue to be a chance that a Bill may slip through from time to time.

That is exactly the issue raised by the Leader of the House which the Speaker had dealt with in his decision. Let us assume for a minute that the Leader of the House is correct and the Speaker is wrong on this Bill, and that because other Bills have slipped through, this one should be allowed to go through. What does the Minister say in his motion? The motion is that this House directs that this variation will not be taken as a precedent for the future practice of this House. If the Leader of the House is so confident he is right, why should it not be? The answer is simple. It is because the Leader of the House is wrong.

Mr Barnett: Can you give me your opinion?

Mr GRAHAM: When the Leader of the House and others elect me as Speaker I will make the rulings. Until that happens, he should listen to the current Speaker.

What is this about? This legislation has been through the upper House, it is due to be introduced in this House and it may need to be returned. That is the political imperative. The Leader of the House does not particularly want to dissent from your ruling, Mr Speaker, because he does not give a toss either way. However, he wants the legislation to go through the upper House at the maximum speed.

For the first time for 105 years the Government does not have the numbers there. The Bill being what it is, the Leader of the House is not too keen to have it before the Greens (WA) on a committee of inquiry in the upper House - no more, no less. Like the member for South Perth, I do not have a lot of difficulty with that; that is called politics. However, I do have difficulty with the Leader of the House saying that he wants a political outcome and a political process, while not having the guts to say what he wants. He wants to dissent from the Speaker's ruling, but he does not have the guts to do that, so he has decided to run it through this other way. It is about nothing more nor nothing less than politics. For five years I have been saying that it is about this man's ability to run the place properly, and he is not capable of doing it.

MR McGOWAN (Rockingham) [4.10 pm]: This subject is of extreme importance to this House. It is a matter of great principle that we should all debate in a very serious and sensible fashion. This motion is about one simple matter. This Government is taking this course of action for one reason. It has brought on this motion because it is afraid that bringing on the Land Administration Bill in this House will create a disruption to its timetable and upset the course of legislative events that has already been laid down. It is a matter of convenience to the Leader of the House.

Mr Barnett: Nice try, but you are fundamentally wrong.

Mr McGOWAN: It is not a nice try. It is a matter of convenience.

Mr Barnett: You are absolutely wrong. If that were an objective statement, I would not have a problem admitting to it.

Mr McGOWAN: The Leader of the House is going through all these mental gymnastics and nonsensical propositions for what? There is no reason behind it.

Mr Barnett: There are several reasons. One is that if we do not accept that this Bill has been through this place - I think it has - this Bill probably could not be accepted back by the upper House under its standing orders.

Mr Thomas: They could waive it.

Mr Barnett: I doubt it will. In other words, if we do not deal with the Bill in this way, this Bill, which is very important to the pastoral industry for good reasons, probably could not be dealt with in this session of Parliament.

Mr McGOWAN: It is obvious that this Government is treating this House with contempt.

Mr Barnett: You are a new member of Parliament, a very bright man. You need to understand that you do not assume other people's motives. Ask them and they will generally tell you what they are. You just asked me, and I just did.

Mr McGOWAN: It is an action of a Government that is showing extreme arrogance in trying to put a Catch 22 Bill through this House, putting nonsensical propositions that it will not set a precedent and so on. We must examine what we are doing to meet the Government's timetable, thereby disturbing the rest of its legislative agenda.

The first reason given for this motion is to do with not setting a precedent. Even the Leader of the House admitted that it is a strange thing to assert that we are not setting a precedent by bringing in this Bill. In the future, Governments and Leaders of the House will assert this example as a precedent to justify actions. It is an exercise in mental gymnastics. It is a nonsense for the Minister to say this to us: Do as I say, not as I do; in future this will not set some sort of precedent for Government activity.

The second perversity in this attempt by the Government to push this motion through is the assertion of the Leader of the House that he accepts that the ruling of the Speaker is consistent with past practice, and that it is, in effect, correct. He then moves that we should not have regard for the findings of the Speaker. He quoted from different legal opinions which are not binding upon us as we set our own legal precedents.

Mr Barnett: It is very clear that is up to the Speaker of this House and ultimately the members of this House to determine matters before the House. At the same time we would be very foolish if we did not take some notice of legal opinion. Others may continue to approach this situation with a closed mind.

Mr McGOWAN: I have lost track of the Minister's argument. On one hand he is saying that the Speaker is right, but on the other he is quoting precedents to say that the Speaker is wrong. The Leader of the House is saying that he does not accept them.

Mr Barnett: You must concentrate. There is an equivocation within the successive rulings of Speakers and there are differing views within the legal fraternity.

Mr McGOWAN: The Leader of the House has said that he accepts that the Speaker's ruling is correct.

Mr Barnett: The issue is not resolved in either a parliamentary or legal interpretative sense. You must be able to walk up and acknowledge that.

Mr McGOWAN: My third concern about what the Government is doing in pushing this matter through is this: It is showing that, in effect, it has no confidence in the Speaker. The Leader of the House is saying that the Government has looked at his decision and does not believe it to be correct. The precedents on those sorts of decisions are quite clear. I can think of one example, in particular; that is, the Speaker of the House of Representatives in 1974, Mr Jim Cope, at the time of the Whitlam Government. At that time the Federal Government moved dissent from the decision of the Speaker, and he resigned immediately, as is the convention in these situations.

To meet its convenience this Government is saying that it has no confidence in the Speaker and putting on the Speaker that he should consider tendering his resignation. It is a very high price to pay.

Mr Barnett: It is a very fanciful argument.

Mr McGOWAN: The Leader of the House should read the history books about the case of Jim Cope in the Federal Parliament.

Fourthly, by this motion the Leader of the House is lifting the status of the upper House. He is saying that the status

of the upper House is such that it is able to institute Bills that are appropriation Bills within section 46 the Constitution Acts Amendment Act.

Mr Barnett: What you have to do, and what has not been done, is to define what is an appropriation Bill. That is the nub of the issue. What is an appropriation Bill is not defined in the Constitution.

Mr McGOWAN: It has been defined by a whole history of precedents in this House.

Mr Barnett: There is not a whole history. It is all over the place.

Mr McGOWAN: There is a very easy way of avoiding this situation; that is, to bring the Land Administration Bill into this House. For the life of me I cannot work out why an intelligent person like the Leader of the House cannot do that. It seems to be a perverse act, a very strange thing to do. When the Leader of the House comes to write his memoirs -

Mr Barnett: I am sure I won't be.

Mr McGOWAN: - I am sure this is one occasion he will leave out.

Mr Thomas: We will remember.

Mr McGOWAN: In time the Leader of the House will reflect upon this incident as an embarrassment.

Mr Barnett: The sales would be very poor.

Mr Thomas: You won't sell a copy.

Mr Barnett: I doubt that my mum would buy one.

Mr McGOWAN: I am sure it will be a paperback on special at some time in the future.

As I was saying, the role of the upper House is one of review. Governments in the Westminster system are formed in the lower House. The Leader of the House is usurping that principle. Governments are formed in the people's house and Governments will fall in this Chamber. It is the same in the House of Commons in the United Kingdom and in the House of Representatives in Canberra. We in this House should not depart from that as an essential principle of our government. I can quote someone who thought upper Houses are of equivalent status to lower Houses; that is, former Chief Justice Sir Garfield Barwick. His assertion was that to form a Government, a party must have control of both Houses of the Parliament.

If a party does not have control of both Houses in a bicameral Legislature it is not a legitimate Government. That assertion has been laid down in his memoirs and some other publications. If the Leader of the House goes along with the argument that the upper House is of the same quality as the lower House, as from 22 May of this year his is not a legitimate Government. Through his motion today the Leader of the House is disregarding established principles and the Constitution, not for important reasons of principle, but because he has the numbers and can do so, and it suits his timetable.

Mr Barnett: What is your view of the Acts Amendment (Marine Reserves) Bill?

Mr McGOWAN: I am unaware of the provisions of the Acts Amendment (Marine Reserves) Bill. I will undertake to have a look at them. One does not quote something that slipped through the Parliament without being properly looked at.

Mr Barnett: The Speaker ruled on that Bill. You should read the ruling.

Mr McGOWAN: I will read the ruling. Deep down the Leader of the House knows that he is undertaking a strange action. I am sure he wishes he did not have to do it. If we had sat yesterday and on Thursday afternoon - and perhaps on some other days during the year apart from the few on which we do sit - we would have been able to introduce that Bill into this House. We would then be able to treat this Parliament with the seriousness that it deserves.

I will inform the Leader of the House of one important fact he seems to have overlooked; that is, this Bill has been in the upper House for a long time. My colleague in the upper House, Hon Mark Nevill, the shadow Minister for Lands, has for a very long period been raising the subject of this Bill with Hon Norman Moore, the Leader of the House in the other place, in order to try to get this matter debated. The Leader of the House says that the Bill is urgent and essential and must go through now otherwise it will not meet the timetable of pastoralists and the like. The simple fact is that it has been hanging around for over two years. During the first session of this Parliament the Bill was in the upper House. Obviously the Bill is not as urgent as he was making out in his speech earlier today. According to the timetable of the Leader of the House, it was only because the industrial relations legislation had to

go through the Parliament that the Bill was left out altogether. That indicates that this matter is not being clamoured for by people in the community who will be affected by the Bill but is a matter of convenience for the Leader of the House.

In conclusion, Mr Speaker, your actions on this matter have been without fear or favour; they have been actions of courage. I am very disappointed that the Government has decided to treat your actions with such contempt.

MS McHALE (Thornlie) [4.24 pm]: I will make a few observations as a recently elected member of this Chamber. In doing so I will express my utter consternation that we have had to spend the past few hours debating this motion. If it is carried by this House, it will set a very dangerous precedent. I ask members on the other side to think very carefully about the consequences of voting in favour of this motion. On this side of the House we are very seriously opposing the motion and without doubt indicating our support for the Speaker's original ruling, which in essence is the issue behind the motion put forward today.

It is interesting to try to disentangle the Government's argument that we have heard today in response to the Speaker's ruling. On the one hand we have the motion which, while it purports to recognise the ruling of the Speaker, does not actually say that it accepts the ruling. Whether "recognise" means "accept" or just "note" would perhaps be an interesting debate, but it is important to put on record that the motion stops short of accepting the Speaker's ruling. The arguments that the Leader of the House put forward this afternoon stopped short of challenging the Speaker's ruling. The Government clearly does not wish to be seen to be challenging the Speaker's ruling of 19 August, but in reality this motion is a de facto challenge. It certainly undermines the strength of the Speaker's ruling of last week.

The arguments that the Government put forward in support of its motion borrowed in essence a legal interpretation, rather than a political or parliamentary interpretation, of what is an appropriation Bill. That is a significant departure for this House. The Government also argued that the definition of appropriation Bills was not resolved. Let me remind members, as a number of my colleagues have, that the matter was not resolved in 1915. Ultimately in 1921 a number of amendments were made to the Constitution Acts Amendment Act. However, in 1915, two committees indicated that the situation needed an urgent remedy. It is consequently rather ironic that the Leader of the House is now saying that the situation has not been remedied. One can either take the view that it has been remedied, and the Speaker's ruling very clearly put on record what should be the interpretation of this House, or say that the situation has not been remedied, in which case it has never been remedied since 1915. To argue that this Bill should go through in that context is rather illogical. If the situation has not been remedied, there is no real urgency because it has been unresolved for many years. Our view is that the situation was resolved and has been repeatedly resolved on a number of occasions. Members who listened to the Speaker's ruling will have noted that it was unusually long for a Speaker's ruling. I believe the ruling was designed to bring together the arguments that have been put forward over the past 20 or so years on the vexatious matter of what is an appropriation Bill and what is not. If members very carefully read the Speaker's ruling that is now the subject of today's debate, they will see that it makes a number of very strong and clear arguments that the issue is a matter for Parliament to resolve; that it is not necessary to be underpinned by legal opinion alone but by the precedent and debate of this House. To argue that the legal interpretation of "appropriation" suggests that the Land Administration Bill is not an appropriation Bill is of itself not a very relevant and helpful argument.

Mr Barnett: No-one argued that.

Ms McHALE: To argue that the Bill has already commenced its passage and, therefore, it should continue is also very unconvincing. The Leader of the House could have said that about the Gender Reassignment Bill, which has still not seen the light of day, but he did not.

Mr Barnett: The Gender Reassignment Bill created an entirely new board where none previously existed.

Ms McHALE: I am aware of that. However, the Bill started its life in the upper House in the same way as the Land Administration Bill has. The arguments about appropriation are not entirely symmetrical because they both started the process in the upper House.

Mr Barnett: On the basis of several factors we have reacted differently to those two rulings.

Ms McHALE: If the leader were to look at the reasons the Speaker has ruled that this is an appropriation Bill he would see that there are compelling arguments in relation to the expenditure of funds. One of those compelling arguments relates to the compensation requirements, which could be significant.

The Government's questioning what is an appropriation Bill and whether this Bill is an appropriation Bill is a de facto challenge to the Speaker's ruling.

Mr Barnett: Do you think you can have any Bill that is not an appropriation Bill?

The SPEAKER: I remind the member of the time. Private members' business normally takes place at this time and has precedence. The way out of that dilemma, if the member wishes to continue her remarks, is to seek the leave of the House to continue her remarks at a later stage of this day's sitting.

Ms McHALE: I seek leave to continue my remarks at a later stage of this day's sitting.

[Leave granted.]

Debate thus adjourned.

[Continued on page 5544.]

GRIEVANCE - ROADS

Karratha-Tom Price

MR RIEBELING (Burrup) [4.32 pm]: I am waiting for the Minister representing the Minister for Transport. However, given that my time is precious, I will continue without him. The grievance I wish to raise today relates to -

Dr Hames: It might be fair to explain that you were listed to be the third speaker. Perhaps the Minister was not aware that you were speaking first.

Mr RIEBELING: I do not know about the list. I was told I was to speak first.

Mrs Roberts: There is no arrangement about the order of speakers.

Dr Hames: The Opposition thought that.

Mrs Roberts: No, we did not.

Mr RIEBELING: This grievance relates to the sealing of the road between Tom Price and Karratha. This is a matter of great importance to the people of my electorate. In November last year the Minister for Transport came to my electorate and promised on the local commercial radio station that the road between Tom Price and Karratha would be sealed within two years. That was a great announcement and it was applauded. The interesting thing is that it was made two weeks before the election and while the National Party candidate Paul Osborne was also being interviewed.

Of course, that announcement had a huge impact on the people living in Tom Price. The road runs between the two major towns in my electorate and it allows safe access to the coast for the inland community. At the moment people use a dangerous Hamersley Iron access road into Karratha. It is dangerous for vehicles and human life; lives have been lost on that road and numerous accidents have occurred as a result of its condition. Hamersley Iron is happy to keep the road in that condition because people are discouraged from using it. The alternative route to Karratha is through Nullagine, which involves a trip of 700 kilometres compared to about 350 kilometres.

The promise made in relation to the Tom Price-Karratha road was guaranteed by the National Party candidate and reinforced by no lesser personage than the Minister for Transport - it carried a lot of weight. I asked Main Roads WA how much the project would cost. The sealed road would not follow the same route as the current access road. I was told that the cost would be somewhere between $130m and $170m. The commitment to undertake that project within two years was eagerly accepted by the people of Tom Price. To achieve that we expected to see a substantial allocation in this year's Budget. Unfortunately, the people of Tom Price have seen a budget commitment of only $2.6m and a further commitment that the balance of the project will be financed in 2002. That promise is very different from what the people of Tom Price expected.

At the election, Tom Price experienced a swing to the conservatives of 600-odd votes. That was a very concerning response to the road issue from my point of view. It is worth noting that I presented a petition last week in this place containing in excess of 700 signatures urging the Government to honour its promise to the people of Tom Price that the road would be built and within a reasonable time.

The Government has said that the sealing of other roads will meet the same objective and will achieve a positive result for Tom Price. The roads through to Newman and the park will be a benefit to Tom Price, but not the one the people have been promised and are hoping to achieve.

When I visit Tom Price the main issues raised are access to the shopping centres of the costal town of Karratha to create some sort of competition; access in reasonable time to the coast for recreational pursuits such as fishing; and ensuring the long term viability of Tom Price.

Tom Price is an iron ore based town, but when that iron ore runs out, the town's future will be in tourism in the Karijini National Park. The locals are hoping that the road will start at Tom Price and head for the coast. However,

the Government is talking about roads that miss Tom Price by 30 kilometres. Those roads are totally unacceptable to the people of Tom Price. We require roads that end at Tom Price so that, when it is no longer an iron ore town, its future will be assured as a result of tourism to the Karijini National Park. Small businesses in the area are vitally interested in that occurring and the people of Tom Price are urging the Government to honour its commitment, which the people supported in the last election.

MR OMODEI (Warren-Blackwood - Minister for Disability Services) [4.38 pm]: The Government recognises the need to seal this road, and the Minister for Transport has advised that he would like to see the work commenced this year. The urgent need to undertake many other important transport projects demanded by the community for the benefit of the State is also recognised. The member would be interested to know that the assessment of Western Australian road needs resulting from community demand has identified funding projects totalling more than $2.5b. In an effort to address that serious deficiency, a proposal was under consideration to fund key roadworks totalling about $830m from borrowings and that debt would be repaid over 15 to 17 years. The benefits would have been enormous, providing significant road improvements now and allowing for repayment over a long period. The project would have provided a return of 7:1. If the member or I were given the opportunity to gain that sort of return, we would grab it. However, the recent decision by the High Court on the State's ability to collect revenue through the fuel franchise levy, together with the Federal Government's inability to demonstrate any increase in funding levels, has placed our road funding in jeopardy.

In the past four years the federal fuel excise has risen 10¢ a litre to nearly 37¢ a litre bringing the total commonwealth revenue raised at the bowser to $10b annually. Of this only a small amount is returned to the nation's roads. Since coming to office in 1993 the coalition Government has demonstrated a clear commitment to improve Western Australia's road network. The commitment follows on from the years of neglect of the previous Government. This commitment is demonstrated by the fact that the State's road program for 1997-98 stands at $555m compared with $376m in 1992-93, which was the last year of the previous Government.

Mr Riebeling: I am waiting to hear when you will build the road.

Mr OMODEI: The member for Burrup should let me get onto that. The member must admit, as biased as he may be, that an increase in road funding from $376m to $555m is significant. I will get to the member's problem in a moment.

The Government recognises that much remains to be done and the Minister for Transport is examining options to meet the State's road needs, including further calls to the Federal Government for the revenue that it raises to go back to roads.

The member for Burrup would be aware that construction and sealing of the remaining section of the Karijini-Tom Price road is nearing completion and is expected to be finished by the end of October.

Several members interjected.

The DEPUTY SPEAKER: Order! Interjections should come from the griever.

Mr OMODEI: This work completes the link between Tom Price, the Karijini National Park and the Great Northern Highway.

Mr Riebeling: That is not the road to Karratha.

Mr OMODEI: It is a significant project that is of benefit to the people in the member's constituency.

The road will cost more than $35m. The project is a direct result of a decision made by the Minister for Transport. It is of major regional significance and will improve access for local communities, industry and the growing number of tourists visiting the spectacular Karijini National Park. Would the member for Burrup agree with that?

Mr Riebeling: That is not the road we are talking about; the road that was promised.

Mr OMODEI: It is a worthwhile project that the member should welcome for his electorate. It is something that this Government is doing that when in government the Labor Government could not or would not do. The Government recognises the need to seal the road. The Minister for Transport recognises the importance of the link between Roebourne and Tom Price. He will ensure that this link is sealed as soon as the overall road funding arrangements that the High Court decision has placed in jeopardy are clarified and the additional funding is identified. The member for Burrup must accept that the High Court decision has placed in jeopardy the funding of roads in Western Australia.

Mr Riebeling: The Minister made that promise before any announcement at all about the fuel tax; he made it in November.

Mr OMODEI: Certainly, and other plans were in the melting pot for the funding of roads. As a country member the member for Burrup must admit that this Government has done more to fund roads in country WA than the previous Government did in a decade.

Mr Riebeling: I do not have to admit that.

Mr OMODEI: No, you do not.

Mr Riebeling: You talk about a lot of things and you do not achieve anything.

Mr OMODEI: The Minister for Transport has said that once the ramifications of the High Court challenge are sorted out and funding is identified, this road will be completed.

GRIEVANCE - KEYSTART LOANS LTD

MS MacTIERNAN (Armadale) [4.45 pm]: I grieve on the failure of the Minister for Housing to accept the current substantial ongoing problems with the Keystart home lending scheme and his failure to deal with those problems. The House is constantly being misled by this Minister on the operation of the Keystart scheme. Either the Minister is irresponsible or he is badly advised. Either way he is not performing his function as a Minister very competently in this regard.

Today the Minister has argued that financial counselling is provided to low income earners before they enter into Keystart loans. However, when pressed today on the nature of this counselling and in the face of the overwhelming evidence that no such counselling exists, the Minister could not tell us who gave the counselling or when it was given and he claimed the problem was my fault because I had not given him my report on the Keystart program. I will do that today.

The Opposition has raised this issue in Parliament over the past three months. Because the Minister has failed to accept that real problems exist in this area, at considerable expense I ran an advertisement in the *Sunday Times* advising that we would be interested in taking calls. In the space of six hours on one day and four hours on the second day we received - on only a single line, thanks to Telstra's incompetence - a total of 205 calls. Of those, 196 were from current or past Keystart borrowers all of whom had complaints or concerns about the system. They were clustered into two lots. About 39 per cent of people had taken out their loans in 1989-1990 and the second cluster of 41 per cent took out loans between 1995 and 1997. This is set out in considerably more detail in a report that I will table later this evening.

Two major ongoing problems emerged. Firstly, the issue of interest rates, and the fact that these low income earners were being slugged under a government scheme with above average interest rates; secondly, these low income earners were being saddled with mortgage debts that far exceeded the value of their homes. They were being trapped in the nightmare of negative equity. About 95 per cent of callers complained about the interest rate. When we set out the problems with the interest rate - the standard interest rate under Keystart is 7.75 per cent while the market rate is about 6.4 per cent - the Minister told us that the difference was only half a per cent. The Minister said that no-one pays more than $39 a month more because of higher interest rates. That is completely incorrect. On a standard size $100 000 loan the difference being paid by Keystart borrowers is $70 a month. That is because they have the disadvantage of being poor and must borrow through Keystart.

The second very real problem was the negative equity. Fifty per cent of the 80 callers who had borrowed between 1995 and 1997 reported problems of negative equity. They were being trapped by debt because Keystart had lent them a sum of money that was greater than the market value of their homes. Time does not allow me to set out all the case studies but my report contains a sample of seven or eight case studies to illustrate the range of problems in this area. Fundamentally, if Keystart borrowers find that they cannot meet their repayments because of changed circumstances or because they were overcommitted in the first instance and they try to sell their houses, they find that the market value of their homes is far lower than the price that they paid for it and the amount that they borrowed.

There are two main reasons for this. Firstly, Perth has a real imbalance in the market. It has a two tiered marketplace. The established home market is operating far below the cost of construction of a new home. That is a market imbalance that we are contributing to by funnelling people into new homes when they could purchase equivalent homes at a lower value if we allowed them to purchase an existing home.

The second aspect to negative equity is that, in many instances, builders are ramping costs. We have reports of builders paying the deposit and adding it to the purchase price. People think they are getting a rebate that enables them to pay stamp duty, legal fees, and other conveyancing costs, but again the cost is being added to the purchase price, and the value of the home is distorted.

If this scheme is designed to assist low income earners and not designed to assist builders we must address these

problems urgently. We must ensure that independent financial counselling is available. I assure the Minister that none is available currently. We must prohibit Keystart from lending more than the market value or the resale value of the home. Thirdly, we must look at the reasons that our interest rate is far higher than that being offered on the open marketplace.

DR HAMES (Yokine - Minister for Housing) [4.50 pm]: It gives me great pleasure to respond to the accusations that the member for Armadale continues to make on this issue. She continues to peddle these stories despite the fact that her cohorts in the Trades and Labor Council are strong supporters of the scheme. I do not know if the member has had a chance to talk to them but I hope they will talk to her before too long so that she can stop this scaremongering.

Ms MacTiernan interjected.

Dr HAMES: I did not say that there are no problems. I appreciate that the member is trying to draw my attention to problems that may exist. I am happy to look at the cases she puts forward, study them in detail and respond. I have already done that, to some extent, and I am happy to pass on the information -

Ms MacTiernan: I understand that Greg Joyce is very concerned for you.

Dr HAMES: He is not. At my request -

Several members interjected.

Dr HAMES: I think the member is making a mountain out of a molehill. Again, she needs to return to her records. I will dwell on that aspect later. I would rather be more positive in the first place and address the issues raised and the ways that we may resolve them. We introduced a safety net procedure in April to try to assist people who face difficulties. The member must realise that this is far beyond and above the normal things people are able to do. The member and I, and our relatives, must compete in the marketplace to obtain a loan and we experience the same difficulties as people on low incomes if we must sell a house quickly. People must get a loan from the bank and compete in the marketplace. If they face financial or marital difficulties they may need to sell their homes. It is a well known fact that homes must be a long term investment, particularly with the current low inflation rate.

Ms MacTiernan interjected.

Dr HAMES: The member continues to peddle that story. I deny it.

Ms MacTiernan: I have shown you case after case.

Dr HAMES: The member has not. She has alleged case after case. She has not shown me any proof or evidence. I am kept waiting in anticipation. I do not intend to believe everything that is written in the newspaper. If the member has any proof, she should give it to me, because I am waiting for it. If the member can show me any proof I will act on it. Until that happens I will continue to deny it, because I have no evidence that it is the case.

Ms MacTiernan: The statistics show that in the past two years 273 foreclosures have led to shortfalls.

Dr HAMES: The statistics indicate that of the 15 755 loans, only 238 homeowners have had to sell their house for less than its value. Let us compare that with the record of the Labor Government. Under that Government 5 461 low-start loans were made, and if it had not been for a $7m government rescue package - that is, $7m from Homeswest funds which could have been far better spent on providing homes for low income earners -

Ms MacTiernan: You do not have the problem of high interest rates.

Dr HAMES: It would be nice if I could get a word in edgeways. The member has presented her grievance, but she wants to present it twice. I suggest that she sit quietly for a moment. I notice that every day she has trouble keeping her lips closed. Perhaps if she were quiet for a short time I would be able to answer the grievance.

Ms MacTiernan: Well, say something real.

Dr HAMES: There she goes again. She could not wait 10 seconds before saying something.

The DEPUTY SPEAKER: Order! The Minister is trying to answer the grievance.

Ms MacTiernan: I've heard all this rubbish before.

Dr HAMES: That took the member less than five seconds.

Under the Labor Government there were 5 461 low-start loans of which 214 or 3.9 per cent were sold for less than the outstanding mortgage debt. In addition, we saved 958 loans last year - that is 16.7 per cent - by writing off

capitalised interest amounting to $6.97m. That represents a write-off failure rate of 1 122 from 5 461. A total of 21.5 per cent of the Labor Government's loans failed. Only 1.5 per cent of our loans failed, from a total of 15 755.

Ms MacTiernan: That's rubbish.

Dr HAMES: It is not rubbish. The member has had a briefing. She has received the figures. She should prove that it is rubbish. She presents allegations which she cannot prove. Now, she says that it is rubbish, but she cannot prove that. If the member shows me the proof I will believe her.

We have put in place a safety net to try to resolve the issues for those people who are having trouble. The first step is freezing the interest rate; second, extending the period of the loan; third, Homeswest can buy-in a portion of the equity; and, fourth, Homeswest can offer a full rental if the tenant is facing some difficulty. That is far and above what is normally provided to people who seek a loan. That is in recognition of the fact that these people are in a low income group. They would not otherwise be able to get a loan from a bank -

Ms MacTiernan: That is nonsense.

Dr HAMES: If it is nonsense, those people can attempt to get a loan elsewhere!

Ms MacTiernan: Freezing the interest rate is nonsense because the interest rates are going down.

Dr HAMES: Good. They can try to get a loan elsewhere. We do not try to stop them doing that. If they want to get loans at a lower rate elsewhere -

Ms MacTiernan: They can't!

Dr HAMES: No, they cannot.

Ms MacTiernan: They have negative equity.

Dr HAMES: That is exactly right. That is what I am trying to say. They cannot get loans elsewhere.

We have had discussions with the financial counselling service. We are about to have another meeting. We are trying to put in place an extensive period of financial counselling for people who take out Keystart and Good Start loans to ensure they have the necessary advice in order to make the correct decision. We do not want people to extend themselves beyond their means and get into difficulty.

GRIEVANCE - ROADS

Gordon Road, Mandurah - School Safety Zone

MR NICHOLLS (Mandurah) [4.58 pm]: I address my grievance to the Minister representing the Minister for Transport. The matter relates to the 40 kilometres an hour speed zones around schools. Gordon Road on the eastern side of the Mandurah bypass is the main arterial road to the light industrial area in Mandurah. The government policy to restrict traffic speed to 40 kmh, and in some cases 60 kmh, around schools is a positive and worthwhile step. In Mandurah a number of schools have been identified as possibly benefiting from speed restrictions. Two schools are located on Gordon Road - the Assumption Catholic Primary School and the Frederick Irwin Anglican Community School which have a combined student population of approximately 1 800 and which would benefit. An average of 10 157 vehicles turn off the bypass road into Gordon Road daily from either direction.

Most of the traffic is going to the light industrial area adjacent to the schools. We also have a new rubbish transfer station, built by the local council, which will be at the eastern end of Gordon Road and which will increase the number of vehicles travelling on that road. Expanding industrial development will also add pressure to the road by increasing the number of vehicle movements. The 40 kmh speed restriction sign in itself will not provide the type of safety I believe we are seeking through the policy, because of the nature of the road and the number of movements on it. It is a main arterial road into the light industrial area and, given the importance of people paying attention to where they are going, I do not believe the signs in themselves will create sufficient awareness. As well, the restriction is only for short intervals during the day when schools are in session, and motorists will tend to disregard the signs.

The solution is to provide flashing warning lights on the signs so that when the restrictions are applicable motorists will not only be aware of the signs, but also will have their attention drawn to the start and finish of the restricted area. There is no doubt the intent of the policy is to provide a safer area for school children and people associated with schools. It is to enable them to move about without being exposed unnecessarily to increased risk created by traffic movements. If we analyse the benefits that flashing lights will provide, it is clear that with motorists trying to determine where they want to turn off the road, looking at what is coming the other way, and perhaps being under pressure because they are running late, flashing lights will enhance safety significantly.

The problem of how to provide the lights can be overcome by utilising a solar powered system which is currently on the market. As far as I am aware, no solar powered flashing light units have been installed in Western Australia. I suggest to the Minister and the Government that Gordon Road being a main arterial road with an increasing amount of traffic would provide a good location for a trial of this equipment. I suggest that not only should a 40 kmh restriction apply to this road, but also flashing lights should be placed on the signs to make drivers aware both that it is a restricted speed area and when the restriction is applicable. The fact that the flashing lights are solar powered means we will not have the costs usually associated with laying cables. I understand that these flashing lights have a back-up timing mechanism which allows one to program when the lights turn on and off. That means one does not have to rely on someone going to switch them on and off. They have manual switching facilities should it be necessary to turn them on at a particular time, or if the timing mechanism fails.

If we installed flashing lights at Gordon Road, I believe we would be not only pursuing the objectives of the Government's policy on 40 kmh zones, but also going to great lengths to ensure drivers did not disregard the speed signs because they were not applicable at certain times. Much the same situation arises on suburban roads where workmen repairing the road put up speed restriction signs. If no-one is working, drivers tend to disregard the signs. This proposal is a positive move, which I support wholeheartedly. The road safety committee in Mandurah, supported by the council, has given this proposal its endorsement and has indicated it is prepared to back that up with some funds.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [5.06 pm]: I commend the member for Mandurah for raising this issue. He is well known in his community for his concern for children and families and he has represented his electorate with great credit.

The Minister for Transport has told me he supports such a trial being conducted and he is interested in the opportunity for practical rather than theoretical assessment. As the member will be aware, this is the first year of a three year program to introduce 40 kmh school zones throughout the State. Everyone concerned recognises that this initiative will improve safety for children. We now have an excellent opportunity to prove that.

Main Roads is currently assessing 26 schools where zones have been established to identify any problems that may have arisen, and a report is expected by the end of the year. Flashing amber signals are recognised Australia-wide and internationally as a warning signal. They are currently used where traffic lights are malfunctioning and at pelican pedestrian crossings. They are also used at some locations as an advance warning for motorists that traffic signals are about to change. On Great Eastern Highway they are used as a warning to operators of heavy vehicles descending Greenmount hill. I know they work very well on the Kwinana Freeway.

Main Roads is also trialling the use of flashing amber signals on the approaches to selected railway level crossings and a number of guard-controlled children's crossings. I understand from the Minister for Transport that Main Roads has recently engaged a consultant to review the overall effectiveness of flashing amber signals. The results of the review are expected to be available in November and will provide a good indication of the most appropriate situations for using this kind of signal and how to maximise its impact on safety.

The Minister and a representative from Main Roads met the supplier of solar powered signalling equipment recently to discuss the specification requirements and potential applications in Western Australia. Discussions between Main Roads and the supplier are continuing.

The member can be assured that pending the outcome of the review of flashing amber signals and the assessment of the 26 school zones, a trial of flashing amber signals in conjunction with the 40 kmh school zones will be undertaken at appropriate locations. The member has been very vigilant on this issue on behalf of his community and I will ensure the Minister is made aware of this grievance. I hope he will give Mandurah a high priority when assessing sites for installation of flashing amber lights, whether solar powered or otherwise.

Mr Nicholls: If the trial cannot take place using solar power, the Minister should consider using a conventional energy source and installing flashing lights.

Mr OMODEI: That is a good idea. As the member said, Gordon Road obviously causes some traffic congestion, but it appears Main Roads has the matter in hand and is assessing the options. I hope we will get flashing amber lights, whether powered conventionally or by an alternative power source.

GRIEVANCE - RAILWAYS

AvonLink Service - Criticism by ALP

MR TRENORDEN (Avon) [5.10 pm]: I grieve to the Minister for Local Government representing the Minister for Transport, so we have put him under a little pressure today! I am concerned by public activity led by the member for Rockingham raging around the *AvonLink* rail service, and his attempt to scuttle that service. A considerable

amount of press coverage, particularly in the metropolitan area, has been given to the matter in recent times damning the service. This has led to this grievance today.

I cannot understand why the Australian Labor Party must attempt to destroy one service in its argument to secure another service. I have always supported train extensions to Rockingham, Mandurah, Albany, Geraldton and other places in the State. Why does the ALP have to damn and work hard to take support away from an existing service? The ALP will never take away the support of country people for the *AvonLink* service.

For the information of interested members, the total capital cost of establishing the *AvonLink* service was $100 000. That did not involve laying tracks, as is required for the Rockingham and Mandurah proposal, as the infrastructure was already in place. It cost the State about $6m for the community service obligations with the *AvonLink* service, against $92m for the Fastrack and $100m for MetroBus services for such obligations. Therefore, the *AvonLink* CSOs cost $6m and those in the metropolitan area cost $192m. Nevertheless, *AvonLink* is still attacked by the ALP. I question why.

People of the central wheatbelt strongly support the system. They pay their taxes worth $92m, and not one constituent has said to me that the Fastrack and MetroBus services should be shut down. They are happy to support those institutions as vital infrastructure for Western Australia. However, the ALP must constantly get stuck into the *AvonLink* service. The revenue of the *Prosector* and *AvonLink* is $3.6m, compared with the figure for Fastrack of $19.3m. In the year ending 1996 - that is the source of the figures - the capital cost of Fastrack was $67m and the equivalent figure for the *AvonLink-Prospector* combined was $0.4m, which unfortunately included some of the cost of the Hines Hill disaster. Capital-wise, *AvonLink* is cheaper to run per customer than Fastrack. Revenue-wise, *AvonLink* has a greater earning rate per passenger than Fastrack. Do we hear calls from the member for Rockingham to shut down Fastrack? No, we hear only calls to shut down the *AvonLink.*

My region is disturbed to constantly hear the Opposition bag the *AvonLink.* It is a cost-effective and efficient passenger service, and probably the most efficient in the State. My region does not complain about metropolitan rail or bus transport, even though, importantly, country people contribute $26m to the metropolitan service. Therefore, on a per capita basis, country people are paying more than metropolitan people for the Fastrack service. Metropolitan people contribute $7m to the CSO of the *AvonLink-Australind* service. Unquestionably, country people are subsidising the metropolitan area in passenger trains, yet the ALP attacks the *AvonLink*.

Mr Barnett: Have you done the sums on road funding?

Mr TRENORDEN: I understand it is about $1b Australia-wide that rural Australia subsidises metropolitan areas in that regard. Country people contribute $19m more than metropolitan passengers for the community service obligation of the rail passenger services, even though the majority of country people do not have a passenger service; you know about that, Mr Deputy Speaker. However, these people contribute to the Fastrack and MetroBus services.

The people of Perth do not complain about the *AvonLink* service as I receive no calls saying the train should be shut down. Only the ALP wants that. Why? If one wants a service to Rockingham and Mandurah, why shut something down? That is beyond my comprehension. The member for Rockingham should be creative about this matter. He is constantly damning the service because it is a rural service and as the member does not give a damn about rural areas, he buckets the *AvonLink.* My constituency is getting sick of it. Consistent calls are made to my office saying, "Why is the Opposition attacking *AvonLink*?" I cannot answer the question.

As chairman of the *AvonLink* committee, I inform members that the service is constantly increasing its patronage and needs a capital input for rolling stock. Apart from the latter aspect, the *AvonLink* is going well. It is unnecessary to tear down one service to obtain another. I ask the Minister to confirm that the coalition supports the *AvonLink* service, and that any Rockingham or Mandurah rail extension will not be provided at the expense of an existing service.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [5.16 pm]: After such a passionate speech, how could I disagree with the member? The member for Avon was right in his last comment: It will profit no-one to pull down one facility or service to make way for another.

Mr Carpenter: Remember that when you talk about the Castlereagh school.

Mr OMODEI: The member need not worry; the Castlereagh school is being looked after and assessments are being made, despite the member's comments.

I can guarantee the member for Avon that the *AvonLink* service will not disappear. If comments have been made by the Opposition to that effect -

Mr McGowan: They have not been.

Mr OMODEI: The member for Rockingham has tried to play one service off against the other. It profits neither this place nor members of Parliament to talk about subsidisations and CSOs when talking about such services. Undoubtedly, the *AvonLink* works very well. The member for Avon has been instrumental, with the assistance of the Government and the Minister for Transport, in establishing that facility for his constituents. We are considering the planning for the rail link to Rockingham and Mandurah. I do not know whether that hurts the member for Rockingham, but I thought he would welcome with open arms the Government's initiative to bring the rail link to Rockingham.

Mr McGowan: It will be in 2020.

Mr OMODEI: When would the member have it built - by tomorrow afternoon? Let us be realistic. Rail links are not built overnight and they cost a lot of money. The Government and the Minister for Transport are in the process of planning the rail link to Rockingham. It profits neither the member for Rockingham nor the member for Avon to haggle over whether the *AvonLink* service will stay. Have no doubt; it will stay. Why should the member for Rockingham try to discredit the *AvonLink* to gain some political capital in the Rockingham situation?

Mr McGowan: I never said that we should close the *AvonLink.* The point is that 31 passengers use that rail line - which is fine - yet 200 000 people live in the southern corridor without a service. Is that not a legitimate point?

Mr OMODEI: The member did not say that the *AvonLink* railway line already existed. There is no rail link to Rockingham and Mandurah at the moment, and the Government is planning to provide that service.

In the time I have known the member for Avon in this place, he has always been a strong advocate for his constituents. The provision of the service to Northam, and all points between, has largely been as a result of his efforts. We should look at these things in a positive light and consider increasing services to the people, although I know it is difficult for the Opposition to make bipartisan arrangements with the Government. However, the idea of extending the railway line to Mandurah and Rockingham is a very good idea. We all agree; therefore we must give credit where it is due.

Mr McGowan: No credit is due to you; you have done nothing.

Mr OMODEI: The commitment to the assessment runs into millions of dollars, as the member for Rockingham knows.

Mr McGowan: It was fine to build a tunnel to Northbridge.

Mr OMODEI: It is the same old story. The Labor Party seems to want to spend money as though it is going out of fashion. It has been one of its problems over time. The Labor Party does not know how to earn money or manage it. That is why the State was in a hell of a mess when this Government came to power. We are planning rail links to Rockingham and Mandurah. The *AvonLink* to Northam and York operates very well.

Mr McGowan: What point are you making?

Mr OMODEI: The member for Rockingham should have a positive view about the matter and give the Government credit where credit is due.

The DEPUTY SPEAKER: Grievances noted.

HEALTH - DENTAL

Commonwealth Dental Health Program - Motion

MR McGINTY (Fremantle) [5.21 pm]: I move -

> That this House express its deep concern that tens of thousands of needy Western Australians are deprived of basic dental health care and call upon the Government to extend eligibility to government dental care to those low income people now excluded as a result of the Federal Government decision to abolish the commonwealth dental scheme.
>
> Further, that the Parliament call upon the State Government to commit the necessary resources to reduce waiting lists for dental care and avoid an unacceptable further blowout in waiting times.

On 18 March this year the Minister for Health issued a press release in the following terms -

> More than 40,000 disadvantaged Western Australians will no longer have access to vital dental health care from July this year because of Federal Government Budget cuts, Health Minister Kevin Prince announced today.

Further on he said -

> Without regard for disadvantaged persons in our community - elderly pensioners, the unemployed, war pensioners and others - they have axed this extremely worthwhile service and expect the States to pick up the pieces.

The purpose of this motion is to first explain the human dimension of the consequences of the Federal Liberal Government's decision to cut funding to the commonwealth dental program and to abolish that most worthwhile program; and secondly, to point out to the State Government its responsibility to meet the basic dental needs of disadvantaged low income earners. Their teeth are rotting in their mouths while they have no access to state assisted dental care to assist them with this most basic of health care needs.

The second point is to examine closely what is happening with our dental facilities; in particular the state of dental care as a result of increased demand. Failure to provide adequate funding to the State's dental services has resulted in a rapidly growing waiting list problem which is now on a scale equivalent to the elective surgery waiting list problem throughout our major teaching hospitals. However, the exception in dental care is that if someone has a bad toothache and is in urgent need of dental care he needs that care immediately. In many cases people are waiting almost two years for their first access to the state dental scheme if they are lucky enough to qualify under its fairly tight eligibility requirements.

To illustrate I refer to the case of John McQuillin, a 74 year old age pensioner from Spearwood. In 1989 he was operated on at Sir Charles Gairdner Hospital because he had cancer in his neck and shoulders. Following the successful cutting out of the cancers from around his neck and shoulders he received radiotherapy for three weeks. That radiotherapy has left Mr McQuillin's throat a solid mass, his taste buds and saliva glands destroyed and, as was expected at the time, rotting and significantly deteriorated teeth.

As expected the radiation has caused the enamel to peel off his teeth which are rotting and cannot be removed. They have been left to die in his gums because the removal of his teeth could cause disintegration of his entire jaw. Mr McQuillin hoped to receive ongoing repairs and he is in need of frequent dental treatment. For example, throughout this year he has received dental treatment at the Perth Dental Hospital on at least nine occasions. He was hoping that the State would continue to provide him with ongoing repairs. He told me that discussions with the Perth Dental Hospital were underway to provide him with a plate so that once again he could enjoy the sensation of biting into an apple which he cannot do now because of the rotten state of his teeth. From his cancer operation in 1989 until towards the end of last year he was treated at Sir Charles Gairdner Hospital for his dental condition and was referred to the Perth Dental Hospital because of the deteriorating and serious condition of his teeth.

As I indicated he received treatment on at least nine occasions at the Perth Dental Hospital this year, but that has ceased. Mr McQuillin is a battler; his total income is about $14 000 a year from the age pension comprising partly a British and partly an Australian pension. He lives alone and that is his sole source of income. He is the sort of person to whom we should be extending assistance, particularly when his current dental problem was caused by treatment in a state hospital.

Mr Prince: Without treatment he probably would have died.

Mr McGINTY: That is right; nonetheless, his teeth would not be in the condition they are today had it not been for the radiotherapy. He is battler; a low income earner. As a result of lifesaving surgery through the health system, the State caused his current problem, but it is now refusing to accept responsibility for picking up the pieces.

Towards the end of July this year Mr McQuillin was told by the Perth Dental Hospital to go to the Department of Social Security and obtain a statement of his earnings. Following submission of his earnings which, as I indicated, were pre-tax about $14 000 a year, he received from the Perth Dental Hospital an unsigned, undated, proforma letter advising that he was not eligible for subsidised dental treatment and that he should look to the private sector for dental care. The letter is insensitive. It does not even address Mr McQuillin by name. It thanks him for returning the completed application for treatment form and advises that unfortunately under present dental services eligibility criteria he does not qualify for subsidised dental treatment at the hospital. It also advises him that should he still require dental attention contact should be made with a dentist in the private sector. The letter is not signed; it finishes with the words "for Manager, Hospital Dental Services".

That is no way to treat a senior citizen in this State with the acute dental problems that he has today. He is a low income earner. He should have been given every consideration by Perth Dental Hospital and he should have continued to receive assistance from the hospital.

The issues involved in this matter are as follows. First, the health treatment Mr McQuillin received in Sir Charles Gairdner Hospital has been the main cause of his current dental condition. On that basis alone there should be a

discretion for the Government to accept that it has an ongoing responsibility to look after his problem; that the Government caused it and it will now deal with it. Mr McQuillin cannot have the rotten black stubs of teeth that fill his mouth removed, because that might cause the whole jaw to disintegrate. He must put up with the presence of those rotten stubs in his mouth.

Second, Mr McQuillin was eligible for treatment under the now abolished commonwealth dental scheme. This case highlights the reason the Government should not have adopted such a cavalier political approach to the abolition of the commonwealth dental scheme. I join with the Minister for Health in criticising the Federal Government for abolishing that scheme because this case is the identification of the consequences of that decision. However, it is not sufficient for the Minister for Health, who has responsibility for the health care, including the dental health care, particularly of needy Western Australians, but of all Western Australians, to do a Pontius Pilate - to wash his hands and blame his federal colleagues and not do anything about it. In cases like this the Minister must accept responsibility that he owes Mr McQuillin a duty to ensure his dental care is looked after in the circumstances I have described today.

The unfortunate factor is that eligibility for the state dental scheme is basically for anybody who is in receipt of a full pension. If a person starts to lose part of that pension because he has independent assets or independent means, he ceases to be eligible for subsidised dental care. I put it in that shorthand, broadly descriptive way. I appreciate that charts that spell out eligibility for dental care refer to levels of income. A person on an Australian pension is not eligible for subsidised dental care if the pension received each fortnight is more than that set out in the chart. In the case of a single age pensioner, that is more than $278.46 a fortnight. Mr McQuillin had a partly United Kingdom-partly Australian pension, so he did not earn more than the amount specified in the chart; neither did he earn less than the stipulated amount of the overseas pension. He was close to the eligibility requirements. His sole source of income is the age pension from Australia and the United Kingdom. An income of $14 000 a year is low. He should be eligible for the dental care. If there is not to be discretion to look at cases such as this - there is no discretion - the eligibility requirements must be extended to pick up people such as Mr McQuillin who currently are excluded from eligibility. It is unreasonable for someone whose total income is around $14 000 a year not to be regarded as warranting assistance from the State for his dental care, even putting to one side the causation of Mr McQuillin's dental problems.

I will use an analogy. People are complaining about cuts to legal aid. Those cuts will deny legal aid to people above an income of about $60 000 a year. Although the assistance will be limited, people under that level will still be eligible for legal aid. Mr McQuillin has an income of $14 000, yet he is not eligible for dental aid, which is far more pressing in the circumstances I have described. If one's sole income is $14 000 a year before tax, out of which one must meet rent and all other ongoing expenses, one cannot afford private health insurance. The letter from Perth Dental Hospital to Mr McQuillin says that should he still require dental attention, contact should be made with a dentist in the private sector. He has already been to the dentist at least nine times this year. It is not within his financial capacity to go to a dentist, nor to take out private health insurance that is sufficient to cover that level of dental care. It is not an option, financially, for Mr McQuillin to do that.

The other factor I thought would have been taken into consideration is that he is in the middle of treatment. He was about to have a plate made for him. Suddenly, pre-emptorily, the treatment was cut off. One expected greater consideration for the circumstances of Mr McQuillin. I am not asking for a phase out of treatment; I am asking that treatment be restored. I believe it is Mr McQuillin's right to expect the State to do that for him.

In support of this motion I will mention also waiting lists. Waiting lists are often regarded as a yardstick for the health of the public hospital system. When elective surgery waiting lists in the public hospital sector blow out, we appreciate that the financial strains are such that the public hospital system is not delivering. That is regarded, rightly or wrongly, as one of the indicators. For the first time, as far as I am aware, the figures on waiting lists for dental care have not been published or brought out into the arena - not that there has been any secrecy surrounding the figures. The figures as at the end of July 1997 show a worrying problem with waiting lists for dental treatment at Perth Dental Hospital and clinics. Those figures show that 10 292 people are on the waiting list for dental care in this State. That is an enormous number. It is not much short of the waiting lists for people waiting for elective surgery in all major teaching hospitals in the State.

In addition to the number of people on the waiting list is an unacceptable waiting time. The worst case is Rockingham, where 2 520 people are awaiting dental treatment and where there is an average waiting time of 20 months for dental care. People requiring dental care cannot wait 20 months. I appreciate that a new dental clinic is about to be built at Rockingham, as occurred last year in Fremantle. However, all the indications are that these waiting lists will get worse. Many more people will go on the lists and waiting times will blow out because insufficient resources are put into dental care to enable it to meet this greatly growing demand from the real battlers that we should be protecting. The figures for Rockingham are of scandalous proportions. If low income people in

this State must wait for 20 months to have a dental problem treated, invariably greater problems will result. Many people like Mr McQuillin cannot afford the option that members of this House can afford; that is, to pay for their own treatment or take out private health cover.

Too many people are on the waiting list for dental care. The waiting times are unacceptably long. At Perth Dental Hospital 2 205 people wait an average of three months. In my electorate of Fremantle, where a new facility was opened recently, 1 242 patients are on the waiting list. They must wait an average of seven months for an assessment of their needs. Those waiting times, as I indicated with Mr McQuillin's example, are for only the desperately poor. If, like Mr McQuillin, a person's income is $14 000 a year he is too well off to qualify for dental treatment through the state system. Members can imagine from that example how poorly off one must be to qualify to go onto an extended waiting list. It is not good enough. It is a terrible problem for those people who rely on the State for their health care and, in this case, their dental health care.

The motion I have moved expresses deep concern at the tens of thousands of needy Western Australians who are deprived of basic health care. I am sure that concern is shared by every member of this House. The Minister quantified the number of Western Australians who were once eligible for subsidised dental care, but who are no longer eligible for it because of the abolition of the commonwealth scheme, at 40 000.

We cannot continue to blame the Commonwealth. Instances like the one I have just related to the House indicate that it is time for the State Government to say, "If the Commonwealth Government is not going to accept its responsibility, we must." The Minister does not have the option of turning his back on this issue and saying to people like Mr McQuillin, "I'm not going to pick up your case and extend to you that which the State owes you as a duty." Members have a duty to provide the battlers with the basic essential level of health care, and dental health is part of that.

My motion calls upon the Government to extend eligibility for government dental care to people like Mr McQuillin. Most people who are confronted with the facts and the circumstances of Mr McQuillin's case appreciate that it is a grave injustice that he should be ruled ineligible for ongoing dental treatment which is subsidised by the State. If the eligibility rules do not admit him into subsidised treatment, the rules should be changed. I understand there is no discretion. These are hard and fast income limits and the attitude is that if people do not meet them it is too bad. That is not good enough.

Reference is made in my motion to the abolition of the commonwealth dental scheme. All members condemn that, but let us get on with dealing with the problems as they exist in Western Australia and members' responsibility for them.

The final paragraph of my motion calls upon the State Government to commit the necessary resources to reducing waiting lists for dental care and to avoid an unacceptable and further blowout in waiting times which are already at a chronic level. I expect the Opposition Whip to formally second the motion.

Mr Cunningham: I formally second the motion.

MR PRINCE (Albany - Minister for Health) [5.43 pm]: I thank the member for raising this subject and the Opposition Whip for his eloquent contribution. Having said that, this motion is about an issue which I do not treat with any hilarity. It is an extremely serious situation and on 18 March I brought it to the attention of the Parliament and said at the time, on behalf of the Government, that it was deplorable that the Commonwealth had reneged on its commitment to a commonwealth scheme. I will briefly revisit that because prior to 1994 this State had a dental program for people on low incomes and, although it was not generous, it worked reasonably well. The Government has reverted to that program. Other States had nothing in place. The Commonwealth stepped in and said in its omniscience that it would overlay everything with a new program that would be wonderful, irrespective of whether some States were providing a program. The result was that the Western Australian program was subsumed into the commonwealth program.

At the time the Commonwealth made the commitment that it was not a hit and run program, as so many commonwealth programs are - a three years' exercise and then it ceases - leaving an increased burden on the States which have a reduced revenue raising capacity. It said that this would not be the case and the program was to carry on indefinitely. Effectively, without any prior warning and without any consultation as far as I was concerned, the commonwealth dental program was axed. I do not know what was the total cost across Australia, but so far as this State was concerned it was $9.5m.

Mr McGinty: It is not unfair for the Commonwealth to provide that level of care.

Mr PRINCE: I said at the time its action was deplorable. The Government calculated that the number of people who would be adversely affected could be as many as 40 000. The move was wrong, particularly when many of them have a low income and are elderly. As people age their dental problems increase. Most of the elderly people would not

have had the benefit of fluoride programs when they were children. That program operates at best by hardening tooth enamel in children up to the age of 12. In that sense they have less than good oral health and the Commonwealth cut off the program. The program also assisted people on Austudy, most of whom are young.

The result is that people like Mr McQuillin are found to be ineligible for dental care assistance. The reason for that is that eligibility for treatment under the state program, which continues, is for pensioners who held a pensioner health benefit card prior to 1 April 1993. To determine eligibility a pensioner provides information on the level of pension and that is checked on an assessment chart. It is a complicated process.

Mr McGinty: It is basically a full pension.

Mr PRINCE: It is. In addition there is a mechanism by which to consider overseas pensions and persons with such pensions are treated in the same way as Australian pensioners; therefore, there is no distinction, but not all pensioners are eligible. Mr McQuillin has a combined pension entitlement which renders him ineligible and that is most unfortunate.

The member for Fremantle may not be aware that under the commonwealth dental health program, pensioners were eligible for up to only $400 worth of treatment. In the circumstances the member outlined in regard to Mr McQuillin that is not a lot of dental treatment.

The DEPUTY SPEAKER: Order! I ask members at the back of the Chamber to cease their conversations. The Hansard reporter and the member who moved the motion are having trouble hearing the Minister.

Mr PRINCE: I make the point that $400 for a person with Mr McQuillin's dental problems does not buy a lot of dental treatment. Had the commonwealth dental program still been in operation I doubt whether this financial year it would have paid for nine treatments of the nature the member described. The Minister for Police who is a dentist advises that it costs between $50 and $70 for a standard filling. Obviously the treatment the member for Fremantle described for this gentleman is more complex. I make the observation that $400 a year buys only a certain amount of dental treatment.

The result is that with a few exceptional cases like Mr McQuillin's some people have been placed in an invidious position. Neither I nor the officer in charge of the dental program had prior knowledge of this case. The matter will be investigated and I will do what I can to ensure the gentlemen receives appropriate treatment. I do not know whether it is possible, but I am prepared to look at it because it is an exceptional case of a person who had a cancer operation eight years ago, the treatment for which has, in large part, caused the dental problems.

Mr McGinty: Is there a discretion for the Minister to do that?

Mr PRINCE: I do not know whether I have a discretion; I will inquire. I do not know whether, given the nature of this gentleman's jaw problems as a result of radiation, it would be more appropriate for him to be a patient of a public hospital as opposed to the dental clinic, because that might be one way of overcoming his difficulties. I will take his case on board and see what I can do. It appears that the member for Fremantle is suggesting that this man's problem is an unintended consequence of the treatment that he received to save his life, and not that the treatment that he received for his cancer was improper or negligent.

Mr McGinty: One minor question is whether they should have pulled all his teeth before he had radiotherapy if they knew that it would have this effect on his teeth. I am not criticising the medical or hospital treatment; it is just a question that has arisen in my mind. It is not germane to the argument that I am putting.

Mr PRINCE: It is an extraordinary situation that teeth that are rotting as a result of radiotherapy cannot be removed because that will result in damage to what I assume is a weakened jawbone. That is a terrible position in which to find oneself.

The cessation of treatment undoubtedly results from the annual assessment of continued eligibility that flows from the cessation of the commonwealth scheme.

Mr Day: He should at least use a fluoride mouthwash to help prevent consequent decay.

Mr PRINCE: The Minister for Police has given some free dental advice that this gentleman should at least use a fluoride mouthwash to harden what is left of his tooth enamel. I will take up these matters.

The member for Fremantle was kind enough to quote some of the waiting times for treatment, and I will table the waiting list times for treatment at Perth Dental Hospital and clinics. Perth Dental Hospital has 2 205 patients and an average waiting time of three months. Fremantle Clinic has 1 242 patients and a waiting time of seven months. As I recall it, that new clinic was opened by me, in the presence of the member for Fremantle, in April last year. Undoubtedly that clinic has had an effect upon what was then a much longer waiting time. Liddell Clinic in Victoria

Park has 1 955 patients and a waiting time of 6.5 months. North Perth Clinic has 785 patients and a waiting time of seven months. Rockingham Dental Clinic has 2 520 patients and a waiting time of 20 months. A new clinic is proposed to go into that area, which undoubtedly will reduce that time. Sir Charles Gairdner Hospital Dental Clinic has 134 patients and a waiting time of six months. Warwick General Dental Clinic has 1 511 patients and a waiting time of 10 months. Mt Henry Clinic has 78 patients and a waiting time of 3.5 months, which is a bit surprising. Albany Dental Clinic, which is in my electorate, has 475 patients and a waiting time of 12 months.

Mr McGinty: You are not looking after your constituency!

Mr PRINCE: I am looking after my constituency. We have a new dental clinic, which I had a great deal of pleasure in opening last year. Bunbury Dental Clinic has 385 patients and a waiting time of eight months. For some reason that I cannot explain, Kalgoorlie Dental Clinic has only one patient and no waiting time. If we leave out those places that are truly regional - Kalgoorlie, Bunbury and Albany - the remainder are in the metropolitan area and have a significant difference in waiting times.

It occurs to me that with better coordination among the places where the clinics exist, we may be able to reduce waiting times and make better use of resources, and I will ask dental services to look at that. That is the sort of concept that is coming out of the formation of the Metropolitan Health Services Board. I do not know whether that will be possible, because we are dealing with people whose ability to travel is obviously limited because they are on low incomes. However, that is worth looking at. I am not saying it will fix the problem, but it may lead to the total resource being better used for the benefit of the people whom it serves.

The first sentence of the motion states that this House expresses deep concern that tens of thousands of needy Western Australians are deprived of basic dental health care. I agree, and I brought that matter to the notice of the House on 18 March. However, as I said six months ago, it is simply not possible financially to extend eligibility for state government funded dental care to more low income people. I regret that that is also the case now, although that does not help the Mr McQuillins of this world and others who are being deprived of care as a result of the arbitrary decision by the Commonwealth.

The fact of the matter is that most of the things that affect the States' ability to provide health care are within the control of the Commonwealth and visit consequences upon the States. I refer particularly to Medicare and to the drop in private health cover. In this State, 130 people a day are dropping out of private health insurance, and even though the Hospital Benefit Fund of Western Australia Inc said yesterday that it would not increase premiums or introduce a $50 a day bed fee, to a maximum of $250, before April next year, the circumstances that have led the major health fund in the east - the Medical Benefit Fund - to seek to do that are no different from the circumstances in this State. Nationwide, less than 32 per cent of the population is covered by private health insurance, whereas in 1984, pre-Medicare, more than 55 per cent of people were covered by private health insurance.

The reason that private hospitals have surplus capacity and public hospitals are full or nearly full is that people no longer choose to go into private hospitals because they believe they are already paying for the public hospital system through their Medicare levy. However, most people do not know, or if they know they do not understand or believe, that the Medicare levy pays for less than one-tenth of the cost of running the health system in this country. I wish that fact were better promulgated, because the perception that is spread by some people - certainly not by those on this side of politics - is that the Medicare levy pays for the whole health system.

The Medicare Agreements written by the former Labor Government provided that if there was a 2 per cent drop in any State in private health cover, the Commonwealth would pick up the cost of looking after those people in the state system. However, on three separate occasions, Commonwealth Governments of both political persuasions have refused to pay. For as long as that continues, greater demand will be placed upon state systems in Australia, without the consequent revenue which the Commonwealth contracted to pay to meet that greater demand. That being the case, neither this nor any other State has the ability to find $9.5m, or whatever the amount may be, to put into a dental service to recover that which the Commonwealth has arbitrarily taken away. However, that will provide no solace for Mr McQuillin, and I will certainly take up his case. This State is not in a position to fix the problems that have been caused by the actions of the Commonwealth in commencing the dental health program and then dropping it, contrary to its commitment.

Therefore, although I cannot agree with the balance of the motion, I am deeply concerned, as I am sure is everyone in this House, that some 40 000 needy Western Australians are deprived of basic dental health care because of the actions of the Commonwealth in cancelling the commonwealth dental scheme.

Question put and negatived.

Sitting suspended from 6.00 to 7.30 pm

STANDING ORDERS SUSPENSION

Private Members' Business

On motion without notice by Mr Barnett (Leader of the House), resolved with an absolute majority -

> That so much of the standing orders be suspended as would allow the Town Planning and Development Amendment Bill, notice of which was given by the Leader of the Opposition today, to be dealt with up to and including the motion for second reading; and for the notice of motion given by the member for Nollamara today regarding Labour Relations Legislation Amendment Act advertising indemnities to be moved and dealt with; and so much of the sessional order relating to precedence of government business be suspended as is necessary to enable resumption of debate on the Maritime Archaeology Amendment Bill after 10.00 pm today.

TOWN PLANNING AND DEVELOPMENT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Dr Gallop (Leader of the Opposition), and read a first time.

Second Reading

DR GALLOP (Victoria Park - Leader of the Opposition) [7.36 pm]: I move -

> That the Bill be now read a second time.

The objectives of the Town Planning and Development Amendment Bill 1997 are very straightforward -

> firstly, to require the Minister to give to the parties to an appeal written reasons for the Minister's determination on a planning appeal;
>
> secondly, to require the Minister to publish those reasons in the *Government Gazette* within 14 days of the determination taking effect; and
>
> thirdly, to provide that a copy of those reasons can be supplied to any other person upon payment of a fee.

The Bill introduces a basic accountability measure to prevent a secretive approach being taken in the way the Minister for Planning can decide planning appeals against local government decisions. These requirements are not particularly onerous and indeed generally reflect similar requirements that already apply to the Appeals Tribunal. A secretive appeals process is inherently not an accountable process. The Royal Commission into Commercial Activities of Government and Other Matters said -

> Openness in government is the indispensable prerequisite to accountability to the public.

That very clear statement was prefaced by the following comments -

> They require that the public be informed of the actions and purposes of government, not because the government considers it expedient for the public to know, but because the public has a right to know.

The Commission on Government recommendations also reflect the need for government decisions to be exposed to greater public scrutiny. Indeed, it argued that the very system of ministerial appeals was open to political patronage and could not be seen to be independent.

A spokesman for the current Minister has said that the Minister routinely details the reasons behind his decisions in the letters he sends to appellants and proponents, as reported in an article in *The West Australian* on 5 August 1997. If that is indeed the case, I imagine the Minister should have little difficulty supporting the Bill.

This House will also recall, however, the secretive approach taken by the former Minister for Planning, Richard Lewis. He even pressed the Freedom of Information Commissioner, Bronwyn Keighley-Gerardy, into changing her attitude about freedom of information applications to prevent the process being exposed to public scrutiny. We also remember former Minister Lewis's controversial role in making 47 planning decisions while acting in a so-called caretaker capacity in the weeks between the prorogation of Parliament and the last election, including overruling 29 decisions. These ranged from local council objections to a shooting range in Jarrahdale, a controversial 24 hour medical centre in Yokine, and a double storey duplex in Kalamunda. Information about these, and other, decisions did not come readily, if at all.

Accountability should not be an ad hoc process; it should not rely on the whim of individual Ministers or on the facts of each case. There is nothing to say that a routine giving of reasons means that reasons will be given in any specific

case. Parties to the appeals process should be entitled, as a matter of law and not just because of routine practice, to the reasons for the decision; and this information should be made publicly available by the Minister. In addition to its being an important accountability measure, it will have the practical benefit of assisting councils to use the information as precedent, in order to make better and more informed planning decisions in the future.

Further, the option that local councils should themselves table the letter received from the Minister, in effect means that the Minister has shifted his responsibility for accountability to the local councils. That is not satisfactory. If the Minister is to retain the right to make planning appeal decisions, he should also be required to exercise that right in a properly accountable manner.

It must be emphasised that this Bill is not Labor's final word with regard to the planning process; in particular, whether the Minister should continue to make planning appeal decisions. Western Australia is still the only State that gives its Minister for Planning the right to determine such planning appeals. It follows that I agree that it is appropriate for the current review of the planning process to proceed. Nevertheless, while this review is being undertaken, ministerial appeal decisions will continue to be made and will greatly outnumber appeals to the tribunal. For that reason, I consider it essential that the ministerial appeals process be exposed to proper scrutiny and, therefore, accountability is a necessary, but by no means sufficient, condition of ministerial responsibility. Ministers must not only account for the decisions they make, but also be responsible for them to the Parliament and the people. As Dr Robert Gregory put it -

> A person official or whomever, may give an account of the choices made, but responsibility requires one to contemplate reasons for those choices and to live with the consequences that flow from them.

Debate adjourned, on motion by Mr Barnett (Leader of the House).

LABOUR RELATIONS LEGISLATION AMENDMENT ACT - ADVERTISING

Indemnities - Motion

MR KOBELKE (Nollamara) [7.41 pm]: I move

> That this House, noting the Court Government's record expenditure of $30m on advertising in 1996, calls on the Premier to fully explain the nature and extent of all indemnities offered to television stations for carrying government advertising and to table all correspondence relating to any indemnity with regard to the Labour Relations Legislation Amendment Act advertising.

I do not need to recount any of the detail relating to the controversy surrounding the Labour Relations Legislation Amendment Bill 1997. That has been debated, and I suspect will continue to be at various times, but there is no need to do that within this motion. There was a great deal of controversy within the community about that legislation. Members will be aware that the Government embarked on an advertising campaign to try to sell its legislation. That advertising was blatant propaganda, in my view. The Government called it an education program.

The television advertisements commenced in April 1997. On 22 April, I wrote to the director of the Federation of Commercial Television Stations, FACTS, in Sydney, advising him of my concerns about this Government's advertising of its industrial relations legislation. In part, at least one of those advertisements - I do not have copies of the variations of the advertisements that were run - made the claim that "every union member in Western Australia will have the right to a secret ballot". The detail of that statement is not for debate here; however, I wish to place on the record that I do not believe the legislation provided any such right. That will continue to be a matter for debate, for which I will put the arguments as forcefully and constructively as I can about why that advertising was totally false.

Mr Baker: Is that not a matter of opinion?

Mr KOBELKE: That is what I am saying. I believe it will be more than a matter of opinion, and independent and objective judges will show that it was false and misleading advertising as defined under the Trade Practices Act. On that basis I made a complaint to the Federation of Commercial Television Stations. Clause 7 of the advertising code of ethics states that advertisements shall be truthful and should not be misleading or deceptive. It is my point of view, and one which I think can be argued persuasively, that those advertisements were clearly false and misleading. As a result of my complaint, which was conveyed to the local commercial television stations, the Government's advertising was withdrawn. I admit it is only conjecture on my part as to the basis of the legal advice received by the Government. However, given the facts currently on the public record and my many telephone conversation with both FACTS, the Australian Broadcasting Authority and a range of others in the media, I have good ground for a suspicion that the Government's legal advice indicated that there was some basis to my challenge; that is, there was legal concern that the advertisements were factually incorrect and could constitute false and misleading advertising and fall foul of the requirements under the Trade Practices Act.

I have no proof of that; however, I do have proof that the Government withdrew the advertisements. The Premier then promised a $300 000 campaign. We have not seen that campaign, but that does not relate simply to false and misleading advertising. There are other legal implications which I will come to. I wonder whether the Premier can help to answer one of the questions I want to ask. My understanding is that the Government remade the advertisements. That may simply have been an editing exercise. Can the Premier say whether there was a new set of advertisements or whether a new advertisement was made following my complaint?

Mr Court: I will make some comments after you have finished your speech.

Mr KOBELKE: When the Premier does that, he never answers the questions which are the kernel of the issue. Was another set of advertisements made following my complaint?

Mr Court: I said that I will get up and comment when you finish.

Mr KOBELKE: The Premier comments, but he never answers the questions. He always ducks the question. He is very good at getting on his bike and going as fast as he can away from the scene of the crime.

Mr Court: I have just been to the World Cycling Championships. They are a great success, too. Darryn Hill will get his first gold medal tonight.

Mr KOBELKE: The Premier is not willing to answer whether a second round of advertisements were made.

Mr Court: I said that if you sit down, I will answer.

Mr KOBELKE: Is the Premier giving an undertaking that he will answer specifically the questions I have just asked?

Mr Court: You make your speech; I will make mine.

Mr KOBELKE: Of course, he will not. This is a Premier who cannot speak the truth in this place. When the heat goes on, he cannot speak the truth. He has a record as long as his arm of not telling the truth in this place. I am quite sure he has just done that again.

We found a variation in those advertisements. I have asked the Minister for Labour Relations both directly in a letter to him and in questions on notice to provide copies of the exact advertisements and the schedules for their placement, so we can see the variations that were made. In that way we could ascertain whether a set of advertisements were made in the first place and one was held back or whether the advertisement was remade to correct false statements in the earlier version. That must be established and the Premier, in keeping with this motion, might table that detail so we could see from the schedule of advertisements whether the change was made in response to my complaint or whether it was to do with the timetabling and scheduling of the advertisements.

Following that withdrawal and the flurry of lawyers involved for the Government and television stations, the second round of the advertisement was given to the television stations which felt that the advertising was a bit hot. The Government had been caught out. The television stations went back to either FACTS or the Australian Broadcasting Authority to ask whether the new advertisement could be run. I understand that advice from the lawyers representing either the television stations or the Australian Broadcasting Authority - I am not privy to that advice - indicated that this was political advertising; that the Government should have known it was political advertising and, as such, under the Broadcasting Services Act it was a requirement on the television stations that a tag or tail should be placed on each advertisement indicating which political party was authorising it, who it was spoken by, and the sorts of detail with which we are familiar in political advertising.

Mr Court: Who makes the decision that the ad is political?

Mr KOBELKE: I will come to that. Most people seem to have known, except the Premier and his legal advisers. Political advertising received some media coverage due to a complaint by the then Labor Opposition in New South Wales against the advertising of a state government agency that occurred prior to the 1995 election. Flowing from that the Australian Broadcasting Authority made a determination. It sent me part of its decision on those complaints. It reads -

> It was the ABA's view that for a broadcast to be 'political matter' and to be subject to the identification requirements of Clause 4 of the Act, the matter, when taken as a whole, must be dealing with a subject that was in prominence as a political issue at the time of the broadcast.

If members see the context of the advertising and read the decision in more detail, it is pretty clear that it was political advertising.

Mr Court: Would the heroin advertisements be political advertising?

Mr KOBELKE: That is a matter of judgment, but at the moment I think not.

Mr Court: Who makes the decision?

Mr KOBELKE: The Australian Broadcasting Authority. The last paragraph of the material it sent me reads -

> The ABA has indicated to both FACTS [the Federation of Commercial Television Stations] and FARB [the Federation of Australian Radio Broadcasters] that it intends to meet with both organisations to discuss appropriate guidelines for compliance with the "political matter" provisions of the Act. Both organisation have welcomed such discussions.

Clearly we can see that the Government's advertising was political. The Court Government then apparently offered an indemnity to the television stations despite the Minister refusing to answer questions. I am asking the Premier to be open and honest for a change and give us the details of that indemnity. His Minister has ducked the issue and I believe misled the Parliament in the answer he gave me in question time last week when he feigned to have no knowledge of such an indemnity. We do not know what the indemnity covers; we do not know whether it covers the advertisements that have already run and broken the law or whether it is an indemnity to run the advertisements after the event in case of legal action and a penalty placed on the television stations for running political advertising without the required tags which indicate that it is political advertising and by whom it is spoken, written and authorised.

On their legal advice the television stations said that they would not run the advertisements, even with the indemnity. Clearly they obtained good legal advice which said, "You cannot run those advertisements, which are political advertising, unless you place the tag on them." The Government said, "We will not put a tag on them. Everyone knows they are political advertising but we will not publicly admit that we are using taxpayers' money for political advertising." The Government was not willing to come at that, which is why the $300 000 campaign mentioned by the Premier has not materialised. The Government has not been able to get round the problem of having to admit by putting a tag on the advertisements that they are political advertising.

In addition to the legal advice to the players involved, the advice from the Federation of Commercial Television Stations was clearly that it was political advertising. I have just quoted a small part of the summary of the ABA's decision which was available. If anyone were to take the trouble to read the fuller determination of the 1995 case, they would see that the Government was clearly involved in political advertising. Last week even Howard Sattler on 6PR refused to run the advertisements, because he knew it was political advertising.

Mr Trenorden: It is conclusive if Howard Sattler didn't do it!

Mr KOBELKE: We already have the lawyers, FACTS and the ABA.

Mr Baker: You also have Howard Sattler!

Mr KOBELKE: Yes, and Howard Sattler on top. What else do we need? They have clearly stated that this Government was trying to use political advertising, which is contrary to the Broadcasting Services Act unless the identifying tag is placed at the end of the advertisement.

Several members interjected.

The SPEAKER: Order!

Mr KOBELKE: So far we have seen a coverup by the Government. It does not want to acknowledge that an indemnity has been granted. This Parliament must know the exact nature and extent of the indemnity.

Mr Court: Who tried to cover it up?

Mr KOBELKE: It was the Premier's Minister last week, when I asked a question and a supplementary. The Premier went over to him with a beaming smile and, from his whole body language, I presume congratulated him on avoiding answering the question.

Mr Court: You should not presume anything.

Mr KOBELKE: Given that the Premier does not speak the truth, we have to presume a lot. Was the Premier aware of the indemnity?

Mr Court: No I was not.

Mr KOBELKE: So he had no idea that an indemnity would be offered to the television stations?

Mr Court: None. If you sit down instead of continuing to ask questions, I will get up and respond.

Mr KOBELKE: The trouble is that when the Premier gets up he never answers questions. He gets out there on his bike and away he goes, saying, "Let them catch me. I am not saying anything. I am on my bike and out of here I go. It is too hot in the kitchen." That is the attitude we have from the Premier. He is clearly not willing to answer factual questions with factual answers. The line taken by the Premier and the Minister for Labour Relations is that the Government's advertising program is educational. The only people who might believe that are the Premier, the Minister and some of their spin doctors; everyone else saw it to be political advertising and gross propaganda. It was trying to get support for legislation which the public had clearly seen to be unnecessary. Contrary to the undertakings and promises made by the Premier at the election, the Government put the legislation through the Parliament. The Premier feigns no knowledge of the indemnity. We must know whether the indemnity related only to the Broadcasting Services Act or whether it also extended to the contravention of the Trade Practices Act. Is the Premier in a position to answer that now?

Mr Court: What has the Trade Practices Act to do with television advertising?

Mr KOBELKE: It has to do with false and misleading advertising.

Mr Court: Come off it!

Mr KOBELKE: Is the Premier saying it has nothing to do with the Trade Practices Act?

Mr Court: Come back to the real world.

Mr KOBELKE: If the Premier gives me an undertaking on that, I will accept it. Is the Premier saying that the advertisements created no potential liability under the Trade Practices Act?

Mr Court: I said that I will get up and answer that.

Mr KOBELKE: The Premier never does. I am giving him the opportunity to do so. I am not like the Premier who runs away from interjections; I am happy to take interjections. I can stand here and discuss the truth of the matter. The Premier might find that embarrassing and find it difficult to discuss the truth of the matter. I ask the Premier again if he can give an undertaking that the indemnity related in no way whatsoever to any possible contravention of the Trade Practices Act.

Mr Court: The only thing I am finding embarrassing is your performance.

Mr Baker: Do you believe that the general policy on political issues is very important?

Mr KOBELKE: Yes.

Mr Baker: As an example, what about members of Parliament representing themselves as being members of other regions with which they have no affiliations or of which they are not the elected members?

Mr KOBELKE: I am not sure of the instance the member is talking about. I am happy to take the interjection.

Mr Baker: Your own party engages in activities of that kind in advertising.

Mr KOBELKE: Such as?

Mr Baker: In a community newspaper which is circulating in the east metropolitan area, an advertisement appears on behalf of Hon Ljiljanna Ravlich. The headline on the advertisement says that it is introducing "your Labor representative for Southern River".

Mr KOBELKE: That is part of her electorate.

Mr Baker: That is not true; she is not representing Southern River.

Mr KOBELKE: If she puts in an advertisement for Armadale -

Mr Baker: It is misleading.

Mr Court: It is political too.

Mr KOBELKE: I am unlike the Premier who cannot stand up and answer a question.

Several members interjected.

The SPEAKER: Order!

Mr KOBELKE: The member for Wanneroo was referring to newspaper advertising. At the moment we are dealing with television advertising only, and I suppose indirectly with radio. Electronic advertising comes under the

Broadcasting Services Act; newspaper advertising does not. The Government has also been running political newspaper advertising on this legislation. That advertising has also been false and misleading. That issue will wait for another day. I believe that advertising has also been highly improper because taxpayers' money has been used for false and misleading advertising. That question is not a part of this motion which relates to television advertising only. If the member for Wanneroo does his homework, he will be prepared to debate the waste of taxpayers' money on false newspaper advertising.

I was asking the Premier, and he would not answer, what was the extent and nature of the indemnity. Did the indemnity go to the Trade Practices Act? The Premier will not answer. Did the indemnity go to the Broadcasting Services Act?

Mr Trenorden: Who cares?

Mr KOBELKE: I am asking the Premier simple questions and I would like him to try to answer them, but he is not willing.

Mr Court interjected.

Mr KOBELKE: I am asking the Premier to explain fully the nature and extent of all indemnities offered to the television stations and he will not do that.

Mr Cowan: Give him a chance to get to his feet and he will.

Several members interjected.

Mr Court: Criticise me after I have spoken; do not presume this and that.

Mr KOBELKE: I might not get another chance to speak. The Premier can get on his bike and ride out of this place as quickly as he can and avoid answering the questions, as he does regularly. I am asking him to be honest and open and to explain whether the indemnity offered to the television stations related solely to the Broadcasting Services Act. He is not willing to answer.

Mr Court: I will get up and answer your questions.

Mr KOBELKE: He never does and now he is doing a runner.

This House needs to know the full extent and nature of the indemnity offered, whether it covered only the Broadcasting Services Act and whether it extended to potential breaches of the Trade Practices Act or any other legislative standards or guidelines.

If we know that, we might be able to find out the liability that the taxpayers might have to pick up should any penalties be imposed on the television stations for running the advertisements. I take it that, as the Premier knows nothing about it, the matter did not go to Cabinet. If the Premier knows nothing, perhaps the Deputy Premier knows what happened. I will ask him whether there was any Cabinet approval for this offer of indemnity.

Mr Court: I said I will answer your questions.

Mr KOBELKE: The Premier never answers questions. I will show the Premier the *Hansard* in a day or two and we will see how many of these questions he has answered.

Mr Court: You have moved a substantive motion. We have a debate on it and you have a right of reply. If you are not happy with the answers, you can say what you like.

Mr KOBELKE: We will see whether that opportunity is available.

The House needs to know the nature of that indemnity and on whose authority it was granted. The Premier is saying it was not his authority and the Minister for Labour Relations is not here, so we do not know whether it was offered on his authority. Was it offered on the authority of the Attorney General through the Crown Law Department, which provided the advice? Did it draft and offer the indemnity simply on the authority of the Attorney General? They are the questions I hope the Premier will answer fully and honestly. Without that information we cannot judge the potential liability to the State as a result of the Government's offering indemnity on false and misleading advertising.

The Premier has offered to get to his feet, so I will not continue my remarks. I hope he will respond to the motion; that is, that he will give a full explanation of all matters relating to that indemnity.

Mr Court: What happens if I do?

Mr KOBELKE: The air will be cleared and we will know the facts for a change, instead of dragging out of the

Premier like teeth the truth of the dirty deals in which he gets involved. Whether it is Global Dance or Elle Racing, it must be dragged out of him. He makes sweeping statements about getting the information using the freedom of information legislation. However, the key details are hidden; they are not released under FOI. He also says that he has given the information in a statement. However, on investigation, the statement has no details. I am asking for the details of that indemnity.

Will the Premier also table copies of the correspondence involved, a copy of the videotapes and a schedule of when those advertisements were run?

Mr Court: Do you want us to sing the advertisements?

Mr KOBELKE: That is an American term for what gaolbirds do, but let us hope he speaks the truth.

If the Premier claims that the advertising is educational, I do not see why the Minister for Labour Relations refuses to provide a copy of it, along with a schedule indicating when the advertisements were run. I want them because I wrote to the Australian Broadcasting Authority making a formal complaint about the contravention of the Broadcasting Services Act. The authority has acknowledged that it has received that complaint and is investigating it.

Mr Baker: All that means is that you had the right address on the letter.

Mr KOBELKE: The authority could have written back saying that it had received my letter but is taking no action. It did not; it advised that it had received my letter and that it would undertake an investigation of the matters raised. In order to do that, it would approach all parties - the television stations and the Government. To get the advertisements, to view them and to have legal people make their own judgment about the veracity of the material and whether it is political, it wanted a copy of the advertisements and the schedule so it could ask the television stations for their copies. That is what I was asked to provide to the Australian Broadcasting Authority. When I asked the Minister for Labour Relations for that material, he refused because the Government does not give that information to the Opposition.

Mr Baker interjected.

Mr KOBELKE: If this Government had one scintilla of integrity, its claim that the advertising was educational would mean that it would have no trouble making it available. That clearly shoots out of the water any claim that it was educational. I asked the Minister on notice to provide videotapes of the television advertisement, audiotapes of the radio advertisement and schedules of their placement so I could give them directly to the Australian Broadcasting Authority if it had not been able to obtain them from the television and radio stations. However, this Minister for Labour Relations refused to make the Government's so-called educational material available.

Clearly, the Minister's actions show that that was a lot of nonsense. It is not educational: It is sheer political propaganda. Because of the Government's embarrassment, it is not willing to provide copies of the advertisements.

Mr Johnson: Did you not record them?

Mr KOBELKE: I had some of them.

Mr Court: You put on "Days of Our Lives" instead!

Mr KOBELKE: I just have to come in here and listen to the Premier; that is all I need in terms of soapies or bike riding. The Premier is very good at it.

Mr Court: What do you have against bike riders?

Mr KOBELKE: They are fantastic sports people. The Premier's bike riding does not come up to the same standard. His always involves escaping the truth, trying not to answer honestly simple questions put to him. He declares that he will answer a question but he never does. He never answers the hard questions. This is the Premier who will not give a press conference. When did the Premier last give a formal press conference - sitting in the press room answering questions and not bolting for the door?

Mr Court: I sit in front of the cameras every day of the week answering whatever questions journalists want to ask for as long as they want to ask them. In answer to the member's question: About every day!

Mr KOBELKE: The best known shots of the Premier are those where he is running for his car to get away from the media. Let us put the honesty of this Premier on the line. This is a very simple question: What was the date of the last full press conference that the Premier gave and did he bolt for the door when the questions got hard? Can the Premier give us the date?

Mr Court: Ask the media.

Mr KOBELKE: I am asking the Premier. When did the Premier last front up for a press conference in front of the journalists to answer their questions, and not make a bolt for the door when the pressure was on?

Mr Court: Today at the ABC.

Mr KOBELKE: Was it a doorstop interview?

Mr Court: They were asking me all these questions and they were doing it quickly. I said, "I've got plenty of time, you can keep asking questions" and they said, "Okay". They kept asking me questions and then I left.

Mr KOBELKE: Was that press conference conducted on the road verge?

Mr Court: No. It was at the ABC.

Mr KOBELKE: At the entrance to the ABC?

Mr Court: No, it was inside the ABC.

Mr KOBELKE: Were representatives of all the media present?

Mr Court: The member should ask them. There was a lot of people there. We could hardly fit any more into the room.

Mr KOBELKE: Was it in the foyer or in the ABC proper? These are simple questions. The Premier has great difficulty with simple questions that require simple, honest answers. The problem is that the Premier does not know how to give simple, honest answers.

Mr Court: It is a trick question. The member asked whether it was in the foyer or in the ABC. I have thought carefully about this, and the answer to the question is that it was in the foyer in the ABC!

Mr KOBELKE: Was the car outside with the engine running for the quick getaway, so that if questions got too hard the Premier could leave? This Premier is better than the roadrunner; he gets up and away he goes. As soon as the media asks the Premier the simple questions that are hard political questions the Premier cannot answer them. The Premier cannot even tell us when his last formal press conference was held. It was so long ago, it has receded so far into the dimness of his memory that he cannot even recall when he last gave a full, formal press conference. They were all doorstop interviews. If the media are waiting outside an event for the Premier and the questions get too tricky the Premier is ready to jump in his car. We know the Premier's nickname! If the questions are tricky off he goes.

Mr Board: What is the point of this question? We are running out of time. Why don't you give the Premier an opportunity to respond?

Mr KOBELKE: I am happy to answer the Minister for Works. This is about false and misleading advertising. We cannot get an honest answer from the Minister for Labour Relations or from the Premier on the details. It comes down to whether the Premier will answer honestly the questions I have asked. I asked a simple question: When was the last time he gave a formal press conference? The Premier cannot or will not answer that question; I do not know which. It may be so long ago that he cannot recall.

Mr Board: He has indicated that he will stand up and answer your questions.

Mr KOBELKE: I accept that, Minister. The trouble is that the Premier has said that to me several times and when he gets up he never answers me. He talks about lots of other things but he never answers the specific questions that I ask. I will sit down and the Premier will get his chance, and we will record how many of my questions he answers.

Mr Cunningham: I second the motion.

MR COURT (Nedlands - Premier) [8.14 pm]: Mr Cunningham's speech was one of the more sensible we have heard tonight.

It does the Opposition no good for the member for Nollamara to continually talk about the Premier, dirty deals and telling the truth etc. We are in this Parliament to debate issues. It suits me if the member for Nollamara wants to carry on like that, because he has done it for the past four years and it has not helped him.

The Minister for Labour Relations would normally respond to this motion. Tonight is his eldest daughter's twenty-first birthday. As members know the Minister has a large family, and this is the first of his children to reach 21 years.

Mrs Roberts: He will have a lot of nights off then.

Mr COURT: Yes, he will have a lot of nights off.

I was briefed on this subject prior to the dinner break and I think I can answer most of the questions that have been put forward by the member for Nollamara.

The Minister for Labour Relations was not aware that an indemnity was given on this advertising until he received briefing notes on Monday this week after the member asked questions in Parliament. I was not aware until just before dinner tonight that an indemnity had been given by the Department of Productivity and Labour Relations. I will read that indemnity and also give the member a copy of it.

I will run through the history of this issue. The member for Nollamara made a complaint on 22 April 1997 to the Federation of Commercial Television Stations. He complained that the advertisements were inaccurate. In response to that complaint the television stations withdrew the advertisements. The department was of the view that the advertisements were accurate and in the context and spirit of the Bill. It wanted them restored to air as soon as possible, so a minor change was made to the text on 29 April 1997. I do not have copies of the original transcripts or know what the changes were, but they were made. A strong campaign on the legislation was running in the media. The Government did not think that was at all factual. The idea was to present the facts on that legislation.

On the evening of 29 April, Media Decisions WA said it required a letter of indemnity from the department before any of the modified advertisements would go to air. Contact was made with Robert Cock, the Crown Counsel, who advised the department that there was no reason that an indemnity should not be issued. Crown Counsel had viewed the potential of litigation from all angles and said that it could not see any risk.

That answers the member's question about the risk involved. Crown Counsel then spoke to Media Decisions about the form of the indemnity. Crown Counsel dictated a letter of indemnity for the television stations which was forwarded by the Department of Productivity and Labour Relations to those stations.

Ms MacTiernan: So all this occurred without the Minister's knowledge?

Mr COURT: Yes, it was all done without the Minister's knowledge. It was seen by the department to be a reasonable course of action, because it had no difficulties with the advertisements. They were factual advertisements and the department did not have concerns about them. The legal advice from Crown Counsel was that no loss would be suffered by the television stations as a result of publishing the advertisements and there was no risk the indemnity would be called on. That was the advice given to the department.

The definition of indemnity is "A contract to make good a loss that one person suffers as a consequence of the default of another". The legal advice was such that the department was confident that no loss would be suffered. The indemnity applied to only a few advertisements, because they were taken off a second time. They were said to contain political matter.

Mr Kobelke: I did not know that. I thank the Premier for attempting to answer me. Is the Premier saying that the indemnity related to advertisements already broadcast?

Mr COURT: No, it related to future advertisements.

Mr Kobelke: Did it relate to advertisements already run?

Mr COURT: No, only to future advertisements. As the member knows there were not many because on 5 May 1997 the television stations again withdrew the advertisements on the basis that they constituted political matter under the Broadcasting Services Act.

In answer to the member for Armadale's question, the department was responsible for the information campaign and although the views of the Minister and several others were sought on a range of issues, matters of administration were not necessarily discussed. They did not discuss their giving an indemnity. The issue of an indemnity was raised, as the Minister said, but he was not aware until he received these briefing notes that one had been provided.

Ms MacTiernan: When was it raised with the Minister?

Mr COURT: The Minister has answered the question in Parliament. He said that in discussions the issue of indemnity was raised - in answer to the member's question.

Mr Kobelke: He did not quite say that.

Ms MacTiernan: So, the department raised it and he remained mute!

Mr COURT: His department said that it sought crown counsel advice, and there was no difficulty with its being given.

Ms MacTiernan: What was the nature of the discussions with the Minister?

Mr COURT: The member can speak in a moment. Last Thursday during question time the Minister for Labour Relations said -

> I personally did not offer any indemnity. However, there were discussions between lawyers representing the Government and those representing the television stations. There were also discussions with the television stations. Many discussions took place through one of the agencies acting on our behalf. I am not aware of all the details of the discussions. At the end of the day, the television stations would not run the advertisements without a political tag attached.

The television stations' request for an indemnity arose only after the member for Nollamara's complaint to the Federation of Commercial Television Stations.

I am concerned about who makes the decision regarding what is a political matter. I find it amazing. The member may not like industrial relations advertisements; however, it is a form of censorship if someone can say that an advertisement on heroin is not a political issue - even though it is possibly the hottest political issue in the country at present - and that an advertisement on industrial relations is a political issue. That a mysterious group can say what is a political matter, is a form of censorship. I am not an expert on the Broadcasting Services Act. However, it is amazing that someone has the ability to say that some government advertising is political and some is not. I think most government advertising has some political nature to it. Even if the advertising had a straight educational value, someone could put a certain slant on it.

Mr Board: It was not a government decision. It went through Parliament.

Mr COURT: It was legislation which became the law of the country. The advertisement was telling FACTS what was the situation, and so on. That is the advice I have received.

A question was asked about what was provided. A letter was sent to Media Decisions WA by Jan Cooper, the Acting Director, Fair Workplaces, at the Department of Productivity and Labour Relations as follows -

> DOPLAR CAMPAIGN ON INDUSTRIAL CHANGES
>
> Attention: All Metropolitan and Regional Commercial Television Stations
>
> On behalf of the Western Australia Government this department undertakes to indemnify all metropolitan and regional commercial television stations in respect of all legal action taken against such television stations in relation to or arising from the screening of the Western Australia Government's campaign concerning its industrial changes.

This is the advice of the crown counsel on the basis that there was no risk involved in relation to the indemnity. The indemnity was sought after a member had contacted FACTS.

Ms MacTiernan: Where is the bit which says that this applies to future advertisements only?

Mr COURT: That was on 29 April, and on 5 May for another reason. That was to do with the definition. The member is talking about whether the information was factual.

Mr Kobelke: Factual, and relating to the Broadcasting Services Act. They are two different issues.

Mr COURT: As to the political aspect, a decision was made by whoever decides something is political or not.

Mr Kobelke: There are potential penalties attached to running an advertisement which is political but does not carry the tag.

Mr COURT: Someone made a decision that the television stations would not run the advertisements unless a political tag was attached. We were not prepared to agree, so the advertisements were not run.

Mr Kobelke: The television stations feared the potential penalties that could arise.

Mr COURT: That is a hypothetical point, because the Government would not run the advertisements with a tag attached. We do not accept that someone, somewhere, can censor government advertising.

I table the letter to Media Decisions from the department.

[See paper No 622.]

MS MacTIERNAN (Armadale) [8.25 pm]: We have progressed some way in unravelling the sordid tale of the Minister for Labour Relations' ill-fated attempts at propaganda. This is a very interesting case because a television station is prepared to forgo revenue because an assessment has been made - not by the Opposition but by other parties -

Mr Court: By whom?

Ms MacTIERNAN: An assessment has been made by the television stations that there is a real risk that this advertising may offend the Broadcasting Services Act -

Mr Board: Why did they make that decision?

Ms MacTIERNAN: That is not the point.

Mr Court: You said that the television stations did not run the advertisement because someone decided they would not run them, and I asked who.

Ms MacTIERNAN: I did not say that. I said that the television stations would not run the advertisements because they had made an assessment that there was a risk of being liable to either prosecution or damages actions because the advertisements breached either the Broadcasting Services Act or the Trade Practices Act. So strong was their view that this was a genuine risk they were prepared to forgo very substantial advertising revenue until such time as they were able to obtain an indemnity from the Government.

We have received more information about the indemnity tonight than we have been able to obtain before. It has been acknowledged that an indemnity was offered. I find it absolutely improbable that this issue could have been raised with the senior bureaucracy in the Department of Productivity and Labour Relations, given the controversy of the whole affair and the degree to which this matter has been driven as part of the Government's political and policy agenda, and the departmental officers being in receipt of such a controversial request from the television stations would not take that matter to the Minister and seek advice, an opinion and a decision of the Minister. This is exactly the same situation we have had in a number of other areas with this Government. It is duckshoving any responsibility, claiming that it cannot recall its involvement in the detail of these issues and casting all the blame on senior public servants.

Mr Court: Who said that he cannot recall?

Ms MacTIERNAN: We have been asking the Premier what contact he had with the Minister -

Mr Court: You asked whether I knew there was an indemnity, and I said no. The Minister also said no, so who is avoiding what?

Ms MacTIERNAN: The Premier did not say that.

Mr Court: The member must have missed the first part of the debate.

Ms MacTIERNAN: The Premier did not say that. His comments indicated that at some stage it might have been referred to, or discussed or raised in passing with the Minister for Labour Relations.

This is a most extraordinary and unusual occurrence. A television station came to the Government and said that a key part of its policy agenda which was being promoted through a series of advertisements was not acceptable to the station because there was a risk that the advertisements were misleading under the terms of the Trade Practices Act, or would breach the Broadcasting Services Act, and the station wanted an indemnity.

We are being asked to believe this matter was not taken to the Minister for Labour Relations for decision. We are asked to believe it was handled entirely in-house by the department and that senior bureaucrats sought Crown Law advice - which was that Crown Law did not believe a real risk existed - and that Crown Law gave the department the imprimatur to issue an indemnity.

I find that absolutely unbelievable. If it did happen, there is a great degree of culpability on the part of the Government in its administration of departments, because it certainly should not have happened. This decision should not have been made in the absence of ministerial involvement. The issuing of an indemnity should have been determined by the Minister. For him to say that this was determined by the department is unbelievable. If it is the case, it is an indictment of the way the Government is administering its departments.

The Premier has stated that this indemnity applies only to future advertisements -

Mr Baker interjected.

Ms MacTIERNAN: Not necessarily. There is nothing here that restricts this indemnity to future advertisements. It may be this was an indemnity. We will not know until we see the entire correspondence.

Mr Baker interjected.

Ms MacTIERNAN: Is the member for Joondalup saying this was another secret trick and clever plan -

Mr Baker interjected.

Ms MacTIERNAN: The member for Joondalup is now saying the Government has another sin to add to its portfolio - that it is misleading and deceptive in the nature of the indemnities that it issues to commercial television stations! That is the upshot of what the member is saying - that the Government does not have to worry about this because it was a piece of trickery in the first place.

An indemnity was requested and granted, and as a result a number of advertisements were shown. The member for Joondalup would have us believe the Government knew all along that this indemnity amounted to nothing and the Government was tricking -

Mr Baker: I never even implied that, let alone said it.

Ms MacTIERNAN: If the member is not implying that, his comments are completely irrelevant. The fact that it might have been couched in incompetent terms -

Mr Baker interjected.

Ms MacTIERNAN: If that is the case, it reflects very badly on the quality of the advice the Crown Law Department is giving to the Government, if it is unable to frame an indemnity in a way that is enforceable.

The key point is that the Premier has given us more information in relation to this indemnity. After many attempts by the member for Nollamara to extract this information, a little bit has come dribbling out. It is in no way a satisfactory response. I note certain other requests have been made. We have requested transcripts of the text of the advertisements and the changes that were made to them. They have not been forthcoming.

I reinforce the point I made earlier: It is absolutely unbelievable that this matter was not submitted to the Minister for Labour Relations for approval. It is not an issue that can be laid at the door of the public servants. If the public servants made this decision without reference to the Minister, their conduct should be investigated. The Minister is culpable for allowing such conduct to occur.

MR BARRON-SULLIVAN (Mitchell) [8.36 pm]: I was interested to hear earlier the member for Nollamara refer to the Premier as the roadrunner. In this instance the member might think he is very cunning, but he has fallen flat on his face and that probably makes the member for Nollamara the coyote!

I refer in particular to the first two lines of this motion where the Opposition seems to want to reinforce the notion that the Government had record expenditure on advertising in 1996. I believe this matter has been covered by the House previously; there has been considerable debate and a number of questions have been asked in this Chamber. I thought the Opposition would understand, well before tonight, the situation behind that figure and the whole matter of government advertising. Instead, members opposite seek to reinforce what can only be described as a very misleading statement.

I decided to do some homework on this matter and I had a quick look at the *Business Review Weekly* article of 24 February, which obviously was the basis of the Opposition's comments and forms the foundation of the rather flimsy statement in tonight's motion. The information concluded with a table of amounts spent on advertising by various companies, corporations and Governments around Australia and contained a qualification which should have told the Opposition from the word go that it was barking up the wrong tree.

This so-called record expenditure of $30m is explained by looking at the BRW article, which says the data from which the figures were gleaned does not track expenditure by government departments and the figures were obtained from media buying companies. If members opposite had done a little homework, they would have realised what the whole thing meant. As usual, the Opposition was not going to let the facts stand in the way of a good story. Indeed, it was left to the member for Churchlands, who asked a question and received a fairly detailed response in March which set out -

Mrs Roberts: I think you are coming under her spell.

Mr BARRON-SULLIVAN: Most definitely not.

The answer to that question is relevant to part of tonight's debate. It clearly spelt out that the pool advertising

arrangement which the Government has entered through the master media contract, has roped in, if I can use that expression, a number of a non-departmental sources. Indeed, the table attached to the response to the member's question outlines the exact departments and agencies involved. Had the Opposition done its homework, instead of rushing in trying to stir up a headline, it would have seen nothing like the claimed $30m record expenditure on advertising. It certainly was not comparing apples with apples. The table in the answer to the question was most interesting, particularly as the debate tonight refers to indemnity on advertising by the Department of Productivity and Labour Relations. It might be interesting for the Opposition to pull out the table as that department has the least expenditure on advertising of any government agency.

Mrs Roberts: The member for Nollamara has done that; he saved them money.

Mr BARRON-SULLIVAN: Wile E. Coyote saves money! We will come to saving money in a minute as the member raises an interesting point.

The opposition members might not like the advertising conducted by the Department of Productivity and Labour Relations, but the table indicates that it spent the least of the government agencies. Let us see who spends the money. This is an interesting illustration of how the Opposition goes about its analysis. The Lotteries Commission without doubt is the biggest spender on the list, and we know that the Lotteries Commission must spend money on advertising in order to attract people to buy lottery tickets to raise sufficient funds to pay to charities, sporting organisations and the like. If members opposite do not like the figure of $30m and want to reduce the amount spent by the Lotteries Commission, the onus is on them to determine from where the lottery funds will come.

Mr Baker: It seems that the $30m referred to in the motion in itself is misleading.

Mr BARRON-SULLIVAN: That is spelt out in the answer to the question to which I referred. Part of the answer states that "this system distorts the real picture of government expenditure". The opposition need not have reached that stage and could have referred to the 24 February article in the *Business Review Weekly*.

The table of expenditure further refers to the category of "other", which includes corporatised bodies, academic institutions, local government and so forth. This provides more than 16 per cent of all advertising expenditure by government. Does the Opposition consider the advertising for St John Ambulance, the Association for the Blind of WA (Inc), local councils and universities to be political advertising? It returns to the point of being subjective and not letting the facts get in the way of a good story.

The first two lines of the motion indicate that opposition members understand neither how the advertising system works, nor how the figure of $30m was arrived at. They are not prepared to explain that point for obvious reasons.

Mr Baker: It is because it is misleading.

Mr BARRON-SULLIVAN: I had a slight suspicion that might be the case, but I will not enter that area.

Had the Opposition looked at the advertising arrangement these days, it would realise that considerable savings were made through the government pooling arrangement. It is difficult at short notice to produce accurate figures. However, when dealing with $30m worth of advertising, a 10 per cent discount represents a $3m saving. Again, the Opposition has not indicated whether it agrees with increased efficiencies in government.

I turn now to some specific comments of the member for Nollamara in moving this motion. I asked myself whether he had identified any real problems, but he gave only a number of opinions and fairly subjective ideas on what is good and not good advertising. He referred to the indemnity as though something wicked lay behind the arrangement. However, he did not indicate whether the indemnity had cost taxpayers one cent - I understand it has not. The member did not indicate where other indemnities applied. I am not aware of any other indemnities of this sort in relation to government advertising.

Ms MacTiernan: How do you know? Given that decisions seem to be made by bureaucrats without any reference to the Minister, the sky's the limit. There might be an indemnity in all of them.

Mr BARRON-SULLIVAN: Problems would be reflected in cost blowouts; the member knows how departmental and government budget arrangements work.

Ms MacTiernan: They might not have come to fruition yet. They might go into the future. How do we know? If public servants give indemnity without reference to their Minister, who knows what is going on?

Mr BARRON-SULLIVAN: If the many things taking place in every government department were brought to the Minister's attention on a daily basis, we would probably need 10 Ministers for each portfolio.

If one has a significant budget blowout as the result of areas such as indemnities, it will obviously show up in the

bottom line. It will be picked up. I cannot see the Opposition's argument. Clearly, the member does not like the advertisement and he is trying to drum up an issue.

Mr Baker: He has an opinion.

Mr BARRON-SULLIVAN: An opinion means very little in this case. The opinion is not well founded. To cap it off, opposition members are prepared to reiterate the same old misleading information they trotted out a few months ago about government advertising. It is motion based on opinion and misleading information, and is a poor reflection of the Opposition's understanding of how the Government's advertising portfolio is managed.

MRS ROBERTS (Midland) [8.47 pm]: I focus on a couple of other areas of false and misleading advertising by the Government which in the context of the 1996 election campaign was political advertising of sorts. One of those advertisements appeared on billboards throughout the metropolitan area - I am not sure whether they appeared in country locations - and read "Home Burglary Now Means Prison". The Government would well argue that the advertisements resulted from a change of policy and that it genuinely wanted to inform the community that it had made the change. The Government determined that information on the change in legislation needed to appear on billboards, as it happened, in the lead-up to the election and during the election last year. The advertisement carried no political disclaimer at all.

It is interesting to note that this advertising has proved to be misleading in a number of respects. First, a recent ruling by a judge was that the legislation has problems and that home burglary does not necessarily mean prison. What is even more alarming is the poor clearance rates for home burglary. The Western Australia Police Service's summary of reported crime statistics report indicates that in the 1996-97 financial year, 3 267 burglary offences occurred per 100 000 persons. However, the clearance rate per 100 000 persons was 399.4. Therefore, for every 3 267 home burglaries, only 399.4 cases were cleared. That equates to a clearance rate of only 12.3 per cent. In 1996 3 225 burglary offences per 100 000 persons occurred and 414.6 were cleared, a clearance rate of 12.9 per cent. Over those two financial years a small decrease occurred in the clearance rates. Fewer culprits were being caught. When a sign says "Home burglary now means prison" a rider should be underneath that it might mean prison if an offender happened to be one of the 12.3 per cent of the burglars who were caught. In almost 90 per cent of burglary offences, the offenders are not even caught. How can home burglary mean prison for about 90 per cent of offenders when the Police Service is unable to capture and prosecute most home burglars? The Government should have advertised that for 90 per cent of home burglars it means nothing because the police will not catch offenders anyway. There is no question that polling would have indicated that that was a key political issue. Political polling shows that law and order issues are always in the top five areas of concern.

There is no doubt in my mind that big billboards costing tens of thousands of dollars placed throughout the metropolitan area saying "Home burglary now means prison" in the context of an election campaign is clearly political advertising. They were placed to give a message to the community that it has a Government that is doing something about law and order. Those posters did not advertise that the clearance rate of home burglaries is very poor or that Western Australia has the highest level of crime in many areas. No doubt the Government was unaware at that time that its legislation would not deliver what it claimed it would deliver for the 12 per cent of burglars it managed to catch and take to court.

The Australian Bureau of Statistics report on recorded crime, released on Thursday, 24 July 1997, highlights a number of things, one of which is that Western Australia has the second highest rate of sexual assault in Australia. It has the highest rate of armed robbery, which has increased by 297 victims - 44 per cent from the previous year. The number of unlawful entries with intent involving taking property was 39 689 in 1996. At page 3 of the report it says that the Western Australian jurisdiction had the highest victimisation rate for unlawful entry with intent with 2 247.7 victims per 100 000 persons.

The report says that for other unlawful entries with intent Western Australia maintained the highest victimisation rate of 929.4 victims per 100 000 persons, nearly double the national rate of 480.4 victims per 100 000. That is a disgraceful figure. They are national categories of statistics for unlawful entry.

Without doubt, while choosing not to table its monthly statistics in this House or provide them to the Opposition or the public, the Government is well aware of its disgraceful record in relation to unlawful entry and home burglary offences. In that context it put legislation through the Parliament and chose to advertise it in the period leading up to the election in the latter part of last year when under our system the Premier determines the election dates. He quite improperly used public funds to pay for the billboards rather than using Liberal or National Party money to fund them.

I also draw attention to another advertisement that appeared in the context of the election campaign as part of the Government's advertising in 1996. In my electorate were billboards and banners saying "Edith Cowan University

now in Midland". There were also full page colour advertisements in weekend magazines and full page advertisements in local papers throughout the Midland electorate and other media. At that time fewer than 30 students were studying any form of course at the Edith Cowan University classes at the Midland Workshops site. The Government cannot justify spending thousands of dollars on that kind of advertising; it was clearly political advertising in the context of the December election last year.

Mr Barnett: Which advertisements are you talking about?

Mrs ROBERTS: The advertisements pertaining to the Midland campus of the Edith Cowan University run in the latter part of last year. The advertisements were misleading. To this day there is no fully fledged university in Midland.

Mr Board: When did those advertisements start?

Mrs ROBERTS: I think it was about June last year; it may have been later.

Mr Board: It had nothing to do with the election campaign.

Mrs ROBERTS: They were clearly run in the six months leading up to an election campaign.

Mr Board: Surely the Government must do what a Government should do?

Mrs ROBERTS: Any good political advice will tell the Minister that advertising material put out six months before an election is, if anything, more effective than material put out in the context of an election. It was also a completely deceptive exercise. There was little or no truth in an advertisement or a big sign saying "Edith Cowan University now in Midland". The Minister could have searched high and low and not found it there. If he had made his way to the workshop site he would have found at any one moment fewer than 30 students studying courses.

Mr Board: In no way were those advertisements directed to an election campaign. None of the advertising agencies would have known an election was going to be called.

Mrs ROBERTS: There is no question that everybody in Western Australia knew an election was due within six months of that time. It was used as a political stunt even further on in the election campaign. We know that the Liberal Party and other people undertake polling and that there is wide support for a university at the Midland Workshops site. First came the hype and build up of the deception through public advertising that a university was already in Midland. That was patently untrue and it could not be claimed that a university is there now. The fact remains that only a few classes are being taught there. Although the numbers have increased marginally this year I am confident that last year fewer than 30 students were studying anything at all there as part of an Edith Cowan University course. For the life of me I cannot imagine what proper reason the Government could have had for those billboards and full page colour magazine advertisements and full page advertisements in local papers in my area. I read it very clearly as political advertising. I read it clearly as advertising that would have been more appropriately paid for by the Liberal Party - not by the public of Western Australia.

Fortunately for me over that period most people in Midland who had seen those banners and posters and advertisements in the newspapers wondered where the university was. Of course, when they went looking for it, it was not to be. They saw what was being spent on the glossy, colour advertisements and realised there was not a university in Midland. As late as today the Premier will not reconfirm his commitment of only last December for a fully fledged university at the workshops site.

They are only two of a number of advertisements in the expensive advertisement campaign of this Government that would properly have been paid for by the coalition parties. They should not have been paid for from the public purse. I am particularly aware of the "Edith Cowan University now in Midland" advertisements because they were in my electorate. I am aware also of the "Home burglary now means prison" billboards because one of those was put up on Great Eastern Highway in my electorate. It was political advertising and it was false advertising. It should not have been paid for out of the public purse. It is hypocritical of the Government to try to pretend that it does not understand what is political and what is not. The Opposition is not that naive. If the Government thinks the public is that naive or gullible, it is sadly mistaken.

MR MARLBOROUGH (Peel) [9.02 pm]: The facts are clear. Television stations have already withdrawn the advertisements because they are contrary to the provisions of the broadcasting legislation. Some would argue that they are contrary to elements of the Trade Practices Act. Legal advice to the television stations shows that these advertisements in their present format cannot continue. Those facts are irrefutable. There should be no argument about whether they are of a required standard. Legal advice to the television stations is that the advertisements are not legal; they do not meet the requirements of fairness and truth of advertising under the broadcasting legislation.

What action is the Government taking on the basis that not only has it been found to be misusing public money for false advertising - that is the bottom line - and for running political propaganda that was not truthful, but now it wants to find a way of legitimising that untruth? It wants to do it by going through the process, as it is attempting to do today, to justify its position of giving indemnity to whoever may be prosecuted for whatever reason for whatever amount. Whether the Government likes it or not, this matter has been brought to the attention of the appropriate authorities; they have a complaint before them. My understanding is that the broadcasting tribunal must consider this set of advertisements and the broadcasting services legislation to see where the Government was wrong and then set appropriate penalties.

I am amazed at the Government's high-handed attitude on this matter. Why would it give indemnity to someone with such a background? We do not know what the penalties will be; they may be severe. I am not a follower of the use of broadcasting legislation and I admit to not being a lawyer. However, the matter will be viewed seriously by the tribunal because it is dealing with an advertisement that had to be removed on the basis of its being untruthful and not meeting the requirements of the Act. The further complication for the tribunal is that when it looks to the body that should set the example for its own legislation - that is, the Government of the day - in this instance it finds it to be the worst offender. Historically, when tribunals or judges deem that people should have known better because of the position they hold and that they should not have carried out what turns out to be an illegal action, the penalties are harsher. Companies spend millions of dollars putting advertisements together and ask that if the tribunal takes a weak stand on this case just because it is government advertising, why should it take any different stand on misleading advertisements in which they may be involved? That is a legitimate position for those companies to take. It is for those reasons that the tribunal has a responsibility - it knows it has a responsibility - to view seriously this illegal activity.

Television stations have received legal advice saying the advertisements must be withdrawn immediately. The advertisement said that under the new industrial relations Act workers had a right to a secret a ballot. Lawyers have had the opportunity of referring to the Act that passed through this Parliament and this matter has been brought to our attention. We can now see that this advertisement does not tell the truth. On the basis of its not telling the truth as it is supposed to represent the meaning of the Act, it must be withdrawn immediately and people will be advised accordingly.

Having received legal advice that it was an untruth under the Act, the Government had the option of amending that untruth, not necessarily by changing the words of the advertisement, but simply by turning it into what it is - a political advertisement. Legal advice to the television stations, which was passed on to the Government, was that the way to do that was to put the appropriate slogan on the advertisements indicating that, for example, it was a Liberal Party advertisement.

The Government has compounded its problem. It has painted itself even further into a corner because it has refused to take the easy way out. It does not want to admit that it was a political advertisement.

Mr Riebeling: It would have to pay for it then.

Mr MARLBOROUGH: That may be the most prominent reason. While the advertisement is not seen on TV with a Liberal Party slogan, the Government can continue to hit the taxpayer for the cost. So what if it is misleading? The policy of the Minister responsible for the legislation is that if something is said often enough it is bound to be accepted as the truth. Members know that when the media addresses a piece of legislation from the Minister for Labour Relations they do not refer to it as another piece of government legislation, but as "Kierath speak".

Members know that this Minister does many things behind the Cabinet's back. He does not tell it what he has in mind for the great masses, as we discovered with his passive smoking proposal. That is a typical example of how this Minister operates in a vacuum. He sets his mind on a particular course and implements his views and, quite honestly, it is a well-known fact that he does not care about how he gets his views across. This advertisement fits into the modus operandi of the Minister. If one puts out enough misleading information on an issue it is bound to be accepted.

The Minister has been caught out again. The Government has also been caught out by supporting him. After being given the opportunity to get itself off the hook by putting a party political slogan on the advertisement - as my colleague said, the Liberal Party probably did not go ahead with that because it and not the taxpayer would have to bear the cost - lo and behold it wants to give an indemnity. Where does the indemnity come from?

The Minister does not have the guts to come into this place and say, "I have received advice from the TV stations that are no longer running these ads which have come out of the Department of Productivity and Labour Relations. In my opinion the ads are informing the public of their right; therefore, they are warranted. If we make the right decisions we are justified in paying taxpayers' money to inform them." Perhaps his motivation is in the hope that the

Government can get away with the political advertising without its being costed to the Liberal Party by hiding it under the guise of DOPLAR information to the public. Having been caught out the Minister did not bring the issue into the Parliament by saying, "I made an error and we have been advised that the ads have been stopped. It is my opinion, as the Minister in charge of industrial relations, that, having seen the legal advice to the TV stations, we will no longer go ahead with these ads." Instead of that he is trying to say, "It is appropriate for me to not bring this issue back to the Parliament. It is my view of how government should be run and DOPLAR can make the decision to give immunity against any costs that may be laid."

Having spent taxpayers' money in the way the Minister has, being caught out on the basis that the so-called facts are no longer facts, but are simply "Kierath speak" and being unwilling to face his mistake in the Parliament he has allowed a department to sign a document which gives an open cheque, using taxpayers' money, that could be subject to a charge by the Australian Broadcasting Authority. Charges could be laid against the Government of the day and the department. It is an open cheque because we do not know what is the amount.

As I suggested earlier, the authority has the right to take the most stringent stand against this set of ads because, after all, they come from no lesser body than the very Government that is responsible for bringing the legislation to the Parliament. Therefore, the Opposition simply cannot allow a Government or a government department, given the responsibility it has to the electorate, to make such an error when it should have known better.

When the Government was given the opportunity to rectify the situation by simply putting a political tag on the ads, it declined the offer and the Opposition is left with no alternative than to take action under the Act to ensure that the ads are removed and that the Australian Broadcasting Authority imposes whatever penalties are necessary.

It is another example of how this Minister runs his portfolio. For too long he has been able to ride roughshod over the community of Western Australia and mislead not only the public, but also, in many instances, his colleagues if by no other means than not telling them what he is doing. He makes decisions, usually in a vacuum which exists between his ears, and goes ahead with decisions which time and again reflect on not only his standing as a Minister, but also the Government. He has now become an absolute embarrassment to this Government. They do not know where to hide him next. He has done his dash on industrial relations. We can plot the next scheme the Minister for Labour Relations has in mind. He has tried to use the Parliament to push through the most draconian legislation this nation has seen.

The public is saying that the IR legislation is not equitable and is not Australian. It is impacting dramatically on this Government's standing. From the Opposition's point of view he is the best thing that has happened. The more rope the Government gives him the closer he is to hanging not only himself, but also the Government. He has failed in those areas and knowing he has failed he is working on a method to resurrect himself. His next step will be to look for a particular union to bash over the head or a union official whom he believes has created a misdemeanour on the job.

The Minister tried the legislation, which Cabinet members approved while they were asleep, and it did not work. They did not read the first full stop and comma. They are not interested in what this Minister does until it adversely impacts upon them and they wish they had been awake when the legislation was put to them. The Premier has done backward summersaults to try to rectify the damage that has been done. The Deputy Leader of the coalition and Leader of the National Party has been running around the countryside trying to minimise the damage that this Minister has caused and saying, "I will make sure that this legislation does not impact upon any of the country towns that vote for us. He is a madman. We will not let him anywhere near any of those country towns, because he will get rid of jobs and cut wages in hospitals. We want all the money and all the jobs in our country towns, because that is the only way they can survive."

Where can the Minister for Labour Relations turn? He is like a mongrel dog that is caught in a corner: His only escape is to go for the jugular. I can write the Minister's script now: Let us pick on a union that we can attack. He has flagged a few times that his next line of attack will be the building unions or the wharfies, if he thinks he can get away with it.

Mr Trenorden: Never! Who would attack the wharfies?

Mr MARLBOROUGH: There are not many wharfies in Northam to attack.

Mr Cowan: The member for Avon is chairman of the port authority!

Mr Trenorden: We have got a few workers. I am not sure whether they are wharfies.

Mr MARLBOROUGH: I think you are safe in Northam from closure of the port. The member for Northam probably thinks he has a port! It keeps him occupied. I can see him now in his bath, winding up his plastic boat and sending it in a certain direction. He will come along next year and demand that the Leader of the National Party give him

that position again because it is very important to him, and Hendy will say, "You can have it. Just go away and play with your boats."

The reality is that this is how this Minister for Labour Relations will operate. This Minister has misused taxpayers' money with these misleading advertisements. They are misleading not only according to the Opposition, but also according to all of the legal advice that has been received by the television stations, which indicates that they must be withdrawn because they contravene the provisions of the broadcasting Act.

However, the Minister is not satisfied with that. This is simply another example of how this Minister operates. We can write the script for the next episode: "Let us attack a union, because I cannot do any more with the legislation. I have embarrassed the Government enough. Half of the Cabinet will not allow me to bring in more legislation like the third wave because it is getting too close to a federal election."

Johnny Howard is not going all that well. He does not have an industry policy that anyone can understand. Six months ago the car industry threatened to close down, and he did a backflip on tariffs and said that he had saved it. Twelve months ago he had no industry policy on the light shipbuilding industry in Henderson, until he was convinced that he had to do something because all the jobs were going overseas. Today we see that a major clothing manufacture will go offshore because he has no industrial policy. Members opposite are worried about the Minister for Labour Relations running riot with industrial relations while the Federal Government is in total disarray over policies important to this State.

One can find no greater advocate of the problems caused by the Federal Government than the Premier. He is running around telling anybody who wants to listen that this Federal Government under Johnny Howard does not know how to look after State Governments. He is saying that the financial arrangements between the State and Federal Governments have never been so bad, the States have never been so badly misunderstood, and we have never had a Federal Government that has so mistreated the States. That is what he says on air, and I am told that when he does not have a microphone in front of him he is even more verbose in his attacks on Johnny Howard and the Federal Government.

Unfortunately, the Minister for Labour Relations is like a rabid dog that must be controlled during the mating season. He is presently under control: They have put a muzzle on him and will not let him go. However, he may be able to convince them at one of their sleepy Monday morning meetings called Cabinet that there is a bit of a spark in him yet and there is a way forward out of this malaise if they will just pick on a union and kick hell out of it. He will say, "Do not worry about legislation. We have failed in the area of legislation, so I will not embarrass you with any more of my legislation. However, we are bound to find a union official who does not measure up, or a union that has carried out a misdemeanour. We are bound to find that more than three union officials have tried to get onto a worksite before 8.00 o'clock in the morning, which has got to be against one of the laws that I have created, so we will just pick on that union and kick hell out of it, and that will enable us to regain some ground."

It is the old villains and heroes trick. Unfortunately, it is all part of the waste of taxpayers' money that is built into the way in which this Minister for Labour Relations operates his portfolio. This advertising campaign has demonstrated that this Minister has no standards. It did not worry him that the wording was not in step with the legislation. It did not worry him that he told 1.5 million Western Australians that they were entitled under his legislation to a secret ballot when that was untrue. He thought he would get away with it, and he nearly did. Thankfully, someone had the foresight to write to the appropriate authorities and point out that it was a pack of lies. That is borne out by the legal advice and the letters from lawyers to the television stations.

Thankfully, we have some standards in the Parliament, and those standards come through in most pieces of legislation because in the main, Governments, regardless of their political colour, try to put in place laws that are good and that will benefit the community. However, now and again we have a renegade like the Minister for Labour Relations who does not have those standards. He is all about Kierath speak. He wants this legislation to go down in history as the Kierath legislation. He is not interested in the benefits for the community. At the end of the day, none of his rhetoric over the years will be supported as having advanced this community one iota.

Mrs Roberts: His two best supporters are sitting on the front bench, and they are not saying anything!

Mr MARLBOROUGH: I do not know whether they are his two best supporters. I have had the opportunity of talking to them outside this Chamber, and if they are his two best supporters, he is in more trouble than Hopalong Cassidy when he was facing all those baddies and his horse had been shot from under him.

Mr Cowan: Trigger never got shot.

Mr MARLBOROUGH: Trigger was Roy Rogers' horse, not Hopalong's horse.

Thankfully, Governments generally try to put in place legislation that, in their opinion, will benefit the community,

and thankfully those Governments that put together the Broadcasting Services Act and the Trade Practices Act put in place protection against liars. We have discovered through this legislation that we have a liar in our midst. That has been determined not by me but by the legal advice received.

Withdrawal of Remark

Mr BARNETT: I was not paying full attention, but I understand the member for Peel referred to the Minister for Labour Relations as a liar. I ask that he withdraw that comment.

The ACTING SPEAKER (Mr Baker): I ask the member for Peel to withdraw that remark.

Mr MARLBOROUGH: I am happy to do so.

Debate Resumed

Mr MARLBOROUGH: I had not mentioned the Minister, but if lying were to be measured by an ounce of feathers as opposed to a tonne of lead, we know that the Minister for Labour Relations would be sunk. Quite clearly he has been in that position ever since he has been Minister for Labour Relations. I have not made that judgment about the Minister on this occasion, but he has gone to great lengths, and there could be no worse misuse of his position, to once again mislead the public of Western Australia. He set about an advertising campaign that was absolutely political and should have had a Liberal Party tag on the end of it. He put that campaign into motion just before an election, and the advertisements were paid for by the taxpayers.

The Minister was caught out by the Trade Practices Act, and the Government was given the option of putting its tag on the advertisements. It declined to do so because in that case the Liberal Party would have had to pay for the advertising campaign. The Minister tried to use taxpayers' money to run a Liberal Party campaign and he was caught red-handed. It was appropriate that the advertising be removed and that this Minister not be in a position in future to place advertisements and misuse taxpayers' money.

MR RIEBELING (Burrup) [9.32 pm]: The Minister for Labour Relations put this advertising campaign in place using part of the $30m the Government is spending on advertising in 12 months. Members on this side of the House have noted that a great deal of government advertising is of a political nature. In this instance, not only has the Opposition said that is the case, but also the watchdog of standards in advertising for government bodies has said on the basis of legal advice that the advertising is political and false. The false and misleading advertising campaign was run in Western Australia for two or three weeks. I understand the Premier and the Minister for Labour Relations were given the opportunity to put a Liberal Party endorsement at the end of the advertisement indicating that it was political. As the member for Peel said, the only reason they did not do so to make the advertisement legal is that the Liberal Party did not want to pay for the advertisements. It thought the Minister for Labour Relations had a good idea to let taxpayers pay for this misleading campaign. However, it was caught. Some might think the Opposition is overestimating the situation, but there are letters on file from television station executives asking for some guarantee from the Government that they will be immune from prosecutions. That immunity was sought from government departments by television stations because they knew they were in breach of the rules under which they operate. The Government also knew that, but it thought it would get away with it.

On a regular basis the Minister for Labour Relations tells the Parliament whatever he feels like on a given day. He is asked a dorothy dixer every sitting day, and in the past couple of weeks has displayed the arrogance with which he deals with the truth. For example, today he spoke about the reduction in insurance premiums for workers' compensation. He proudly said his amendments had resulted in this reduction. He forgot to say the reason for the reduction in premiums is that the payouts to workers had been reduced dramatically as a result of the Minister's changes to workers' compensation.

Last week the Minister said more than 100 000 people had signed workplace agreements, but he did not say it is a cumulative figure and that some people may have signed several workplace agreements and have been added to that figure each time. No agreement is ever removed from that total, and the figures have been cumulative since workplace agreements were introduced. It could be that only 10 000 people are on workplace agreements but the Minister said that more than 100 000 are. Those are the sorts of truths he provides in this place and they are typical of the truths contained in his television advertisements. These advertisements stated that workers would have their rights protected, but that is not the truth. They stated that workers had a right to secret ballots, but that is not the truth. They also stated that the legislation would enhance democracy in the workplace, and that is not the truth either.

The advertising launched in the campaign was of the type that should occur during an election campaign indicating what is likely to occur if one side or another is elected to govern. The handling of this legislation by the Minister was so poor that the Government had to try to sell the legislation the general public did not want. The method of handling

the legislation was so bad, that it was doing the Government severe damage. The Government adopted the position that no matter what, it would run a television advertising campaign so that the Minister's side of the story would be put across to the public. If a television advertising campaign is run for long enough, people start to believe it is true especially if it contains no endorsement indicating it is part of a political campaign. Many people naively think that if the Government is providing information, they can rely on its being truthful. That is not the case, and in this instance that was pointed out to the authorities. Within a short period the Government had to admit to that and withdraw the advertisements. The current example is an embarrassing one for the Government, and it will strengthen the position of the Opposition in future advertising campaigns. We will be looking at -

Mr Johnson: How is it not truthful?

Mr RIEBELING: It is not truthful in almost everything it said. Perhaps the member should look at the advertisement. It said that people had the right to a secret ballot. That was absolutely not the truth. The process to get to a secret ballot is horrendous. From those advertisements many people would have thought that to get to a secret ballot all they had to do was to go to a meeting, get a piece of paper, fill it out and put it in a box. The member knows that is not the nature of this legislation on how a secret ballot works.

Mr Johnson: At the end of the day they had to do a lot of other things.

Mr RIEBELING: Other little things were not mentioned, such as all those who do not vote count as a vote against the strike. Those things did not quite get into the advertisement.

Mr Johnson: They have the right to vote.

Mr RIEBELING: Perhaps the member should look at the legislation and at the advertisements. Perhaps he will come to the same conclusion as we have. The broadcasting control authorities considered the content of the advertisements was not true. Those advertisements were withdrawn, perhaps because they contained the absolute truth, but I think not.

Mr Johnson: I thought whoever it was thought there should be a tag attached to it. We may not necessarily agree with that, but that is the way it was.

Mr RIEBELING: That is one reason. These actions of this Minister will guarantee that every advertisement placed by the Government will be very carefully scrutinised by those on this side to make sure the rules are not broken yet again. Those opposite have a proven track record that they will do everything they can to get a political advantage, using taxpayers' money to fund it.

Mr Johnson: I believe you will do everything you can to discredit us.

Mr RIEBELING: There is even cynicism about the great pamphlet that will be put out by the Premier about drug use. Why would we need another pamphlet about drug abuse? In the past couple of months we have seen more front page newspaper articles and programs on radio and television about the use of heroin on almost a daily basis than on any other issue. Does the public need another pamphlet about the evils of drugs? We should be spending that money on tackling the problem, rather than delivering yet another pamphlet. I hope we have made the point that the actions of the Minister for Labour Relations in connection with the advertising campaign for this legislation are unacceptable.

MR KOBELKE (Nollamara) [9.43 pm]: I will close the debate on this motion. I genuinely thank the Premier because he attempted to answer quite a number of the questions I asked. In tabling the letter of indemnity, he provided the answer to a number of my questions. Although a number of questions have yet to be answered, I again acknowledge that he genuinely attempted to answer some of the major questions I asked.

In the tabled indemnity, we see a whole range of other questions which now arise. I will not go into them in any great depth, but they will need to be addressed. The motion asked the Premier to table all documentation. He has not stated that he will do that. I do not know whether the Government will vote against this motion. I do not see the motion as a criticism. It simply asks for a full explanation and for tabling of relevant documents. If the Government does not do that today, it will have to do so at some time in the future. The tabling of the indemnity raises a whole lot of further questions. In the answers it would be helpful if the Government provided taped copies of the television and radio advertisements and the schedules for their placement. I have yet to get an undertaking from the Premier on whether they will be provided.

I will deal with the comments by the member for Mitchell, before referring to the main points that flow from the answers given by the Premier. The member for Mitchell sought to distort the actual wording of the motion. It mentions a record expenditure on advertising. He said the motion referred to its all being political advertising. There is no suggestion of that in the motion. There are two parts to it: The first relates to the huge amount of advertising

and the second to this example of political advertising. Further, the member for Mitchell said that what I put forward was simply an opinion. I said from the outset that much of my comment was my opinion. I also presented a great deal of fact.

The situation is that the television stations have formed their opinions and they have acted on them. They have reduced advertising revenue going to hundreds of thousands of dollars based on their opinions. While their opinions may be different from mine, from their actions there is a fair degree of coincidence between the opinion which has led the television stations to forgo a huge amount of revenue, and the opinion I have put to the Australian Broadcasting Authority, to FACTS and to this House.

I turn to the indemnity. As the Premier has returned to the Chamber, I again mention my thanks to him for providing the information he did. I think he was mistaken, although I do not think he in any way attempted to mislead the House, in some of the answers he gave. The indemnity is quite far-reaching. It is headed "DOPLAR CAMPAIGN ON INDUSTRIAL CHANGES" and is addressed to all metropolitan and regional commercial television stations. It states -

> On behalf of the Western Australian Government this Department undertakes to indemnify all metropolitan and regional commercial stations in respect of all legal action taken against such television stations in relation to or arising from the screening of the Western Australian Government's campaign concerning its industrial changes.

That is a pretty broad indemnity if this stands for anything at all. I asked the Premier about the indemnity in relation to any possible action under the Trade Practices Act, under the Broadcasting Services Act and any other form of action that could be taken against the television stations. They are indemnified by the Government across the whole range of possible actions - it refers to all legal actions. The Premier was not able to give me the answer that the indemnity is extremely broad, much broader than I suggested; that is, it relates to at least two Acts.

I think the Premier was mistaken on a second point, and I suspect genuinely. I asked whether it applied to advertising that had been run or might be run in the future, if the television stations were willing to accede to the Government's request. The way I read the indemnity, it covers both the advertising already run and any future advertising. There is no time statement. That opens up a whole range of issues. Based simply on this letter, I do not think there is any firm foundation for going through to the full conjecture on this issue. If people are encouraged to break the law, the person responsible for that encouragement is committing an offence. This document does not do that; however, if it were placed in the context of exerting pressure on television stations to carry advertising in a way which clearly broke the law, and I do not think there is any doubt about that -

Mr Johnson: It wasn't exerting pressure.

Mr KOBELKE: I said if it were. If this was seen in a broader context, the person offering the indemnity - that is, not the Premier and not the Minister - could be seen to be acting in a way which broke the law. We must see the rest of correspondence so that any allusions to those sorts of things are ruled out. We need to see the full context in which this indemnity was offered. The television stations did not see this indemnity as giving them the protection they needed to run the advertisements.

Let us face the reality of the situation: Television stations need advertising revenue because it is their bread and butter. No group of television stations would knock back advertising to the tune of hundreds of thousands of dollars if they did not have very good reason. Their reason here clearly was that they knew they would be breaking the law, yet we have the Department of Productivity and Labour Relations on behalf of the Government offering an indemnity, and the Minister and Premier, from the comments they have made, saying, "Our legal advice is that there is no problem with it. You can go ahead and run the ads. Here is an indemnity." We have a real problem with the legal advice that this Government receives, if that is the case. If a television station thought that there was a fair chance the so-called government advice was right, it would go with the advertising. They must have had very firm legal advice which was totally contrary to that offered to the Government.

I would like the Premier to answer the simple question, although there is no time in this debate: Was a similar indemnity offered to radio? This indemnity applies only to television. We have already heard one radio announcer say that his radio station would not run the advertisement because it saw it as outside the Broadcasting Services Act. The Minister has said that some radio stations ran the advertisement. As they also come under the Broadcasting Services Act, I would like to know whether a similar indemnity was given to radio stations. We must know who has the power to offer these forms of indemnity. Can any head of a government department offer an indemnity on behalf of the Government without the approval of his or her Minister or Cabinet? The Premier is asking us to accept that it is now standard practice for the Court Government to have any chief executive officer running off and offering indemnities. The reason we are told it is all right is that the Government has legal advice that says the indemnity will

not be called on. That does not stack up. As I have just said, if television stations refuse hundreds of thousands of dollars of advertising revenue, they must have pretty good legal advice. That legal advice is totally contrary to what we are told is the Government's advice. What is the extent of the risk implied in this indemnity? I cannot take on face value what we have been told, which is that the Government's legal advice says there is no risk with the indemnity. If the position were as solid as that, the television stations would run the advertisements, but they would not on the Government's conditions and on its indemnity.

The Premier commented about not knowing anything about this before. I accept the Premier's word. I am not sure if I got this perfectly straight, but I think he also said that the Minister for Labour Relations had no knowledge of this prior to the offer of indemnity. Given the way in which the Minister for Labour Relations answered a question on this matter, I would still like confirmation of that, because the Minister did not make it clear. We need to know that the Minister was not somehow involved and had knowledge of this prior to it being offered.

The other question that I hope the Premier will answer, although there is no chance in this debate, is how many other indemnities have been offered, which is part of what we have been asking for in this motion. Are there a whole range of indemnities offered for advertising by all government departments? I do not want to have to ask on notice every Minister whether any departments or agencies offered any indemnity.

Mr Cowan: Why don't you try?

Mr KOBELKE: I will, if that is what the Deputy Premier wants me to do. It seems to be a simple question that a Government, if it had any respect for the people of this State and for proper management, would have no trouble in answering. If indemnities are offered by other agencies, are they noted in their annual reports which are currently being prepared? Will all those departments and government agencies that offered indemnities without seeking Cabinet or ministerial approval put the indemnities down as a potential liability?

The tabling of the indemnity by the Premier has advanced the debate, for which I thank him. However, it has raised a whole range of new questions which the Government will have to answer, because it must be accountable to this Parliament and to the people of this State. Through its actions the Government has already wasted a large amount of taxpayers' money on quite false and misleading advertising. We do not want to see further taxpayers' money wasted because of faulty decisions made by the Government through its departments and their offering indemnities which could come back to cost the taxpayers of this State quite dearly.

Question put and a division taken with the following result -

Ayes (14)

Ms Anwyl	Ms MacTiernan	Mrs Roberts
Mr Carpenter	Mr McGinty	Mr Thomas
Dr Gallop	Mr McGowan	Ms Warnock
Mr Graham	Ms McHale	Mr Cunningham *(Teller)*
Mr Kobelke	Mr Riebeling	

Noes (31)

Mr Ainsworth	Dr Hames	Mrs Parker
Mr Barnett	Mrs Hodson-Thomas	Mr Pendal
Mr Barron-Sullivan	Mrs Holmes	Mr Shave
Mr Bloffwitch	Mr Johnson	Mr Sweetman
Mr Board	Mr MacLean	Mr Trenorden
Mr Bradshaw	Mr Marshall	Mr Tubby
Dr Constable	Mr Masters	Dr Turnbull
Mr Court	Mr McNee	Mrs van de Klashorst
Mr Cowan	Mr Nicholls	Mr Wiese
Mr Day	Mr Omodei	Mr Osborne *(Teller)*
Mrs Edwardes		

Pairs

Dr Edwards	Mr House
Mr Brown	Mr Kierath
Mr Grill	Mr Minson
Mr Marlborough	Mr Prince

Question thus negatived.

MARITIME ARCHAEOLOGY AMENDMENT BILL

Second Reading

Resumed from 11 June.

MRS EDWARDES (Kingsley - Minister for the Environment) [10.00 pm]: I am pleased to represent the Minister for the Arts in supporting this Bill, which allows for the recognition of the achievements of both primary and secondary shipwreck discoverers by way of a schedule. The Government supports this as part of recognising historical facts. A select committee investigated and reported on the primary and secondary discoverers. I will not go through the terms of reference and the recommendations; they have been discussed on many occasions both in this House and the other House.

The Bill is in accordance with the recommendations proposed by the select committee. The Government tabled a response on the basis that it accepted the recommendation that the Maritime Archeology Act 1973 be amended as recommended by the committee in order to recognise the achievements of both primary and secondary discoverers.

Concern has been raised that the late Alan Robinson is identified as a discoverer, particularly given his reported behaviour at the time of the discovery of the shipwreck material. However, the issue before us is not the register's honouring people for their work; it is simply the recognition of a historical fact - the discovery itself. Obviously, honour relates to putting the interests of the community before one's personal interests. The Minister for the Arts has asked me to make that distinction. I would like the member for South Perth's response to that. The issue is that such actions should not outweigh the legitimacy of acknowledging the identities of those people the committee identified as the discoverers of the historic shipwrecks and, accordingly, the Government is happy to commend the Bill.

MS McHALE (Thornlie) [10.04 pm]: The Opposition supports the Bill. I will make a few comments as shadow spokesperson on heritage. This Bill gives effect to the 1994 Select Committee on Ancient Shipwrecks recommendations. The membership of that committee included the member for Fremantle and the Leader of the Opposition.

This is a very short Bill, the purpose of which is to provide a register of discoverers of ancient shipwrecks within the Maritime Archeology Act 1973. It focuses particularly on five ancient shipwrecks, which are itemised in the Bill. The Bill gives effect to one recommendation of the 1994 select committee in relation to finding an appropriate form of recognition for the discoverers of those shipwrecks. The register, which is included in the Bill, essentially does just that.

I have read some of the background material to this Bill, including the report and the committee's recommendations. The committee felt that the register would not only be a useful reference but also permanently record the achievements of discoverers in the Statutes of Western Australia. It gives parliamentary recognition to those achievements, which the Opposition believes is an appropriate approach and therefore supports it.

The Opposition canvassed two minor issues in relation to the Bill. The first is the point raised by the Minister in her comments in respect of the inclusion of the late Alan Robinson. I understand that he is accorded recognition due to his involvement in the recovery of some of the material and perhaps his stimulus, notwithstanding some of the dubious activities that surrounded his involvement.

The other issue relates to the definitions of primary and secondary discoverers. Those definitions are not included in the Bill, but the reader is referred to the 1994 select committee's report. This is not a big issue, but I will welcome the member for South Perth's comments. For the sake of the complete integrity of the Bill and to make it a holistic Bill, there would be some justification for including those definitions. That is not an issue on which I would necessarily go to the wire and perhaps would not argue it in Committee. However, I would like to hear the rationale for that. It would be prudent to include a definition in the Act to facilitate understanding of the meaning of primary and secondary discoverer and to give some sense to the Bill.

The Opposition was represented on the select committee and extensive work was done. I am sure the members of the select committee had a wonderful time examining shipwrecks.

Mr Pendal: It was very laborious work.

Ms McHALE: I know it is hard to be a parliamentarian on such a select committee - one must go up north and learn to dive! I commend the members of the select committee for their contribution to our maritime archeology. The Opposition supports the Bill and commends it to the House.

DR CONSTABLE (Churchlands) [10.08 pm]: The committee reported on four issues related to ancient shipwrecks: First, determination of the primary and secondary discoverers of the five ancient shipwrecks; secondly, investigation

of the adequacy of official recognition for the work of the discoverers; thirdly, determination of the possibility of incorporating the names of the discoverers in legislation - of course, that is what we are debating tonight - and, fourthly, determination of the possibility of ex gratia payments being made.

Given this amendment to the Maritime Archeology Act, the committee can be well satisfied that its terms of reference have been fulfilled. The final report contained 13 recommendations, the first 10 of which addressed the question of recognition of the discoverers of the five ancient shipwrecks. We are now debating the fourth recommendation, which relates to the amendment of the Maritime Archeology Act 1973.

It is worth noting that nine of the 10 recommendations relating to the recognition of the discoverers were embraced by the Government in its report tabled in this House on 16 November 1994. The recommendation not supported was that a parliamentary medal of honour be presented to each of the discoverers. It was disappointing to the committee that that was not recognised and embraced by the Government. However, acceptance of nine of the 10 recommendations is sound recognition of the committee's work.

This Bill recognises the significance and the dedication of the work of eight primary discoverers and 13 secondary discoverers. There is no question at all, and the committee's report underlines this, that this State has benefited enormously from the efforts and many years of hard work of those discoverers. Incorporating their names in this schedule will serve as a permanent record of the contribution of those people to Western Australian maritime history. For that reason it is a short but special Bill that we are debating tonight.

I will make brief mention of recommendation 11, which refers to some very tantalising evidence and theories that the committee came across during its travels to Geraldton and in later discussion about the possible survivors of the *Zuytdorp* who may have survived for some time on land. A number of theories have been put forward that a number of sailors did survive. One part of one paragraph on page 22 of the final report of the Select Committee on Ancient Shipwrecks states -

> Evidence put before the Committee and reading material made available to our members strongly suggests that, in fact, a significant European presence could have been in Western Australia at least 76 years earlier.

That is, earlier than the settlement of Port Jackson in 1788. To continue -

> If these theories are proved to be true, they would undoubtedly challenge conventional notions of early British settlement.

The evidence we came across was fascinating and was sufficient for the committee to recommend further investigation of that evidence and the theories. The Government's response in November 1994 was that it recognised the significance of the evidence for further research. It is three years almost exactly to the day since the committee reported and it is lamentable that the Government is yet to take up that recommendation for further study. The committee raised fundamental questions about the settlement of this part of Australia. It would be a very important part of our ongoing historical research for further work to be done in that area. I hope the Government takes that up in some form before too long. I am delighted to support this Bill that brings to a conclusion the work of our committee.

MR TRENORDEN (Avon) [10.12 pm]: My motivation for speaking on this Bill is not, as the Leader of the National Party insinuated, that the port authority in Northam has caused a few wrecks in its time. More to the point is that in the 11 years I have been in this House this is one of the few occasions that a back bench Bill has gone through.

Mr McGinty: It has not happened yet.

Mr TRENORDEN: We are allowing it to happen. It is a credit to the Minister and to the Government that they are prepared to give a little bit of government time to allow a private member's Bill to pass through the House. Credit also goes to the Opposition, which has allocated some of private members' time to allow this Bill to go through. I do not know how many times it has happened in the 11 years I have here, but it would be no more than once or twice. It is a credit to the House.

MR McGINTY (Fremantle) [10.13 pm]: This Bill is not controversial in the sense that it is supported by everyone in this House. However, it is controversial in that it relates to a very important but understated part of the history of Western Australia. At school we learnt about Captain Cook, Captain Phillip and Captain Stirling. We did not learn about some of the precolonial history of our State and, as the member for Churchlands has alluded to, a history of European arrival and permanent presence in this country that well and truly predated the arrival of the first convicts in Port Jackson in the formation of the Sydney settlement.

It is controversial in the sense that particularly during the 1960s we saw some remarkable discoveries made by some

remarkable Western Australians. They were remarkable as they told us an awful lot about the history of Western Australia before the arrival of the first settlers. The history of the *Batavia*, *Zeewijk*, *Zuytdorp* and the *Tryal* are fascinating parts of our history that deserve greater recognition in our educational curriculum, and in the mind of the public. I hope that the work of this committee has not only inspired a number of people to further pursue the impact of these shipwrecks as an important part of our history but also given greater recognition to one of the great establishments in Western Australia, the Fremantle Maritime Museum, and the stunning work that it does.

I had the pleasure earlier this year of diving with the diver employed by the Maritime Museum who recently found a wreck off the Ningaloo reef in the north west of the State. It is part of a remarkable story of the Aboriginal people of this State saving the lives of some European shipwreck survivors.

Mr Trenorden: Two out of 17.

Mr McGINTY: About half of them died working their way through the surf and of the 10 who made it to shore eight perished - some eaten by their colleagues, unfortunately. The remaining two were saved by the Aboriginal people.

Mr Trenorden: Wilson Tuckey's forefather saved them.

Mr McGINTY: They walked for three months through the harsh North West Cape to be taken aboard a ship run by Captain Tuckey, who at that time was capturing Aboriginal slaves to work in his pearling ventures. That is perhaps a darker side of the history of this State. It is amazing that the Aboriginal people were prepared to make contact with a white pearler who threatened to enslave them in order to ensure that these two survivors of the *Stefano* were rescued.

Mr Omodei interjected.

Mr McGINTY: It is an important part of our history and should be written up somewhat differently. The difference in pronunciation might relate to whether one takes the Italian or Croatian pronunciation.

Mr Omodei: Which one do you think is right?

Mr McGINTY: It was crewed by Croatians and it was built in modern day Croatia, so I suspect that the Croatian view is right and the Montesala view is wrong.

Mr Omodei: That is a very brave statement. When Montesala finds out, the member for Fremantle is history.

Mr McGINTY: I have corresponded with the gentleman and put my point of view to him.

Dr Hames: He lives in my electorate.

Mr McGINTY: I know he does. The *Stefano* was not one of the wrecks that the committee dealt with; however, its discovery earlier this year was an important contribution to the history of Western Australia.

The recommendation of the Select Committee on Ancient Shipwrecks that is of particular interest to me, which as yet is not supported by the Government, but which I hope will be supported in the fullness of time, is the recommendation to continue the hunt for shipwrecks off our coast. We know that a Portuguese East Indiaman, the *Correo d'Asur,* that traded with the former settlement of Batavia was wrecked just prior to the formation of Swan River Colony early last century. I hope that the work of the Maritime Museum will enable the discovery of that ship in the near future. That will be an important contribution to the precolonial history of Western Australia. I hope that the Government will find ways to facilitate that exploration work, because it is important. The work done through the Maritime Museum is of a world best standard. That would add further weight to the work of the museum, and it would be of great significance to the Portuguese community in Fremantle to find the remains of one of their ships that went down before the Swan River Colony was formed.

For each of those reasons I am very pleased to support the resolution which will provide a form of statutory recognition of the Western Australians who made a great contribution to uncovering the proper history of this State, at least relating to those people who were wrecked off the coast prior to the formation of the colony and became the first settlers on the mainland of Australia, not just Western Australia.

For all those reasons, and with some urging that the Government do all it can to provide additional assistance to the Maritime Museum to provide resources for the ongoing discovery of important shipwrecks off the coast, I support the Bill.

MR OSBORNE (Bunbury) [10.20 pm]: I support the Bill. I also acknowledge that the Government will support it, for which I am grateful. However, I wish to place on the record my personal support for the Bill because I was a member of the original Select Committee on Ancient Shipwrecks, the membership of which comprised the member for South Perth, the member for Churchlands - then Floreat - and the members for Fremantle and Victoria Park.

When members of Parliament are appointed to select committees for the first time it is always significant in their parliamentary career because it is the first opportunity they have to be introduced to a very important way that the Parliament can work; that is, in a spirit of cooperation and togetherness. I have always had a sense of fraternity with the members for Victoria Park and Fremantle and of course with my back bench colleagues of the Independent Liberal Party, because of that early association.

In his second reading speech the member for South Perth outlined the principal purpose of the Bill. As other members have stated, the principal purpose of the Bill is to insert as section 24 a Register of Discoverers of Ancient Shipwrecks, and the key definitions of "ancient shipwrecks", "primary discovers" and "secondary discoverers" which were included in the report which the committee tabled in this House on 17 August 1994.

One of the notable purposes of the amendment is to take account of the contribution by Alan Robinson. It is my personal view, and that of other members of the select committee, that this action is unexceptionable. Although we have personal views about the behaviour and the character of Alan Robinson we should not take the opportunity to rewrite history and erase his name from the record. Without question, he was a key figure in the shipwreck discoveries in which he was involved, and it is incumbent on the Parliament to do what it should to ensure that the historical record is accurate to the extent that his name is recorded.

I also encourage members of this Parliament to take an interest in the subject matter of the Bill. It is not one of the great matters of state which routinely come before this Parliament. However, it is a matter of great interest and some satisfaction for this Parliament at least on a couple of counts. Firstly, it is one way in which this Parliament can be directly and obviously involved in a good news story - something which is unremittingly good. Perhaps that happens too seldom, and we should take the opportunity to enjoy it when it does happen. The story of marine archaeology in this State is one of the great stories of Western Australian civic contribution and history. It is a story about people who have pursued an interest that they love. They have also made a great and selfless contribution to Western Australia because they have not retained the benefits of the discoveries for themselves - as happened in the Caribbean where explorers made discoveries and kept the treasures. In Western Australia people have made their discoveries known to the people of Western Australia, and they have allowed the formation of a marine archaeology field in Western Australia which is the envy of the world.

The second reason, which was also touched on by the member for Fremantle, is that the story of ancient shipwrecks and their discovery is a unique part of Western Australian history. We have all learnt the history of Australia, and to a great extent it has been the history of the Eastern States - settlement at Sydney, Arthur Phillip, and so on. It is important for Western Australians to be aware, if not very proud, of the fact that we have our own unique history in Western Australia. It is distinct from the history of the Eastern States and we should be very proud of it.

I agree with the comment in the second reading speech that this is a great opportunity for this Parliament and Western Australia to grasp. As does the member for Churchlands, I regret that the Government did not take up the opportunity that was presented in one of the recommendations, which was to establish an inquiry into early European presence in Australia. If that story were told there would be an enormous potential for us to learn something radically new about the history of this country. The potential of the detective yarn of the discovery of porphyria variegata in the Aboriginal population of Western Australia and how it might be linked to a Dutch boy who joined the *Zuytdorp* in 1712 in Cape Town and who possibly brought the blood disease to Western Australia, is one of the great biological detective stories of human history which is still waiting to be fully told. We have that opportunity in Western Australia, and it is a pity we have not taken it up.

The story of the *Batavia* is an epic one. It is enormously exciting but we have not taken full advantage of it. There is also the great story of Eric Christiansen; how he deduced the correct location of *Tryall* in the Monte Bello Islands, and how on the first pass where Christiansen predicted *Tryall* would lie Naoom Haimson found the ship. That is also a great story. I can envisage these events being made into a feature film which would be very popular at the box office and would make a significant contribution to the history of Western Australia.

It needs to be emphasised that this Bill sets a precedent, because for the first time we are entering the names of Western Australians into an Act of Parliament. That signals the importance we place on the work that the discoverers have undertaken. Originally, the select committee thought that Parliament should create a parliamentary medal. We considered that as one way to recognise the people who make these sorts of contributions. The concept was that a quality medallion be struck at the Perth Mint and that people who make such contributions to Western Australia should be able to come to the floor of the Parliament and be recognised and thanked by the Parliament for their work. Sadly, that idea did not see the light of day.

I still think it is a good idea and I hope that one day it will be revived and we might see its institution. In its absence, entering the names of the discoverers on the register in an Act of Parliament is a good way to offer our thanks for the work that has been done. I support the Bill.

MR PENDAL (South Perth) [10.30 pm]: I have been asked from behind the Chair to briefly respond to a number of issues.

Firstly, I thank the Leader of the House for making some accommodation to private members' time by allowing the Bill to be discussed almost half in private members' time and half in government time. It is an important issue, albeit it is not one of those issues which will affect whether the sun comes up tomorrow morning. It is important because the Parliament is, I hope, about to act by exercising the best of its bipartisan capacity to support the recommendations of one of its select committees. It is one of those rare occasions where the Parliament is being asked to pass into law a creature of its own invention. It is not something that comes from the Opposition, the Government, Independents or minor parties; it is a piece of legislation that the Parliament is being asked to pass at the behest of a select committee of the House.

Secondly, it needs to be emphasised that the select committee, its findings and this Bill are, if nothing else, all about an expression of justice for recognising the activities of a group of people who so far have been neglected by officialdom and certainly by the Parliament.

I am happy to give the assurances sought by the Minister for the Environment, who acted tonight on behalf of the Minister for the Arts. In a way we are, I suppose, doing something quite delicate in as much as we are recognising Alan Robinson, which goes beyond what the select committee recommended. We are recognising Alan Robinson without approving of some of the behaviour or the conduct which he used, albeit because he believed that was the way to achieve his objectives. It is an important distinction that the Minister representing the Minister for the Arts sought to draw to the attention of the House.

When the select committee reported on 17 August 1994 it said something similar to that on which the Minister seeks as an assurance. At page 6 of the report, under the heading of "The Late Alan Robinson", it said -

> The case of the late Alan Robinson presented particular difficulties for the Committee.

I am sure that this is what was raised by the Minister for the Arts in another place: How do we offer congratulations to someone whose actions we cannot condone? It was a very difficult issue that the committee addressed and it is the matter you, Madam Acting Speaker (Ms McHale), raised before you took the Chair. The report continues, speaking about Alan Robinson -

> On the one hand, he was involved in the discovery of a number of wrecks, while on the other hand subsequent conduct fell far short of the standard of public spirit and cooperation shown by other discoverers whom the Committee wishes to recognise.

The committee went on to say the following which is important -

> Notwithstanding this, he gave a significant stimulus to the discovery of material of the Dutch shipwrecks.

The only variation that the House is being asked to consider is one on which you, Madam Speaker, in your address on behalf of the Opposition, and on which the Minister for the Environment, on behalf of the Government, sought assurances. That is, that Alan Robinson's name is to be included in the schedule as part of the register of the discoverers of ancient shipwrecks. Whether he is included as a primary or secondary discoverer does not matter. He is being recognised and that is the variation on the select committee's report.

Originally the select committee took the view that, notwithstanding his role, Alan Robinson should not be rewarded for bad behaviour. I make no bones about it that I was approached by his daughter, and I mentioned that in the second reading speech, and she made out the case that, notwithstanding anything he had done, he should be given the chance to be recognised as either a primary or secondary discoverer.

It is important for the House to know that before the Bill was introduced I consulted every member of that select committee. Every member accepted that Alan Robinson should, notwithstanding the committee's earlier decision, be recognised alongside the other people whose names were mentioned in the second reading speech. In alphabetical order they were Greg Allen, Harry Bingham, Tom Brady, Eric Christiansen, John Cowen, Graham Cramer, Max Cramer, Ada Drage, Henrietta Drake-Brockman, Hugh Edwards, Naoom Haimson, Alan Henderson, Graeme Henderson, James Henderson, Colin Jack-Hinton, David Johnson, John MacPherson, Neil McLaghlan, Bruce Melrose, David Nelley, Tom Pepper, Phillip Playford, and Alan Robinson. That sufficiently disposes of that issue to the satisfaction of the Minister in terms of the recognition that has been given without any approbation for actions in which Alan Robinson might have been involved.

I will pick up on a point that was pursued by a number of members, including the members for Churchlands, Fremantle and Bunbury. Perhaps the only regret I have is that the Government has not sought to endorse the view that there should be some inquiry beyond this House to determine whether Australian settlement and occupation by

Europeans actually occurred in Western Australia 60 or 70 years before Captain Arthur Phillip settled on behalf of the British Government in Port Jackson in New South Wales. That is potentially a matter of enormous pride for every Western Australian. It occurred to me that there should be a move, and it may well be made in the weeks ahead, for a new select committee to examine that one narrow, albeit important term of reference as to whether Australia was discovered or settled from this side of the continent some 70 years before it was recorded as having been settled from the other side of the continent.

I make the observation, as have other members, that the work of the select committee was carried out in a frank, bipartisan manner by all members. It comes as a surprise to most members to learn that once they get away from the theatre on the floor of the House, the histrionics and the show, members seek to do the right thing in their committee work. This is a superb example of that.

Mr McGinty interjected.

Mr PENDAL: I could not disagree with the member for Fremantle and modesty would prevent me from commenting further.

On that basis the Bill does deserve to be read a second time.

Question put and passed.

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

LAND ADMINISTRATION BILL

Passage of the Bill

Resumed from an earlier stage of the sitting.

MS McHALE (Thornlie) [10.40 pm]: I have expressed consternation that we are debating this motion in this way, and I have exhorted government members to think carefully about the implications of using their numbers to endorse this motion. The Leader of the House said that no-one has argued that the Land Administration Bill is not an appropriation Bill. If the position of the Government is that it is to be regarded as an appropriation Bill, that clearly makes it all the more important that we do not accept this motion.

Mr Barnett: I do not know whether it is.

Mr Graham: It is not, because the Speaker said it is not. It is that simple.

Ms McHALE: The essential difficulty in understanding this motion is that the Leader of the House is not sure whether that Bill is an appropriation Bill and is relying upon legal interpretation of what is an appropriation Bill.

Mr Barnett: You would know if you had listened that I said I did not know whether it is, and I noted legal opinions. That is not the reason that we took this action.

Ms McHALE: It is quite difficult to determine whether the Government's motive for moving this motion is its desire to get the Land Administration Bill through the Assembly so that it will not have to go back to the upper House. If the Leader of the House has some doubt as to whether it is an appropriation Bill, it would seem prudent to ensure that the Speaker's ruling is complied with. It behoves us all to adhere to the rulings of the Speaker and Speakers before him about the powers of this Chamber with regard to control of the Budget, which is the issue underpinning any debate on appropriation and funding.

My views about this motion arise from my concern to protect the essential differences between the role of this House and the role of the upper House. The upper House, as we know, can accept or reject budget Bills, but under the Constitution Acts Amendment Act it cannot deal with Bills that contain an appropriation. Although the Leader of the House has indicated that this may or may not be an appropriation Bill, the Speaker has ruled that it is.

According to the precedents of previous rulings with regard to Bills, this Chamber deals more with the effects of a Bill. It is clear that this Bill will have an effect on appropriations, particularly with regard to compensation. Therefore, this motion is significant with regard to the powers and roles of this Chamber. It is fair to say that the two Chambers have been arguing for probably the past 100 years about which House can deal with appropriation Bills, and perhaps it is an issue of power or territoriality between the upper House and the Assembly.

We believe that the Speaker has followed the precedents which have been set over many decades and that it is important that the integrity of the Speaker's ruling remain intact. The Speaker's ruling will be severely jeopardised if we endorse this motion, and that will be highly inappropriate. We believe that this Bill is an appropriation Bill to the extent that we accept the Speaker's ruling of 19 August, which deliberately went to extensive lengths to

re-examine the arguments with regard to the right of the other place to deal with appropriation Bills. That ruling preserves the fundamental difference between that House and this Chamber as enshrined in section 46 of the Constitution Acts Amendment Act.

We are at a loss to understand why the Government is taking this stance when it has said that it is not seeking to challenge this ruling. It appears to us to be a pragmatic, short term decision that will enable the Government to get this Bill through this House so that it will not have to go back to the upper House for further scrutiny and consideration. If that is the motivation, and we cannot see any other motivation, the consequences of endorsing this motion will significantly affect the future management of this House with regard to similar Bills that we may discuss, and may also undermine the long term practice of this House, as reaffirmed by a number of speakers from both sides of the political spectrum, of examining the effects of legislation and not taking a merely legal interpretation of appropriation Bills.

That has been the practice of this House for many decades, for good reason. Although obviously as a new member I do not have that personal experience, I have observed the management of this Chamber for many years, and I believe that interpretation is correct and this motion will undermine that long term precedent. If the Government's motivation is pragmatism over precedent, in my view that is highly inappropriate. For those reasons and others, this motion cannot be supported by members on this side, and, more importantly, the Speaker's ruling should remain as it is without challenge in the form of the suspension of standing orders to enable this matter to be debated through the back door.

The Government can do that if it wants to. I am sure it will receive a Governor's message, if it has not already done so, to ensure that it is not contravening the Constitution Acts Amendment Act. I suppose that is its prerogative. However, the suspension of standing orders to enable debate on this Bill, when it has been disallowed, is highly irregular and totally inappropriate.

MR RIEBELING (Burrup) [10.50 pm]: I support the ruling of the Speaker on this legislation. The Government's actions are disappointing, and I think they weaken the Speaker's position in relation to the passage of the Bill. At the beginning of the debate the Leader of the House indicated that in his view it is not a money Bill because it will only expand the membership of a committee by two. He said that example was different from an earlier example where a new committee was to be established. I cannot see any difference between adding two or 10 new members. The expansion of the committee is exactly what the Speaker has said; that is, an allocation of expenditure. Therefore, his ruling is correct in rejecting the legislation.

The Government cannot have it both ways. It cannot say on the one hand that it accepts the Speaker's ruling and, on the other hand, that in this case it will ignore it but once that has been done this case cannot be used as a precedent for future practice of the House. I am sure the Deputy Leader of the Liberal Party had his tongue in his cheek when he moved the last part of the motion. There is no possibility of this not being used as a precedent in future debates in this place. The legislation is a money Bill and the Speaker's ruling clearly states that. I see no challenge to the ruling that rejected the Bill.

It is an interesting argument that the Bill had commenced its passage before an earlier determination was made. It is beyond me to know what that has to do with the price of eggs. It was said that this legislation had been lodged in the upper House some years ago and that may well be the case. I do not know for how many years, but the fact that it was around before you, Mr Speaker, made a ruling on the other legislation matters little. That should have warned the Government that its actions in relation to this legislation were flawed and it should have taken other steps. The Government also said that a number of similar Bills have been passed over the years. I presume the implication is that similar Bills were passed before you, Mr Speaker, took the Chair. Of course, that can be checked in *Hansard*, but whether or not it has occurred, the simple fact is that if something was done incorrectly in the past that does not justify repeating that error. This Government wants to avoid at all costs this legislation returning to the upper House because it is now a differently constituted upper House from when this legislation went through in April.

Mr Barnett: Would the Labor Party not continue to support it?

Mr Graham: We would not dare to give an undertaking on behalf of our colleagues in another place.

Mr RIEBELING: The problem with the upper House is the same as that with the Labor Party, in that a differently constituted group of people represent the Labor Party in the upper House than was the case when this legislation passed through it. The Government must be concerned about the future passage of this Bill.

The motion states that this House acknowledges the need for the Land Administration Bill to be brought into effect in the near future. I cannot recall the urgent need.

Mr Barnett: I think the Minister will tell you shortly.

Mr RIEBELING: The Leader of the House did not mention the reason.

Mr Barnett: No, I did not talk about the detail of the content of the Bill.

Mr RIEBELING: I hope the Minister can explain the urgent need for the legislation to be passed so that this House can take that into consideration. However, in my view the Speaker is correct on this matter. The legislation should be resubmitted and take its natural course through this House, as it is the correct one in which to lodge it. It should in turn go to the upper House. If there are strong enough reasons for the legislation, no doubt it will also be passed in another place. It may take longer but that is mainly because the Government made an error. When the Government makes an error it may result in delays, but the answer is not to overturn the practices of this House and weaken the position of the Speaker. That is exactly the action the Government is now taking.

MR SHAVE (Alfred Cove - Minister for Lands) [10.57 pm]: I will give people an understanding of how the Bill came to this House and the manner in which it was introduced. The first reading of the Land Administration Bill took place on 26 March. It was read in the upper House because it was necessary to have both Houses operating effectively and, as not much legislation was going to the upper House at that time, it was regarded as the appropriate House into which to introduce it. The ruling by the Speaker on the Gender Reassignment Bill took place on 9 April, and the ruling on the Acts Amendment (Marine Reserves) Bill in this House took place on 10 April. In fact, on 10 April the Committee in the upper House had reached clause 123 of the Land Administration Bill.

It was said by the Leader of the Opposition that the Government had made an error and incorrectly introduced the Bill into the upper House, when it should have been aware of what the ruling might be. That was not the case. There was no advice at all that the Speaker would rule the Gender Reassignment Bill out of order on 9 April. The Government had no knowledge of that.

Mr Graham: Did you ask?

Mr SHAVE: We had no reason to ask because prior to that ruling many Bills introduced in the upper House and subsequently passed in this House could have been categorised in the same manner. It was also suggested that we had some advice prior to the introduction of the Bill that legally the Bill might be ruled out of order. When it was introduced, no such advice was offered. As far as the Government's legal people were concerned, it was not a money Bill as a result of earlier decisions made. It was pointed out that since 1990, something like 14 Bills which could have been ruled out of order in a similar manner were not ruled out by this and the previous Speaker.

Mr Graham: Can I say -

Mr SHAVE: No. The member has had his say. I am having my say now.

I was told that a certain amount of dissention was taking place between the upper House and this House about what constituted money Bills; therefore, I sought independent legal advice from a constitutional law expert who is a Queen's Counsel. I made inquiries and told my staff to find out who is the person most competent to comment on constitutional law in this town. Two or three names were given to me, and one gentleman was available and the others were not. That gentleman provided a 24-page reason on why in his view this legislation did not constitute a money Bill. People claim that this is not a difficult or cloudy area regarding this Bill, the Acts Amendment (Marine Reserves) Bill and the Gender Reassignment Bill. The marine reserves and gender reassignment Bills are similar types of Bills, yet decisions on those Bills went different ways.

Mr Graham: Are you voting for or against the motion?

Mr SHAVE: If the member were to think with his head instead of his mouth and listen, he might learn something. It is hypocritical for the Leader of the Opposition to say that the Government should have got its act together. Between 1983 and 1993, similar Bills with similar variations were introduced in the upper House, and those Bills went through this House. The Government proceeded with a proposal which could be validated by the precedents which have occurred, yet a difficulty occurred.

The Government has a responsibility, certainly. However, I have been astounded in this debate by people talking about the rights of this House and what this House should be doing; those members are not looking at the greater picture. What about the rights of the people in the community and industry in their activities in Western Australia? What about the jobs those businesses create and the sorts of difficulties those business will experience if the Bill is not passed? I give an example to illustrate my point.

Mr Riebeling: But you will break some rules a bit.

Mr SHAVE: We have not broken any rules. We have a right to debate this issue, and we intend to do so.

As late as today, I had a meeting with a group of people who want to spend $40m to provide jobs through investments

in circumstances relating to the Land Administration Bill. The existing Lands Act is very restrictive as it has not been reviewed for a very long time. Those investors require certainty of tenure which cannot be provided under the existing Act.

Mr Graham: Are you knocking what happened to Kay Hallahan's Bill in 1990?

Mr SHAVE: What members opposite have done for their cheap political point scoring -

Mr Graham: Is this an apology?

Mr SHAVE: I make no apology for debating this Bill, and I make no apology for voting for the motion. What we are doing is right.

The Opposition talks about the short term. A problem would not exist if this Bill were introduced in this House. Members who understand the Standing Orders of the upper House - I must admit I do not understand all of them, or many in this House - realise it is not a simple matter of introducing a Bill into this House in its current form, and then having the other House deal with it. There is a good chance that the other House will not deal with such a measure. If members opposite think it is acceptable to hold up major development in this State, and if they think -

Mr Riebeling: Why would it not deal with it?

Mr SHAVE: The member should take a look at Standing Order No 170 of the other House.

Mr Riebeling: What does it say?

Mr SHAVE: Standing Order No 170 reads -

> Subject to SO 227, no question or amendment shall be proposed which is the same in substance as any question or amendment which, during the same session, has been resolved in the affirmative or negative, unless the order, resolution, or vote on such question or amendment has been rescinded.

The upper House might say that it will not deal with this matter, which will leave us another 12 months down the track before passing the measure. However, that prospect does not matter for members opposite, and it is just bad luck for people who want to negotiate on pastoral leases on the Ord project, stage two, who will be affected by this Bill. I do not know what we must do to convince members opposite.

Some amendments were made to the Land Administration Bill in the upper House which this Government will accept. It is necessary to get this legislation in place as a matter of urgency so this Government can continue to provide jobs for the people of Western Australia. It seems that for a bit of cheap political point scoring members opposite will hinder the process. Opposition members are on the record of the other place as wholeheartedly supporting this legislation; however, when to it comes to this place, members opposite see the opportunity to create a bit of mischief. They do not care about jobs out in the community - those people are irrelevant. Members opposite do not care if pastoralists go broke.

Mr Riebeling: Did we make the ruling?

Mr SHAVE: This House will make a ruling. As such a cloud hangs around the issue of what constitutes a money Bill, it is entirely appropriate for this House to make a decision. I support the Leader of the House. This motion regarding the Land Administration Bill will be resolved here tonight. This Parliament must make a decision, I suggest in the not distant future, about what we will do about this issue.

Mr Graham: Nothing. You will not set a precedent.

Mr SHAVE: The member may say that; however, the Government's position has been very clear all along with regard to this legislation.

Mr Riebeling: Let's avoid its going back to the upper House.

Mr SHAVE: The member is saying that it will go back to the upper House and go through.

Mr Riebeling: It could happen.

Mr SHAVE: That is not what could happen under the standing orders. It is like the native title legislation, when the member and his mate Keating in 1992 put this country back 20 or 30 years with their nonsense. On this side of House we happen to believe in doing what is right. What is right in this instance is that this Bill be debated. This Bill should be supported by all members in this House.

Question put and a division taken with the following result -

Ayes (31)

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

Noes (21)

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

Question thus passed.

LAND ADMINISTRATION BILL

Introduction and First Reading

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

BILLS (2) - MESSAGES

Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bill -

1. Loan Bill.

2. Appropriation (Consolidated Fund) Bill (No 3).

FISHING AND RELATED INDUSTRIES COMPENSATION (MARINE RESERVES) BILL

Returned

Bill returned from the Council with requested amendments.

House adjourned at 11.17 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

TOURISM - EVENTSCORP

Funding - Terms and Conditions

632. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) In the period from January 1993 to March 1997 which organisations and what events received funding from EventsCorp and for each event, how much was provided and to whom?

(2) What are the terms and conditions that apply to those receiving funds?

(3) Are there standard terms and conditions applicable to all groups receiving funding?

(4) What procedures are there to -

(a) assess the financial and other credentials of those organisations receiving funds;

(b) monitor the compliance of the recipients with the terms and conditions of funding?

(5) Are guarantees sought from the directors and committee members of any organisations receiving funds to indemnify EventsCorp if it suffers any loss due to failure of the organisation to fulfil any of the terms and conditions of funding?

Mr BRADSHAW replied:

The Minister for Tourism has provided the following response:

(1) EventsCorp was established some ten years ago and in that time has attracted some seventy one events to Western Australia. EventsCorp WA is well recognised Australia wide as one of the most successful event tourism organisations, with a track record of attracting valuable events to our State. Between 1993 and now, EventsCorp has secured, managed or supported 41 events. These events have brought an estimated $87 million in economic impact and many millions of dollars more in publicity exposure for the state in our tourism markets.

Event organisers have confirmed the significant role EventsCorp plays in the securing and retaining of events in Western Australia.

Paul McNamee
Event Director
Hopman Cup
"It is certainly unlikely the Hopman Cup would have got off the ground in Western Australia without EventsCorp's initial support, and its ongoing support is a key factor in the tournament being able to remain in WA

The Hopman Cup helps put WA on the world map through its extensive international television coverage, which highlights WA's natural assets through tourism postcards.

It is difficult for WA to attract genuine world class events, especially when other states are making increasingly larger investments in event tourism with its demonstrated flow-on effects to the local economy.

On a personal note, I have always found EventsCorp to be a professional and responsible organisation to deal with".

Tim Wilson
National Executive Director
Triathlon Australia
"There is no doubt that if Western Australia did not have EventsCorp, it would not have the 1997 Triathlon World Championship.

Western Australia won the right to host the Championships ahead of three Australian states and five countries because EventsCorp was able to prepare a very professional bid in a very short time.

I have seen many bid presentations and very few were as professional as EventsCorp's bid".

Peter Bready
President
Confederation of Australian Motor Sport
"If the Western Australian Government did not have an agency like EventsCorp, it is doubtful that Rally Australia would have remained in Western Australia as other states have woken up to the value of major events.

Every year, the international media and competitors go to Western Australia confident that Rally Australia will be well run, well promoted and well supported by the local population.

Rally Australia's success was due to its structure which combines management expertise and support from EventsCorp and motor sport expertise from a core group of volunteer officials.

Rally Australia's success on the world stage includes winning the international Rally Press Association's "Best World Rally" award ahead of eight other rounds of the 1996 FIA World Rally Championship.

This is the second international award that Rally Australia has won in two years which confirms the Rally's status as an event of which everyone in Western Australia can be proud".

The delay in responding to this question is that the Crown Solicitor's Office advised EventsCorp it should seek in writing approval to disclose the information requested. This has been extremely time consuming.

The following table reflects information on those events in which EventsCorp has been able to confirm approval from the event management for the release of information pertaining to the event, at this point in time.

It should be noted that as requested, the funding amount relates to the period 1 January 1993 to 31 March, 1997. If an event has additional funding outside this period, its total funding has been listed as a footnote.

EVENT FUNDING - 1 JANUARY 1993 TO 31 MARCH 1997

Event	Amount ($)	Payable To
1995 Abilympics	970,433	EventsCorp managed event
1993 Australia and New Zealand Police Games	25,000	Australia and New Zealand Police Games
1992 Australia World Cup-Windsurfing	1381	EventsCorp managed event
1993 Australia Cup 1994 Australia Cup 1994 Australia Cup	10,000 12,000 12,000	Royal Perth Yacht Club Royal Perth Yacht Club Royal Perth Yacht Club
1993 Avon Descent 1994 Avon Descent 1995 Avon Descent	10,624 22,732 5,974	Qantas, Precision Signs, JBW Enterprises, Avon Descent Qantas, Davenwood Canoes, Perth International Hotel, L. Caldwell, Swan Television Qantas, Compac Marketing, Downtown Coffee House.
1996 Asian Pacific Laser Championships	6,000	WA Laser Association
Busselton Showjumping Spectacular - 1993	15,387	Busselton Showjumping Spectacular, Perth and Beyond
17th Far East Bridge Fed. Championships - 1995	5,000	Bridge Association of WA Inc.
1994 World Firefighters Games	50,000[1]	World Firefighter's Games WA Inc.
1993 Grand Prix Sailing 1994 Grand Prix Sailing	30,000 25,000	Grand Prix Sailing Broome Tourist Bureau
1993 Heineken Classic 1994 Heineken Classic 1995 Heineken Classic 1996 Heineken Classic 1997 Heineken Classic	40,000 40,000 60,000 300,000 300,000	Tony Roosenberg Promotions Tony Roosenberg Promotions Tony Roosenberg Promotions Tony Roosenberg Promotions Tony Roosenberg Promotions
Hopman Cup - 1993/94/95/96/97	Confidential	

1995 International Rugby Cup	10,000	Western Australian Rugby Union Inc
1993 Surfmasters	179,583	EventsCorp managed event
1995 Margaret River Masters 1996 Margaret River Masters	15,000 15,000	WA Surfriders Association WA Surfriders Association
1995 MG's Down Under	10,533	On Demand Digital Copy Centre, Printing Resources, Australia Post, MG Natmeet 1995 Don Baker Illustrations, Visarge Photography
Rally Australia - 1992 Rally Australia - 1993 Rally Australia - 1994 Rally Australia - 1995 Rally Australia - 1996 Rally Australia - 1997 Rally Australia - 1998	13,881[2] 1,745,453[3] 2,139,517 2,106,068 2,286,594 281,558[4] 4,000[5]	EventsCorp managed event EventsCorp managed event EventsCorp managed event EventsCorp managed event EventsCorp managed event EventsCorp managed event EventsCorp managed event
1993 Seniors Golf Classic 1995 Seniors Golf Classic	11,505 2645	Editel, Qantas, Accommodation Apple Type and Design
1994 Global Football Australia Perth Kangaroos	49,229	Global Football Australia Churchill Colour Laboratories
1996 South Pacific and Australian Pipe Band Championships	10,601	The Brand Agency, City of Grt. Geelong Australia Post Service etc.
Stompenground	7,000	Broome Musicians Aboriginal Corp.
1996 Tricentennial Celebrations	8642	Whozu Advertising, D Mark,
1994 Volleyfest	11,332[6]	EventsCorp managed event
1993 Whitbread Round the World Race Host Port 1997 Whitbread Round the World Race Host Port	317,686[7] 277,410[8]	EventsCorp managed event EventsCorp managed event
1997 World Aerobics Championships	100,000[9]	Australian Gymnastic Federation
1993 World Championship Motorcross Grand Prix	115,000	Western Australian Motorcycling Association
1997 World Dance Congress	430,000	Global Dance Foundation
World Darts Championships	60,000[10]	World Darts Council
1997 World Track Cycling Championships	391,650[11]	Brian Ward and Partners Trust Acct. 1997 World Track Cycling Champ. P/L
1993 World Junior Cycling Championships	204,945[12]	EventsCorp managed event
1995 World Mining & Energy Games	125,673	World Mining & Energy Games, Aussie Bound Tours, Digital Copy Centre, Salter Power.
1995 World Speed Skating Championships	75,000	1995 World Speed Skating Champs.
1997 World Triathlon Championships	195,194[13]	EventsCorp managed event
1997 World Windsurfing Championships	23,732[14]	EventsCorp managed event

1 1994 World Firefighters Games full cost: $100,000
2 1992 Rally Australia full cost: $2,018,457
3 1993 Rally Australia full cost: $1,976,391
4 1997 Rally Australia full allocation: $2,500,000
5 1998 Rally Australia full allocation: $2,500,000
6 1994 Volleyfest full allocation: $50,000
7 1993 Whitbread Round the World Race full cost: $431,869
8 1997 Whitbread Round the World Race full allocation: $750,000
9 1997 World Aerobics Championships full cash cost: $117,000
10 1997 World Darts Championships full allocation: $100,000
11 1997 World Cycling Championships full allocation: $800,000
12 1993 World Junior Cycling Championships full cost: $255,000
13 1997 World Triathlon Championships full allocation: $1,400,000
14 1997 World Windsurfing Championships full allocation: $300,000

(2) Due to the individual nature of each event which receives funding, the terms and conditions vary accordingly, depending on the type of event. In general, the terms and conditions are designed to ensure the event delivers the anticipated benefits related to the initial proposal, including economic impact, national and international media exposure and private sector investment and where relevant, an ongoing event.

(3) EventsCorp has developed, over the past three years, a standard set of terms and conditions in consultation with the Crown Solicitor's Office which forms the basis of a standard contract. These terms include:

* Maximisation of participants and supporters;
* Jeopardy of the event clause;
* Establishment of an event account through which all transactions must be passed;
* The expenses are to be in accordance with the event budget
* Presentation of quarterly management reports incorporating the financial position of the event, and key matters associated with:

1. administrative
2. legal
3. operational
4. marketing
5. sponsorship
6. media and publicity
7. participant registration;

to be forwarded within a minimum time following the end of each quarter.

* The right to raise concerns with respect to the report is incorporated into the contract, and the organisation is required to reply to the concerns with a specified time period.
* Accounts to be audited and made available for inspection following the event;
* Establishment of Organising, Marketing and Finance Committees with accommodation for EventsCorp representation;
* Presentation of a final Management Report following the event;
* Access to data and records of the event for research purposes.
* Indemnification of WATC by the third party;
* Incorporation of tourism footage, including the video postcards into the television broadcast of the event;
* Incorporation of Perth into the event logo where possible;
* Determination of the maximum liability for WATC;
* Confidentiality;
* Default clauses;
* Incorporation of future events to be staged in Western Australia where relevant;
* Arbitration;
* Responsibility for event deficiency where appropriate
* Signage
* Profit share where appropriate and how that share will be used to develop future events.

In the process of negotiations to secure an event, other conditions may be added or some of the above conditions may not be accepted by the party concerned.

(4) (a) Each event goes through a standard process depending on the event and the organisers. In the vast majority of cases, EventsCorp is involved with state, national and/or international sporting bodies. The organisation's background will be checked to establish their bona fides. References may be called for. For example, in the Best on Earth in Perth being conducted over the 1997/8 period, some seven world championships, the world's premier ocean race, world class tennis, golf and surfing events will be staged. The following event calendar, under the umbrella of the Best on Earth in Perth confirms the wide variety of event organisations with which EventsCorp is involved.

Event	Organisation
FIG Sport Aerobics World Championships	Federation Internationale Gymnastique Australian Gymnastic Federation
UCI World Track Cycling Championships	Union Cyclist Internationale Australian Cycling Federation
World Cup Darts	World Darts Federation Darts Federation of Australia Inc
Rally Australia	Federation Internationale Automobile Confederation of Australian Motor Sport
ITU Triathlon World Championship	International Triathlon Union Triathlon Australia
Whitbread Round The World Yacht Race	Whitbread Plc.

ISAF Windsurfing World Championships	International Sailing Federation Australian Yachting Federation
Hopman Cup	Paul McNamee Enterprises International Tennis Federation
FINA World Swimming Championships	Federation Internationale de Natation Amateur Australian Swimming Inc.
Heineken Classic	Tony Roosenberg Management P.G.A.
Coca Cola / Rusty Masters	Association of Surfing Professional International Surfing WA

All proposals are subjected to a feasibility study and then submitted for assessment to the EventsCorp Board. The EventsCorp Board will then submit the proposal to the WATC Board of Commissioners. Where possible, heads of agreement will be agreed before presentation of the proposal. Following approval, the contract will be developed in association with the Crown Solicitor's Office.

It should be noted that as EventsCorp does not have a "fund" for event sponsorship, in most instances a Cabinet Submission is prepared seeking the required funding for the event from Cabinet. This submission is endorsed by the Board of Commissioners and includes the recommendation of other appropriate government agencies such as Treasury.

(b) Within EventsCorp's event management process, as soon as an event is secured, an event manager is appointed as the responsible executive to ensure the objectives of the event and terms and conditions of the contract are achieved. In this way, EventsCorp monitors and provides advice on the ongoing management of events and delivery of the organisation's obligations to EventsCorp. Where needed, EventsCorp will secure expert assistance in this monitoring process as required. In addition, EventsCorp, in most events, incorporates into the contract the requirement that an EventsCorp representative sits on the Organising, Marketing and Finance Committees, depending on the event's management structure.

Another standard term of EventsCorp contracts is that regular management and financial reports are provided by the organisers. These reports are assessed by the responsible executive and presented to the EventsCorp Board, whose minutes in turn are presented to the WATC Board of Commissioners for approval. In most instances, these reports are required to be audited by the organisers and are provided quarterly along with a copy of the monthly minutes of the organising body.

Finally, at the conclusion of each event, a complete assessment is undertaken on the event's performance against set targets when the event was secured. This performance assessment is again presented to the EventsCorp Board and in turn the WATC Board of Commissioners.

(5) As a standard term of EventsCorp's contracts, EventsCorp seeks indemnification from the event organisers in relation to their management of the event.

GOVERNMENT INSTRUMENTALITIES - CRITICAL COMMENT

Auditor General

959. Mr BROWN to the Minister for Housing; Aboriginal Affairs; Water Resources:

(1) Since 1 July 1995 has any department or agency under the Minister's control received a critical comment, letter or direction from the Auditor General?

(2) If so -

(a) what department or agency;
(b) when did the Auditor General make the critical comment;
(c) what were the precise circumstances that gave rise to the critical comment;
(d) how did the circumstances come about; and
(e) who was responsible?

(3) When did the matter first come to the Minister's attention?

(4) Did the Minister make the Parliament aware of the matter when it came to his attention?

(5) If not, why not?

Dr HAMES replied:

Government Employees' Housing Authority:

(1) The Government Employees' Housing Authority has not received a critical comment, letter or direction from the Auditor General since 1 July 1995.

(2)-(5) Not applicable.

Homeswest:

(1) No.

(2)-(5) Not applicable.

Rural Housing Authority:

(1) Yes.

(2) (a) The Industrial and Commercial Employees Housing Authority.

(b)-(e) Refer to the 1995 and 1996 annual reports.

(3)-(4) Refer to the 1995 and 1996 annual reports.

(5) Not applicable.

Water Corporation:

(1) Since 1 July 1995 the Water Corporation (Water Authority) has not received a critical comment, letter or direction from the Auditor General.

(2)-(5) Not applicable.

Office of Water Regulation:

(1) The Office of Water Regulation commenced operations on 1 January 1996 following the restructure of the water industry in WA. The Office has received no critical comment, letter or direction from the Auditor General in that time.

(2)-(5) Not applicable.

Water and Rivers Commission:

(1) Yes.

(2) (a) Water and Rivers Commission.

(b) 28 November 1996 in the Auditor General's notes to Annual Report.

(c) (i) the Commission had not maintained a register of public property as required by Treasurer's Instructions 410. The commission did, however, have lists of property transferred to it by other agencies on its establishment.

(ii) The Commission's efficiency indicators were not comprehensive as they did not cover all aspects of the Commission's operations.

(d) The Commission was in its establishment phase after commencing operations on 1 January 1996.

(e) No one person was responsible.

(3) 16 December 1996.

(4)-(5) Yes it was a normal part of the Annual Report process.

Aboriginal Affairs:

(1) Since 1 July 1995 the Aboriginal Affairs Department has not received a critical comment, letter or direction from the Auditor General. The Department does receive periodic queries from the Auditor General on routine process based matters. One of the department's originating agencies, the Aboriginal Affairs Planning Authority (AAPA), continues in existence due to the Aboriginal Affairs Planning Authority Act 1972 still having legislative effect. This arrangement requires the AAPA to continue to prepare financial

statements despite the fact it no longer employs staff. The financial statements of the AAPA have received a qualification for the past seven years from the Auditor General in respect of a trust account which has operated without the necessary Treasury approval. The trust account is controlled by the Aboriginal Lands Trust and Treasury will not provide the necessary approval until the Trust has powers to deal with its own financial administration. The granting of such powers is reliant on amendments to the AAPA Act.

(3) The audit qualification attached to the AAPA's financial statements has not previously been drawn to my attention. It has been reported on for the past seven years with Parliament informed via tabling of the agency's annual report.

(4)-(5) Not applicable.

TOURISM - EVENTSCORP

Funding - Terms and Conditions

1025. Mr BROWN to the Parliamentary Secretary to the Minister for Tourism:

(1) In the period from January 1993 to March 1997 which organisations and what events received funding from EventsCorp and for each event how much was provided and to whom?

(2) What are the terms and conditions that apply to those receiving funds?

(3) Are there standard terms and conditions applicable to all groups receiving funding?

(4) What procedures are in place to -

(a) assess the financial and other credentials of those organisations receiving funds;

(b) monitor the compliance of the recipients with the terms and conditions of funding?

(5) Are guarantees sought from the directors and committee members of any organisations receiving funds to indemnify EventsCorp if it suffers any loss due to failure of the organisations to fulfill any of the terms and conditions of funding?

(6) Are feasibilities studies carried out on -

(a) the likely success of a project;

(b) the capacity of the sponsor to successfully manage and promote the project;

(c) the economic and other benefits it will bring the State,

before taxpayers' funds are given to such proponents?

Mr BRADSHAW replied:

The Minister for Tourism has provided the following response:

(1)-(5) See answer to question 632.

(6) (a) EventsCorp analyses the event to ascertain whether it will satisfy the criteria that have been established by comprehensive analysis of the requirements of the Western Australian Tourism Commission. The five primary criteria are:

(i) Economic Impact: The estimated economic impact for an event incorporates the estimated number of participants, their estimated length of stay during the event and the estimated daily expenditure. Where possible, previous events are analysed to obtain some indication of the potential participation. Where an event has not been held before, discussions with the proposer and any other sources are accessed to make an educated estimate of the potential of the event.

(ii) Media Impact: The ability to generate images of Western Australian tourism destinations to international television viewers is an important method of creating an awareness of Western Australia and its tourism icons in the international market. For example the Heineken Classic is broadcast to over 200 million potential viewers in Europe and Asia, incorporating Western Australia's priority tourism markets.

By using events, the WATC leverages the cost of the event into substantial financial

benefits by achieving access to free to air, cable and satellite channels for the WATC tourism postcards. These video postcards consist of fifteen second video images of some of Western Australia's finest tourism locations.

EventsCorp endeavours to incorporate these postcards into international broadcasts of events with which it is associated. An event which achieves international television coverage and is able to incorporate the postcards into the broadcast will receive serious consideration within this criterion.

(iii) Event Frequency: EventsCorp is endeavouring to develop a calendar of regular events which will ensure savings are made on the bidding and the marketing costs associated with one off events. An event which will be staged on a regular basis in Western Australia will receive a favourable assessment within this criterion.

(iv) Private Sector Investment: The percentage of the event revenue being provided by the non government sector is an important consideration when analysing events. The greater the percentage being provided by the private sector, the more favourable the assessment.

(v) Tourism Activity: The tourism calendar consists of high, shoulder and low periods. An event which will be staged in the low season when there is more capacity within the tourism industry, is more attractive than an event which is positioned to be staged in the high season.

The Developmental Approach: It may be that when this analysis is applied to a prospective event, it falls short of the qualifying requirement. It may however indicate that with careful development of the event it will justify an involvement. In this situation, an analysis of the final vision of the event is analysed. Should such an analysis reveal the potential for the event to qualify when fully developed, further evaluation of the investment required to reach the final vision of the event and the ensuing returns to the State will be undertaken.

Other Criteria: Other criteria such as the potential to develop the sport or cultural activity associated with the event, the potential to have a positive effect on the corporate sector and the potential for the event to increase the status of the State are considered. There is less emphasis placed on these criteria but they may play a role in the final decision.

(b) As discussed in 4(a), if an event is to be managed by the event proposer, the organisation's background will be checked to establish their bona fides.

(c) As outlined in 6(b) the assessment of the economic impact and other benefits of an event are an integral part of the feasibility process.

POLICE - ANNUAL REPORT

Cost and Nature

1120. Mrs ROBERTS to the Minister for Police:

(1) What was the cost of producing the 1996 Police annual report?

(2) How many copies of the 1996 Police annual report were printed?

(3) What was the cost per copy?

(4) To whom is the annual report distributed?

(5) Is the 1997 edition of the Police annual report likely to be of a similar type and quality?

Mr DAY replied:

(1) $44,000.

(2) 1,500.

(3) $29.34.

(4) The Western Australia Police Service Annual Report is distributed to a number of key stakeholders, including:

- Members of Parliament
- National Common Police Services, eg National Police Research Unit
- Western Australia Police Service administrative branches, sections and units
- Officers in Charge of Police Stations in WA
- WA Local Government Authorities and several State Government Departments
- All Australian and several overseas police jurisdictions
- Library and Information Services of WA and many Government Department and university libraries

(5) Yes. The 1997 Annual Report will be of a similar type and quality to the 1996 Annual Report.

FAMILY AND CHILDREN'S SERVICES - CHILD CARE CENTRES

Jennifer Lockwood

1225. Ms ANWYL to the Minister for Family and Children's Services:

(1) Is the Minister aware that the Jennifer Lockwood Child Care Centre closed in 1996?

(2) Given that several employees are yet to receive redundancy packages is the Minister able to make representations on behalf of those employees to the federal Minister?

(3) How many other child care centres have closed in Western Australia since -

(a) 1 July 1996;
(b) 1 January 1997?

(4) What representations has the Minister made to the federal Minister to ensure further child care cuts are not made?

(5) Is it possible for the Minister to provide correspondence generated to that effect?

Mrs PARKER replied:

(1) Yes.

(2) The Federal Minister has recently approved a proposal which will allow the Receiver managing the dissolution of the Jennifer Lockwood Child Care Centre Association to consider paying the redundancies in the near future. Officers from Family and Children's Services have been pursuing this issue with local Commonwealth Officers for some time now.

(3) The Child Care Services Board has been advised that:

(a) 9 long day care centres closed between 1 July and 31 December 1996 (5 of these centres have since reopened under new management).

(b) 7 long day care centres closed between 1 January and 30 April 1997 (2 of these centres have since reopened under new management - list attached).

(4)-(5) In numerous personal discussions I have expressed my concerns at the possible effect further cuts in funding to Children's Services could have if they have not been well researched. The following long day care centres have notified the Child Care Services Board that they closed during the specified periods:

Scarborough Child Care Centre*	27 September 1996
Midland College of TAFE Child Care Centre*	25 September 1996
Central College of TAFE Child Care Centre*	26 September 1996
Great Southern College of TAFE Child Care Centre*	1 October 1996
South West Regional College of TAFE Child Care Centre*	4 October 1996
Ngala Bluebird Armadale Child Care Centre	29 November 1996
Jennifer Lockwood Child Care Centre	31 December 1996
Midland Enterprise Child Care Centre	6 December 1996
Kay Cees Child Care Centre	9 December 1996
Carine College of TAFE Child Care Centre*	7 January 1997
West Perth Day Care	13 January 1997
Dianne's Homestead Child Care Centre	17 February 1997
Balga TAFE Child Care Centre	14 January 1997
South Metro College of TAFE Child Care Centre*	1 April 1997
Harvey Street Child Care Centre, Mosman Park	21 April 1997
Balcatta Child Care Centre	24 April 1997

MINISTRY OF PREMIER AND CABINET - EMPLOYEES

Women

1278. Dr GALLOP to the Minister for Public Sector Management:

Of the total 130 Senior Officers on a salary range of Level 7 and above (at a salary range of over $50 000 per annum) employed at the Department of Premier and Cabinet as at 30 June 1996, a total of 75 per cent were males. Does the Government have a policy against employing women as Senior Officers in the Department of Premier and Cabinet?

Mr COURT replied:

There is no policy restricting the employment of women as Senior Officers in the Ministry of the Premier and Cabinet.

MEMBERS OF PARLIAMENT - ELECTORATE OFFICES

Upgrade

1279. Dr GALLOP to the Minister for Public Sector Management:

A major achievement under Budget Statements 1997-98 Program 2.0 (State Administration page 772) is "continuing the upgrade in parliamentary electorate offices". Can the Minister provide details on the offices that have been upgraded to date, and provide the name of the relevant Member of Parliament?

Mr COURT replied:

The member has misquoted the reference contained in the Budget Statements which reads:

> "continuing the upgrade *of equipment* in parliamentary electorate offices;"

In 1996/97 the following offices and Members were provided with new equipment as part of the replacement program:

Photocopiers -

Member for Agricultural Region	Hon K Chance
Member for South West Region	Hon J Cowdell
Member for East Metropolitan	Hon N Griffiths
Member for South West Region	Hon B House
Member for Hillarys	Mr R Johnson
Member for Peel	Mr N Marlborough
Member for Albany	Hon K Prince
Member for South Perth	Hon P Pendal
Member for South Metropolitan Region	Hon J Scott
Member for Bassendean	Mr C Brown
Member for North Metropolitan Region	Hon K Travers
Member for Riverton	Hon G Kierath
Member for Wanneroo	Mr I MacLean
Member for Mandurah	Hon R Nicholls
Member for Burrup	Mr F Riebeling
Member for Belmont	Mr E Ripper
Member for South West Region	Hon R Thomas
Member for Perth	Mrs D Warnock
Member for Nedlands	Hon R Court
Member for North Metropolitan Region	Hon M Evans
Member for Mining & Pastoral Region	Hon G Smith

Facsimiles -

Member for Bunbury	Mr I Osborne
Member for Thornlie	Ms S McHale
Member for Perth	Mrs D Warnock
Member for Cottesloe	Hon C Barnett
Member for Murdoch	Hon M Board
Member for North Metropolitan Region	Hon G Cash
Member for North Metropolitan Region	Hon R Halligan
Member for Moore	Mr W McNee
Member for Roleystone	Mr F Tubby
Member for Eyre	Hon J Grill
Member for Burrup	Mr F Riebeling
Member for Murray-Wellington	Mr J Bradshaw

Member for Warren-Blackwood	Hon P Omodei
Member for South West Region	Hon W Stretch
Member for Roe	Mr R Ainsworth
Member for Agricultural Region	Hon M Criddle

DOMESTIC VIOLENCE - PROGRAMS

Expenditure

1312. Dr CONSTABLE to the Minister for Women's Interests:

What budgets were allocated and spent on programs related to domestic violence for 1997-98 and in each of the last three years?

Mrs PARKER replied:

The budget allocation for the Domestic Violence Prevention Unit in 1997/98 is $1.44 million. A budget for the Domestic Violence Prevention Unit was first appropriated in 1996/97. In 1996/97, $0.9 million was allocated and $0.445 million was expended. The balance of $0.455 million will be carried over for expenditure on programs in 1997/98. The Crime Prevention and Domestic Violence Transitional Unit was established in August 1995 and reformed as the Domestic Violence Prevention Unit in March 1996. No funding was made available to the Unit for programs during the period August 1995 to June 1996.

SPORT AND RECREATION - ATHLETICS WEST

Chief Executive Officer

1627. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) When was Athletics West established?

(2) Who is the current Chief Executive Officer and when was he appointed?

(3) Was the position advertised?

(4) What is his salary?

Mr MARSHALL replied:

The Minister for Sport and Recreation has provided the following response:

(1) The initial Board meeting of Athletics West was held on 7 September 1993.

(2) Charles Michael Porter commenced as the Chief Executive Officer on 12 August 1996.

(3) Yes, in *The West Australian* newspaper on Saturday, 22 June 1996.

(4) This information is confidential in nature and should be obtained directly from Athletics West which is a non-government organisation.

SPORT AND RECREATION - ATHLETICS WEST

Annual Report

1629. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Sport and Recreation:

(1) Is Athletics West required to prepare an annual report?

(2) If yes, where are copies available for public viewing?

Mr MARSHALL replied:

The Minister for Sport and Recreation has provided the following response:

(1) Yes.

(2) Under its constitution Athletics West is required to make a copy of its annual report available to financial affiliated member organisations but not the general public. The Incorporations Act does not require annual reports to be made available to the general public.

SPORT AND RECREATION - ATHLETICS ASSOCIATION OF WESTERN AUSTRALIA

Athletes and Performance

1630. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Sport and Recreation:

For each of the last four years with respect to the Athletics Association of Western Australia would the Minister provide the following information -

(a) numbers of athletes registered;
(b) performance in terms of medal winners at the Australian Championships?

Mr MARSHALL replied:

The Minister for Sport and Recreation has provided the following response:

(a) Athletics Association of Western Australia registered athlete numbers are as follows:

1993/94	660
1994/95	660
1995/96	581
1996/97	487

(b) Trends in performance in the Open and Under 20 Australian Championships show an increase in the quality of older athletes. The post Olympic slump in 1997, which was less evident in 1993, is probably the product of the present crop of elite athletes having completed their first Olympic cycle at that level. They were advised to have a quieter year from a performance viewpoint if they were intending to compete in the Sydney 2000 Olympic Games. Trends at Under 20 level are steady across the period but consistently under those of the Open athletes post 1990. At the under age championships there appears to be a steady decline in total medals won since a high point in 1991.

	1997	1996	1995	1994	1993	1992
Open	15	26	24	15	16	14
U20	15	10	13	14	15	13
U18	5	7	10	15	14	15
U16	5	7	5	7	8	12
Total	40	50	52	51	53	54

SCHOOLS - RACISM

Strategy to Combat

1710. Ms WARNOCK to the Minister for Multicultural and Ethnic Affairs:

(1) In view of the recent release of an Ethnic Communities Council paper on racism in Western Australian schools, when will the Government put in place a strategy for combating racist intolerance and abuse in schools?

(2) When will the Government be releasing a community relations strategy to promote racial harmony in this State?

Mr BOARD replied:

(1) A component of "Living in Harmony, A Community Relations Strategy for Western Australia", deals specifically with the school environment.

(2) The Government will release "Living in Harmony, A Community Relations Strategy for Western Australia", in the near future. The aim of this strategy is to foster community harmony and promote the benefits of a culturally diverse society.

BANKS - FINANCIAL INSTITUTIONS DUTY

Increase

1711. Mr McGOWAN to the Minister representing the Minister for Finance:

(1) Is it true that Financial Institutions Duty(FID) charges on bank accounts increased on 1 August 1997?

(2) If so, by how much?

(3) Has the Government considered the impact this will have on pensioners and other low income earners who must have their money paid into a bank account?

(4) If so, what strategies has the Government put in place to reduce the impact on these people?

(5) If not, why not?

Mr COURT replied:

The Minister for Finance has provided the following response -

(1) No - there has been no change.

(2)-(5) Not applicable.

INSURANCE - WHEELCHAIRS

Widening of Coverage

1712. Mr RIPPER to the Minister representing the Minister for Finance:

(1) Is it the Government's intention to widen third party insurance laws to provide insurance protection to people using electric wheelchairs should they be held responsible for injury to other people?

(2) If not, why not?

(3) If yes, when?

Mr COURT replied:

The Minister for Finance has provided the following reply -

(1)-(3) The State Government Insurance Commission's Schedule of Premiums provides for any motor vehicle propelled by gas, oil, electricity or any mode of power (not being animal power) to be registered. Motorised wheelchairs complying with the standards for motor vehicles under the Road Traffic Act, fall under Insurance Class 6, for which the annual premium rate is $5.

LOCAL GOVERNMENT - ELECTIONS

Voting System

1719. Mr McGOWAN to the Minister for Local Government:

(1) Is the Government aware of the anomaly in the recent government polls regarding the fact that people were advised to cast two votes by returning officers when there were two candidates?

(2) Is it correct that for a vote to be valid when there were two vacancies a person had to cast two preferences?

(3) Does this system now mean that there is a de facto preferential system in existence where tickets are able to run in local government polls?

(4) What effect does this have upon the operation of the Local Government Act 1960 in regard to this matter?

Mr OMODEI replied:

(1) No. I am not aware that electors were advised to cast 1 vote or 2 votes.

(2) No, electors only needed to cast one vote.

(3) Multi member vacancies are filled by each elector having 1 vote for each vacancy. There are no preferences allocated.

(4) None. The electoral provisions of the Local Government Act 1960 were repealed and have been replaced by the electoral provisions of the Local Government Act 1995.

LOCAL GOVERNMENT - CITY OF WANNEROO

Lot 560 Manakoora Rise, Wanneroo

1720. Mr McGOWAN to the Minister for Local Government:

(1) Is the Minister aware of the problem existing at Lot 560 Manakoora Rise Wanneroo?

(2) Has the Government investigated this issue to determine if there has been any lack of proper practice involved?

(3) What were the results of the Government's investigations?

(4) Does the Government plan to take any action in regard to this property?

Mr OMODEI replied:

(1) Yes.

(2) An inquiry is currently being conducted by the Department of Local Government into whether the City of Wanneroo Council followed the correct approval processes in its approval of the development application for the construction of a residence on Lot 560 (Number 3) Manakoora Rise Sorrento.

(3) The inquiry is not yet complete.

(4) Any action will be determined when the results of the inquiry are known.

GOVERNMENT INSTRUMENTALITIES - ANNUAL REPORTS

Costs

1728. Mr BROWN to the Minister for Labour Relations; Planning; Heritage:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1995-96 annual report, including -

(a) artwork;
(b) publication;
(c) distribution?

(2) How do the costs for the 1995-96 annual report compare with the costs associated with the 1994-95 annual report?

(3) Was the 1995-96 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors;
(b) at what cost?

(5) Who printed the 1995-96 annual report?

(6) How many copies of the 1995-96 annual report were printed?

(7) To whom was the 1995-96 annual report distributed?

(8) Was environmentally-friendly or recycled material used in the production of the document?

Mr KIERATH replied:

Department of Productivity and Labour Relations

(1) (a)-(c) Approximately $7,084.

(2) The cost of producing the 1994/95 annual report was $7,995.

(3) No.

(4) (a) Design, layout, pre press and printing.
(b) $6,884.

(5) Frank Daniels.

(6) 250.

(7) Parliamentary and Library Information Services of WA, government agencies and individuals, however, no specific Departmental records were kept.

(8) Yes.

WorkSafe Western Australia

(1) (a)-(c) The annual reports of the WorkSafe Western Australia Commission and WorkSafe Western Australia (the department) were published on the Internet, using internal departmental resources. A limited number of photocopied word processed versions were made available, and copying and postage costs were subsumed into normal operating expenses, therefore a cost is not available.

(2) The 1994-95 joint Commission/department annual report was also published on the Internet, therefore the costs would be similar.

(3) Yes.

(4) (a)-(b) Not applicable.

(5) Not applicable.

(6) A small number of hard copy versions were produced, as copies, which were either laser printed or photocopied on an as needs basis.

(7) Minister for Labour Relations, Parliament, some libraries and requests from those unable to access the reports via the Internet.

(8) As the annual report was published on the Internet, it has the benefit of not consuming paper.

Commissioner of Workplace Agreements

(1) (a)-(c) $3,662

(2) The 1994/95 annual report was produced in-house, therefore costs were minimal.

(3) No.

(4) (a) Compilation, artwork, design and printing.
(b) $3,662.

(5) Touchstone DDI.

(6) 200.

(7) Parliament, academic institutions, government agencies, industry groups and other interested parties who have requested copies, however, records were not kept.

(8) No.

Department of the Registrar, Western Australian Industrial Relations Commission

(1) (a)-(c) $1,008.

(2) The 1994/95 annual report was produced in-house with costs of approximately $100.

(3) No.

(4) (a) Layout and presentation.
(b) Included in the overall cost of the report.

(5) Mooreprint.

(6) 70.

(7) Minister for Labour Relations, Parliamentary Library, State Library, government agencies, Registrars of the other state and federal industrial tribunals and members of the public upon request.

(8) Not known.

WorkCover WA

(1) (a)-(c) The annual report was published on the Internet, using internal departmental resources. A limited number of photocopied word processed versions were made available, photocopying of these reports was $514.

(2) The cost of producing the 1994/95 annual report was $6,608.

(3) Yes.

(4) (a)-(b) Not applicable.

(5) Not applicable.

(6) A small number of hard copy versions were printed and photocopied.

(7) Photocopies of the report were distributed to other Workers' Compensation Authorities in Australia, Parliament and parties within Western Australia.

(8) As the annual report was published on the Internet, it has the benefit of not consuming paper.

Ministry for Planning and Western Australian Planning Commission

(1) (a)-(c) $10,005 for the Ministry for Planning and $23,915 for the Western Australian Planning Commission.

(2) The cost of the joint 1994/95 annual report for the Ministry for Planning and Western Australian Planning Commission was $22,570.

(3) No.

(4) (a) Printing.

(b) Separate costs are not kept for the components of producing annual reports.

(5) Ministry for Planning - Scott Four Colour
Western Australian Planning Commission - Advance Press

(6) 2000 for both the Ministry for Planning and Western Australian Planning Commission.

(7) Parliament, libraries, major clients, member of the public, visiting dignitaries and local dignitaries.

(8) No.

Heritage Council of Western Australia

(1) (a)-(c) $5,516.

(2) The cost of producing the 1994/95 annual report was $4,784.

(3) No.

(4) (a) Photography, final layout and printing.

(b) $4,985.

(5) Lamb Print.

(6) 500.

(7) Parliament, Heritage Council stakeholders, local government authorities, relevant state government authorities, heritage agencies in other States, industry groups and heritage organisations in Western Australia.

(8) Yes.

East Perth Redevelopment Authority

(1) (a)-(c) $13,025

(2) The cost of producing the 1994/95 annual report was $18,175.

(3) No.

(4) (a) Design and publication.

(b) $12,945

(5) Total Communication.

(6) 1000.

(7) Parliament, Clients of East Perth Redevelopment Authority, potential investors of East Perth Redevelopment Authority land, industry groups, other Government agencies, City of Perth, visitors to the redevelopment area, school and libraries.

(8) Unknown.

Subiaco Redevelopment Authority

(1) (a)-(c) $7,359

(2) The cost of producing the 1994/95 annual report was $14,244.

(3) No.

(4) (a) Design layout, artwork composition, logo scan, films and proofs, printing, author's alterations and couriers.

(b) $7,359.

(5) Vernon Jones Design Graphics

(6) 300.

(7) Parliament, numerous government departments, agencies and authorities and members of the public, upon request.

(8) Yes.

GOVERNMENT INSTRUMENTALITIES - ANNUAL REPORTS

Costs

1738. Mr BROWN to the Minister representing the Minister for the Arts:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1995-96 annual report, including -

(a) artwork;

(b) publication;

(c) distribution?

(2) How do the costs for the 1995-96 annual report compare with the costs associated with the 1994-95 annual report?

(3) Was the 1995-96 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors;

(b) at what cost?

(5) Who printed the 1995-96 annual report?

(6) How many copies of the 1995-96 annual report were printed?

(7) To whom was the 1995-96 annual report distributed?

(8) Was environmentally-friendly or recycled material used in the production of the document?

Mrs EDWARDES replied:

ArtsWA

(1) (a) $6,405.00

(b) $16,920.00

(c) $730.00

(2) $100.00 more.

(3) No.

(4) Editorial & Project Management - Byrne & Byrne $6,000
Design & Print Management - Crea Design $6,405
Printing - Frank Daniels (through Crea Design) $10,920

(5) Frank Daniels through Crea Design.

(6) 2000.

(7) State arts authorities, Cultural Ministers Council, State Governments Arts Ministers, WA Government Departments, Members of Parliament, Arts Agencies.

(8) No. For reason, recycled paper is not conducive to long term conservation and is difficult for sight impaired persons to read.

Library & Information Service of WA

(1) The cost of producing the 1995-96 Annual Report was $10462.00
Artwork is produced in-house on computer publication $9760.00
Distribution $702.00

(2) The 1995-96 Annual Report cost $9760.00 compared with the 1994-95 Annual Report at $5928.00

(3) Yes the report is produced wholly within the agency.

(4) Not applicable.

(5) The 1995-96 Annual Report was printed by Optima Print.

(6) 800 copies of the 1995-96 Annual Report were printed.

(7) The 1995-96 Annual Report was distributed to Public Librarians, Board Members, Staff, Local Government, Parliament, University Librarians, Professional Associations and the General Public.

(8) No.

Western Australian Museum

(1) (a) $1662.00
(b) $5224.60
(c) $302.40

(2) $3000 more ($400 on extra copies required after tabling).

(3) No.

(4) (a) Cover design
Cover printing
Minister's Photocopies

(b) $1,665.00
$1,700.00
$763.50

(5) Western Australian Museum and Kaleidoscope (Cover).

(6) 950.

(7) Staff
Legislative Assembly
Western Australian Museum Foundation
Branches - staff, committees, Boards
Board of Trustees of the Western Australian Museum
Mailing list (225) includes libraries, universities, museums, private sector
Friends of the Museum

(8) No.

Perth Theatre Trust

(1) The Perth Theatre Trust Annual Report was produced in 1995-96 for the following costs:

(a)	Artwork	$4,500
(b)	Publication	$8,543.76
(c)	Distribution	$200 (estimated)
(d)	Other (photography/editing)	$5,700
	Total cost	$18,943.76

(2) Costs for the 1994-95 Annual report were as follows:

(a)	Artwork	$4,300
(b)	Publication	$7,589.38
(c)	Distribution	$400 (estimated)
(d)	Other (photography/editing)	$5,742
	Total cost	$18,031.38

This represents a five per cent increase in costs.

(3) The Perth Theatre Trust 1995-96 Annual Report was produced using a combination of in-house and external resources.

(4) (a) Contractors were used in the design, printing, photography and editing of the report.
(b) Total cost of contractors was $18,943.

(5) The report was printed by Advance Press.

(6) There were 300 copies printed.

(7) 100 copies were distributed to government and industry members via mail. The remaining 200 for use as requested.

(8) Environmentally-friendly paper using 60% recycled paper waste was used in the production of this document. The paper was bleached using chlorine-free techniques.

Art Gallery of Western Australia

(1) The cost of producing the 1995/96 annual report for the Art Gallery of Western Australia was:

(a)	artwork produced within the Art Gallery's graphic section	
(b)	publication	$11,855
(c)	distribution (estimate)	$1,000

(2) The cost associated with the production and distribution of the 1994/95 annual report for the Art Gallery of Western Australia was $11,800.

(3) The 1995/96 annual report for the Art Gallery of Western Australia was not produced wholly within the agency.

(4) (a) Contractors were engaged for secretarial services, editing and printing the 1995/96 annual report for the Art Gallery of Western Australia at a cost of;

(b)	Secretarial services	$4,800
	Editing	$1,150
	Printing	$5,905

(5) The 1995/96 annual report of the Art Gallery of Western Australia was printed by Kaleidoscope Print and Design.

(6) 500 copies of the 1995/96 annual report were printed.

(7) Copies of the 1995/96 annual report were distributed to:
Legal Deposit: Library & Information Services WA, National Library of Australia,
Parliament House, Perth
Minister for the Arts, Premier, Department for the Arts, Treasury, Auditor General
Australian state galleries, regional galleries, museums, libraries, university fine arts departments and TAFE colleges (on an exchange program)
Selected international galleries and museums (on an exchange program)
Selected state departments and agencies as necessary
Donors and sponsors
Board members, Foundation council members, Customer Service Council
WS Lonnie Award Panel
Staff

(8) The 1995/96 annual report was printed on environmentally friendly paper made from chlorine-free pulps.

Screen West

(1) $6,120
(a) $1,500
(b) $4,620
(c) $300

(2) 1994/95 higher by $2,810

(3) No.

(4) (a) Design, Production
(b) $6,120

(5) Frank Daniels

(6) 1000

(7) Industry members, all Ministers, Government (Local, State, Federal) Media, Education Institutions.

(8) No.

GOVERNMENT INSTRUMENTALITIES - ANNUAL REPORTS

Costs

1740. Mr BROWN to the Minister representing the Attorney General:

(1) For each department or agency under the Attorney General's control, what was the cost of producing the 1995-96 annual report, including -

(a) artwork;
(b) publication;
(c) distribution?

(2) How do the costs for the 1995-96 annual report compare with the costs associated with the 1994-95 annual report?

(3) Was the 1995-96 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors;
(b) at what cost?

(5) Who printed the 1995-96 annual report?

(6) How many copies of the 1995-96 annual report were printed?

(7) To whom was the 1995-96 annual report distributed?

(8) Was environmentally-friendly or recycled material used in the production of the document?

Mr PRINCE replied:

The Attorney General has provided the following reply:

Office of the Solicitor General

Not applicable.

Office of the Information Commissioner

(1) (a) $6,250
(b) $5,030
(c) $485
Total $11,765.

(2) Costs in 1995/96 were $165 less than in 1994/95.

(3) Yes.

(4) Not applicable.

(5) Advance Press Pty Ltd.

(6) 800.

(7) Each Member of Parliament, Government Agencies and other organisations and members of the public who requested a copy.

(8) No.

Director of Public Prosecutions

(1) $5,870

(2) 1995/96 $5870.
1994/95 $7032.

(3) The annual report was written and compiled in-house. The printing of the report only was out sourced.

(4) (a)-(b) Not applicable.

(5) Printwest Pty Ltd.

(6) 600.

(7) Copies of the annual report were distributed to:

Hon Attorney General
Legislative Council
Legislative Assembly
All members of the Judiciary and Magistracy
Court Registries
Western Australia Police Service (including all police stations)
Australian and selected overseas DPPs
Selected central government agencies (eg Auditor General, Treasury, PSMO etc).
A range of law libraries and tertiary institutions
Media
Research bodies (eg Crimes Research Centre)
Relevant legal bodies (eg WA Law Society)
All DPP staff members.

(8) Not as far as the DPP is aware.

Legal Aid

(1) $12,050

(2) $13,740 - 1994/95
$12,050 - 1995/96

(3) No.

(4) (a) Printing and publication, artwork, writing and editing;
(b) $12,050.00

(5) Optima Press.

(6) 700.

(7) Private legal practitioners, community legal centres, Magistrates, Judges, MPs, media etc.

(8) Recycled paper.

Equal Opportunity Commission

(1) (a) There were no artwork costs.
(b) Publication of the 1995/96 annual report cost $5,550.
(c) The costs associated with the distribution of the 1995/96 annual report were $1,382.43.

(2) In 1994/95 printing the annual report cost $6,680.00 whereas during 1995/96 costs of printing of the annual report decreased by $1,130. Distribution costs for 1994/95 were $1,363.62 whereas in 1995/96 costs were $1,382.43. 1,000 copies were printed both years.

(3) The 1995/96 annual report was produced wholly by the Commissioner for Equal Opportunity.

(4) Not applicable.

(5) Scott Four Colour Print printed the 1995/96 annual report.

(6) 1,000 copies of the 1995/96 annual report were printed.

(7) The 1995/96 annual report was mailed to Ministers, Members of Parliament, representatives of peak employer and employee groups, Chief Executive Officers of Government Agencies, Commissioners of Equal Opportunity and Human Rights agencies across Australia, major libraries, peak groups representative of groups covered by the Act and members of the community.

(8) Yes.

Law Reform Commission of WA

(1) (a)-(b) $1,597
(c) $338

(2) The costs for the 1994/95 annual report were - Artwork and publication: $1,495. Distribution $347.

(3) No.

(4) (a) Printing, collating, binding, artwork for cover.
(b) $1,597.

(5) Fineline Print and Copy Service, 11 Bramall Street, East Perth.

(6) 330.

(7) To all persons and organisations on the Commission's mailing list, who include judges, legal practitioners, the Law Society and similar bodies, Members of Parliament, Government Departments and authorities, WA tertiary institutions, other law reform agencies and former members of the Commission.

(8) No.

GOVERNMENT INSTRUMENTALITIES - ANNUAL REPORTS

Costs

1742. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(1) For each department or agency under the Minister's control, what was the cost of producing the 1995-96 annual report, including -

(a) artwork;
(b) publication;
(c) distribution?

(2) How do the costs for the 1995-96 annual report compare with the costs associated with the 1994-95 annual report?

(3) Was the 1995-96 annual report produced wholly within the department or agency?

(4) If not -

(a) what services were provided by contractors;
(b) at what cost?

(5) Who printed the 1995-96 annual report?

(6) How many copies of the 1995-96 annual report were printed?

(7) To whom was the 1995-96 annual report distributed?

(8) Was environmentally-friendly or recycled material used in the production of the document?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply.

(1)

(a)	design and reprographics	$7,970
(b)	proof-reading and printing	$8,200
(c)	distribution (approx)	$300
Total		$16,470
Cost per copy:		$14

(2) 1994/5 - approx $18,000
1995/96 - $16,470

(3) No.

(4) (a)-(b) Design and production management ($3,970)
Reprographics ($4,000)
Printing of report ($7,000)
Editing and final proof-reading ($1,200)

(5) Scott Four Colour Print.

(6) 1,200

(7) 750 addresses including State Government departments and agencies; inter-State justice agencies; overseas justice agencies; private organisations; libraries; universities. Copies were also sent to each Ministry location around Western Australia and to prospective job applicants, on request.

(8) Yes.

WORKERS' COMPENSATION - MAGISTRATES

Appeals - Number and Costs

1745. Mr BROWN to the Minister for Labour Relations:

(1) Which Magistrates are currently rostered as Workers Compensation Magistrates for hearing appeals from Review Officers under the Workers Compensation and Rehabilitation Act 1981?

(2) How many appeals have been heard by the Workers Compensation Magistrates Court since the 1993 amendments came into force?

(3) How many of these have been decided to date?

(4) How many of each of these appeals have been heard by each of the Magistrates rostered for this work?

(5) How many of these were -

(a) appeals by the injured worker;
(b) appeals by the employer or its insurer?

(6) In how many of the appeals by the injured worker has the appeal been upheld in full or part?

(7) In how many of the appeals by the employer or its insurer have these appeals been upheld in full or in part?

(8) Are the Magistrates now awarding costs on these appeals on the basis of the costs following the event?

(9) Was this intended by the Minister to be the case when he introduced the legislation to this House?

(10) From what date has the Magistrates Court been awarding costs in this manner?

(11) Has the number of appeals by -

(a) the worker;
(b) the employer or its insurer;

increased since costs were available and if so to what extent?

(12) On average what is the range of the amounts of costs being allowed on these appeals and under what scale are these costs being assessed?

(13) Does the Minister intend to introduce legislation preventing costs award in these matters and if so -

(a) what is holding this amending legislation up;
(b) when does the Minister expect to introduce this legislation?

Mr KIERATH replied:

(1) PG Cockram S.M. and SA Heath S.M.

(2) 199.

(3) 198.

(4)

G Packington	66
PG Cockram	65
SA Heath	67

(5) (a) 97
(b) 101

(6) 43.

(7) 62.

(8) Yes.

(9) No.

(10) July 1995.

(11) (a)-(b) No.

(12) The range of amounts of costs is unknown as costs may be agreed between the parties. The cost scale is the Workers' Compensation - Compensation Magistrates Court Scale.

(13) The Government intends to introduce an amendment to ensure that where the employer/insurer appeals a Review Officer's decision, a Compensation Magistrate will not be able to award costs against a worker.

(a) Due to the State election, the Workers' Compensation and Rehabilitation Amendment Bill 1996 was unable to be passed during the 1996 Spring Session of Parliament.

(b) It is intended to introduce the Workers' Compensation and Rehabilitation Amendment Bill 1997 to the 1997 spring session of Parliament.

WORKERS' COMPENSATION - HEARING IMPAIRMENT

Compensatable Conditions

1761. Mr PENDAL to the Minister for Labour Relations:

(1) I refer to hearing impairment under Workers' Compensation legislation and ask, are workplace related hearing impairments compensatable under the present legislation?

(2) If so, would the "ear noise" condition known as "tinnitus", if understood to result from exposure to workplace noise, be among the compensatable conditions?

(3) If hearing impairments are not provided for under the legislation, what are the reasons for such an exclusion?

(4) Does the present compensatable aspect of workplace related hearing impairments differ in any way from the previous legislation?

(5) If yes to question (4), what are the variations?

Mr KIERATH replied:

(1) Yes. A worker who has a hearing loss of 10% or more attributed to workplace noise since March 1991 is eligible to claim a lump sum.

(2) No.

(3) Not applicable.

(4) Since the legislation was enacted in March 1991, no changes have been made to the way in which compensation for noise induced hearing loss is determined.

(5) Not applicable.

HOSPITALS - CARDIAC SURGERY UNITS

Staff

1764. Dr CONSTABLE to the Minister for Health:

(1) How many FTEs will comprise the medical staff of the new cardiac surgery unit at Fremantle Hospital?

(2) What positions will they undertake, and at what level?

(3) Have any medical staff members been recruited or transferred from the cardiac units of Sir Charles Gairdner, Royal Perth or the Mount Hospital?

(4) If yes to (3) above, have their positions at Sir Charles Gairdner, Royal Perth or the Mount Hospital been filled by staff with the same or greater experience?

Mr PRINCE replied:

(1)-(2) The number of FTEs that will comprise the surgical staff of the new cardiac surgery unit at Fremantle Hospital is 4.7. This is comprised of -

1.7 FTE Cardiothoracic Surgeons
2.0 FTE Surgical Registrars
1.0 FTE Surgical Resident Medical Officer.

(3) Yes - Two Cardiothoracic Surgeons have been recruited from Royal Perth Hospital.

(4) No, the positions have not been filled yet.

HEALTH - STD/HIV

Budget

1776. Dr CONSTABLE to the Minister for Health:

(1) What was the budget for spending on STDs/HIVs in 1996-97 on a regional basis?

(2) What was the breakdown of actual expenditure on STDs/HIVs in 1996-97 on a regional basis?

(3) What is the budget for spending on STDs/HIVs in 1997/98 on a regional basis?

Mr PRINCE replied:

(1)-(3) It is not possible to determine a meaningful breakdown on a regional basis for STD/HIV spending. *

*Note: Funding for STD/HIV is contained in many various budgets including clinical services, public health and Aboriginal health. Whilst some information is available for public health initiatives it is not possible to apportion statewide public health services and initiatives on a regional basis. Figures for clinical and community health services are not available regionally and the clinical STD services provided by Fremantle Hospital and RPH are also utilised by non metropolitan patients as are the Specialist HIV services. Further monies are also provided by Office of Aboriginal Health for health promotion in various regions, but a specific breakdown of funding for STDs is also not available.

PRISONS - PRISONERS

Number

1779. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Justice:

In each of Bandyup, Casuarina, Karnet and Wooroloo prisons -

(a) what is the current total prison muster;

(b) what is the maximum muster capacity for the prison;

(c) what categories of prisoners is the prison intended to hold;

(d) what categories of prisoners are currently incarcerated there;

(e) how many prisoners of each category are incarcerated there, and

(f) what is the maximum capacity for each category of prisoner?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply:-

(a) As at 19 August 1997, the in prison muster was:-

Bandyup	104
Casuarina	461
Karnet	30
Wooroloo	146

(b)

Bandyup	85 Standard, 16 Special Purpose and 10 Peak Muster beds.
Casuarina	360 Standard, 85 Special Purpose and 76 Peak Muster beds.
Karnet	134 Standard and 2 Special Purpose beds
Wooroloo	155* Standard and 3 Special Purpose beds

*(Note: muster temporarily reduced from 200 to allow for rebuilding program. Another 11 beds will be available by 27 August 1997)

(c) Bandyup: Maximum security, medium security, minimum security, sentenced, remand class and appeal class female prisoners. Casuarina: Maximum security, medium security, minimum security, sentenced, remand class and appeal class male prisoners. Karnet: Minimum security male prisoners. Wooroloo: Minimum security male prisoners

(d)

Bandyup	All of those categories specified in (c) above
Casuarina	All of those categories specified in (c) above
Karnet	All of those categories specified in (c) above
Wooroloo	All of those categories specified in (c) above

(e)

Bandyup	30 Maximum security including 15 remand class and 1 appeal class
	35 medium security including 6 remand class
	39 minimum security
Casuarina	200 maximum security including 38 remand class and 15 appeal class
	234 medium security including 2 remand class and 5 appeal class
	27 minimum security including 1 appeal class
Karnet	130 minimum security
Wooroloo	146 minimum security including 1 remand class

(f)

Bandyup	No maximum capacity for any category up to the overall capacity
Casuarina	No maximum capacity for any category up to the overall capacity
Karnet	136 minimum security male prisoners
Wooroloo	155 minimum security male prisoners

PRISONS - PRISONERS

Privileges and Visits

1780. Dr CONSTABLE to the Parliamentary Secretary to the Minister for Justice:

In each of Bandyup, Casuarina, Karnet and Wooroloo prisons -

(a) what number of visits are allowed per prisoner per week;

(b) under what circumstances can prisoners receive extra visits;

(c) what other privileges are available to prisoners, (for example telephone calls, access to libraries, freedom to move generally outside the cell, and special meals); and

(d) under what circumstances are prisoners allowed extraordinary privileges?

Mrs van de KLASHORST replied:

Subject to any loss of privilege or other restrictive regimen, prisoners may receive the following visits from friends and relatives:-

(a)

Bandyup	Sentenced prisoners may receive 1 x 2 hour or 2 x 1 hour visits per week. Self care prisoners receive 3 hours per week. Remand class prisoners may receive daily visits.
Casuarina	Sentenced prisoners may receive 1 x 2 hour or 2 x 1 hour visits per week, and remand class prisoners may receive 1 x 1 hour visit per day
Karnet	Prisoners may receive visits on Saturdays, Sundays and Public Holidays.

Wooroloo Prisoners may receive visits on Saturdays, Sundays and Public Holidays.

In addition, a prisoner may receive visits from certain officials, legal practitioners, police, public officers and others, in accordance with Sections 61-65 of the Prisons Act 1981.

(b) Any prisoner can make an application for special or extra visits, for any bona fide reason, including compassionate, therapeutic or visitor hardship (such as distance). Each case is dealt with on its own merits and taking into account the visiting capacity of the prison at the time. In addition, mothers at Bandyup can apply for special child care visits, designed to allow quality time between mothers and their children.

(c) Apart from normal and special visits, prisoners have access to a large number of privileges at those and other prisons, including, but not limited to:-

canteen and /or town spends
recreation and sporting facilities
television sets, radios, cassette players, video games and other electrical items
musical instruments
approved items of personal property
library facilities (linked to State system)
prisoner initiated telephone calls, unlimited, of 10 minutes duration (usually paid for by prisoner), during recreation times during the week and at weekends.

(d) "Extraordinary" privileges is not a term used in prisoner management.

MINISTRY OF JUSTICE - OFFENDER MANAGEMENT FACILITIES

Contract Prerequisites

1781. Dr CONSTABLE to the Minister for Works:

In respect of expression of interest No 67297 for building facilities management of offender management facilities for the Ministry of Justice:

(a) what was the estimated value of the contract, or the fee for service;

(b) what were the essential selection criteria required to -

(i) fulfil; and
(ii) be short listed for,

the proposed contract the subject of the expression of interest;

(c) how many Western Australian companies submitted an expression of interest;

(d) which companies were short listed;

(e) which, if any, Western Australian companies were short listed;

(f) what, if any, procedures are in place to determine whether the successful applicant has staff based in Western Australia with the requisite skills and expertise to successfully undertake the proposed contract;

(g) who was the successful applicant;

(h) does the successful applicant have staff based in Western Australia with the requisite skills and expertise to successfully undertake the proposed contract, or will the applicant have to employ new staff;

(i) if the applicant will have to employ new staff, in what areas of expertise are the new staff required;

(j) given the value of the proposed contract what, if any -

(i) criteria or procedures applied; and
(ii) information was requested from applicants,

to establish whether an applicant was financially capable of undertaking the contract?

Mr BOARD replied:

(a) The value of the work to be managed in the contract is estimated at $2.2 million p.a. It is not appropriate to release the estimated management fee for these services until the tenders have been received.

(b) Experience, financial capacity, value for money, management information systems, employee transition, and attendance at the compulsory information briefing session.

(c) Nine of the eleven entities which submitted an expression of interest are Western Australian companies as defined in the SSC Policy 3.8 - Buy Local. The other two entities have Western Australian parent companies.

(d) Haden Facilities Management
KG Facilities Management
P&O Facilities Management
Serco
Transfield Maintenance

(e) P&O Facilities Management, Serco and Transfield Maintenance are all Western Australian companies as defined in the SSC Policy 3.8 - Buy Local. Haden Facilities Management and KG Facilities Management have Western Australian parent companies.

(f) None.

(g) The contract has not yet been awarded.

(h)-(i) Not applicable.

(j) The following criteria were applied in assessing financial capacity:

- financial history including turnover/profit (of the company making the submission)
- number of years experience in managing like services
- financial and organisational structure
- insurance cover.

POLICE - SERVICE

Strategic Asset Management Plan - Contract Prerequisites

1782. Dr CONSTABLE to the Minister for Works:

In respect of registration of interest No 60/96 for the Strategic Asset Management Plan - Western Australian Police Service -

(a) what was the estimated value of the contract, or the fee for service;

(b) what were the essential selection criteria required to -

(i) fulfil; and
(ii) be short listed for,

the proposed contract the subject of the registration of interest;

(c) how many Western Australian companies submitted a registration of interest;

(d) which companies were short listed;

(e) which, if any, Western Australian companies were short listed;

(f) what, if any, procedures are in place to determine whether the successful applicant has staff based in Western Australia with the requisite skills and expertise to successfully undertake the proposed contract;

(g) who was the successful applicant;

(h) does the successful applicant have staff based in Western Australia with the requisite skills and expertise to successfully undertake the proposed contract, or will the applicant have to employ new staff;

(i) if the applicant will have to employ new staff, in what areas of expertise are the new staff required;

(j) given the value of the proposed contract what, if any -

(i) criteria or procedures applied; and
(ii) information was requested from applicants,

to establish whether an applicant was financially capable of undertaking the contract?

Mr BOARD replied:

(a) $400,000.00.

(b) Comparable experience; understanding of critical issues; knowledge of strategic asset management; relevant skills and management systems.

(c) Of the total of 16 submissions, 12 had a Western Australian office address.

(d) Gutteridge Haskins and Davey Pty Ltd
Coopers and Lybrand
Symonds
JLW Advisory and Ernst and Young

(e) Gutteridge Haskins and Davey, and JLW Advisory and Ernst and Young, both gave a Western Australian office address.

(f) The contract documentation required the successful consultant to base the project team at Police Headquarters. The second round selection criteria required the prospective consultant to describe the key project team members' permanent location, and if outside Perth to indicate how the team will be managed and contact maintained.

(g) The successful applicant was Gutteridge Haskins and Davey Pty Ltd.

(h) The successful applicant has a permanent Western Australian based team with the requisite skills and expertise which receives specialist support from interstate branches of the company. The Project Director is permanently based in Perth.

(i) Not applicable.

(j) No criteria or procedures were applied to establish financial capacity. The accepted contract price of $157,610 is comprised of salaries and disbursements, and progressive payments are being made based on value of work completed.

YOUTH - "SHUTTING THE DOOR IN THEIR FACES" REPORT

1788. Mr BROWN to the Minister for Youth:

(1) Is the Minister aware of a report entitled "Shutting the door in their faces" relating to the problems young people have looking for housing?

(2) Does the Minister intend to have the report examined by the Youth Minister's Advisory Council?

Mr BOARD replied:

(1) Yes.

(2) No.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - MINISTER FOR LABOUR RELATIONS

Liaison with Chamber of Commerce and Industry of WA

1789. Mr BROWN to the Minister for Labour Relations:

(1) Did the Minister and/or any of his officers liaise with the Chamber of Commerce and Industry on the Labour Relations Legislation Amendment Bill 1997 prior to or during the course of it being considered by the Legislative Assembly earlier this year?

(2) In any of the discussions or communications that took place between the Minister (or his officers) and the Chamber of Commerce and Industry did the Chamber of Commerce and Industry express a view about the pre-strike secret ballot process?

(3) In the discussions and consultations with the Chamber of Commerce and Industry did the Chamber of Commerce and Industry -

(a) support;

(b) oppose;

(c) take no position,

on the pre-strike ballot arrangements?

Mr KIERATH replied:

(1)-(2) Yes.

(3) It would be appropriate for the member to raise this issue directly with the Chamber of Commerce and Industry.

PUBLIC SERVICE - EMPLOYEES

Government's Wages Policy

1797. Mr BROWN to the Minister for Labour Relations:

(1) Is the Minister aware of an article that appeared in *The West Australian* newspaper on 3 July 1997 concerning the State Government wages policy?

(2) Has the State Government adopted a wages policy in respect to Government employees?

(3) Does the wages policy provide for a maximum of a 7 per cent wage increase over two years?

(4) If not, exactly what does the policy provide?

(5) Of the wage increase permitted by the Government under its policy, how much, in terms of percentage, will have to come from productivity gains, trade offs or other savings?

(6) What level of increase will the Government agree to in the absence of any productivity gains, trade offs or other savings?

(7) Does the Government expect the consumer price index to be less than the amount of the wage increase permissible under the policy?

(8) What CPI does the Government expect over the period covered by the wages policy?

Mr KIERATH replied:

(1)-(2) Yes.

(3) No.

(4) The wages policy provides for an aggregate productivity based wage outcome of 7 per cent across the public sector spread over the next two financial years.

(5) The Government's Public Sector Wages Policy provides for wage increases based on improvements in organisational productivity. The wages policy does not stipulate percentage requirements for productivity gains, trade-offs or other savings.

(6) Government Wages Policy allows for agencies to negotiate wage increases based on agency level productivity improvements. It is not envisaged that agencies have exhausted their capacity to improve productivity.

(7) Yes, although the Government's Public Sector Wages Policy is linked to growth in productivity, not growth in inflation.

(8) The forecast underlying CPI growth rate is 2.5 per cent for 1997/98. Advice from Treasury is that preliminary figures for the CPI increase in 1998/99 are unavailable at this time.

GAMBLING - MACHINES

Clubs and Hotels - Minister's Support

1805. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(1) Has the Minister given any support for the introduction of gaming or poker machines in clubs and hotels in Western Australia?

(2) Has the Minister attended any meetings at which such support or tacit support has been given by him?

(3) What is the nature of the support or tacit support that has been given by the Minister?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

Office of Racing, Gaming and Liquor -

(1)-(2) No.

(3) Not applicable.

SCHOOLS - HIGH

John Curtin Senior - Overcrowding in Industrial Workshop

1807. Mr KOBELKE to the Minister for Labour Relations:

(1) Was WorkSafe WA asked to investigate a complaint of overcrowding in an industrial workshop involving a class of students at John Curtin Senior High School?

(2) Did Mr Martin Jennings, a WorkSafe Inspector, visit John Curtin Senior High School on 20 May 1997?

(3) Did Mr Jennings investigate potential safety issues involving a class of nineteen students in the one industrial workshop?

(4) Did Mr Jennings make any findings with respect to the safety of the class of nineteen students in that particular industrial workshop?

(5) Has any correspondence been issued to the school either approving the continuation of this arrangement or suggesting changes to improve health and safety for students and staff?

Mr KIERATH replied:

(1)-(3) Yes.

(4)-(5) In correspondence to the Education Department, Mr Jennings suggested changes be made to increase the level of supervision in the industrial workshop. A copy of the correspondence was sent to the school.

ELECTORAL AMENDMENT (POLITICAL FINANCE) ACT - SECTIONS 5 AND 6

Proclamation

1810. Mr KOBELKE to the Minister for Parliamentary and Electoral Affairs:

(1) Does the Government intend to proclaim sections 5 and 6 of the Electoral Amendment (Political Finance) Act 1992 and if so, when?

(2) If not, why not?

Mr SHAVE replied:

(1) No.

(2) Advice given to the previous Government in 1992 indicated these sections had unintended consequences which would severely interfere with the normal operations of Departments and Authorities. The Government has heeded this same advice in leaving these sections unproclaimed when the remainder of the Electoral Amendment (Political Finance) Act 1992 was amended and proclaimed in 1996.

SHEARERS ACCOMMODATION ACT - INSPECTIONS AND PROSECUTIONS

1811. Mr KOBELKE to the Minister for Labour Relations:

(1) What is the number of inspections made in each of the last five years in relation to WorkSafe's administration of the Shearers Accommodation Act 1912 and its regulations?

(2) What is the number of prosecutions made in each of the last five years in relation to WorkSafe's administration of the Shearers Accommodation Act 1912 and its regulations?

Mr KIERATH replied:

(1)-(2) Nil. WorkSafe Western Australia utilises the Occupational Safety and Health Act 1984 in Agriculture.

AGRICULTURE - WESTERN AUSTRALIAN RURAL LEADERSHIP PROGRAM

Kimberley - September Course

1817. Ms ANWYL to the Minister for Primary Industry:

(1) I refer to the Western Australian Rural Leadership Program and ask, what are the names, qualifications and places of employment of the twenty applicants selected for the Kimberley September course?

(2) Do the participants belong to a political party?

(3) If so, which party?

(4) Is it planned at this stage to extend the leadership program to other regional areas?

(5) If so, when and where?

(6) When will a Goldfields course be held?

Mr HOUSE replied:

(1)-(6) Since its inception in 1996, the WA Rural Leadership Program has provided leadership training and skills development to nearly 100 men and women from rural industries and communities. Foundation for Leadership Courses have been held in York, Albany, Geraldton, Esperance and Mandurah and are planned for Donnybrook, Moora, Carnarvon, Hyden, Kununurra, Port Hedland, Merredin, Dalwallinu, Manjimup, Jerramungup, Broome and Kalgoorlie. The inaugural Future Leaders Course is about to commence in the Kimberley and draws participants from across the State. It is an extensive six months commitment. Participants have been selected on merit following a public call for applications within the agriculture and fisheries industries and across rural WA. Information about membership of political parties is not sought and is not relevant to the selection process.

REGIONAL WESTERN AUSTRALIA - DELIVERY OF GOVERNMENT SERVICES

Policy

1862. Mr GRAHAM to the Minister for Regional Development:

(1) Does the Government have a policy for the equitable delivery of Government services into regional Western Australia?

(2) If yes to (1) above -

(a) what is that policy;
(b) has the policy been fully implemented;
(c) how is the effect of the policy measured?

(3) If no to (1) above, why not?

Mr COWAN replied:

(1) Yes.

(2) (a) Coalition Regional Development 1996 Election Policy.

(b) No.

(c) The Department of Commerce and Trade in partnership with the nine Regional Development Commissions will be conducting a Community Service Audit which will monitor all Government agencies and other agencies delivering services to regional Western Australia. The audit is expected to commence within the next few months.

(3) Not applicable.

GOVERNMENT INSTRUMENTALITIES - DELIVERY OF SERVICES

Regional Areas - Access Equity Plan

1863. Mr GRAHAM to the Minister for Regional Development:

(1) Does the Government require all Government agencies and other agencies delivering government services to publish a regional access equity plan to improve service delivery?

(2) If no to (1) above, why not?

(3) If yes to (1) above -

(a) which agencies have developed such a plan;

(b) are the plans consolidated in any central location;

(c) how many of the plans have been fully implemented;

(d) where is each plan published?

Mr COWAN replied:

(1)-(3) The Government, through its 1996 Coalition Election Policy on Regional Development will require all agencies and non-government agencies to develop and publish a regional access equity plan. The appropriate means for implementation of this commitment is currently being considered by the Department of Commerce and Trade.

GOVERNMENT INSTRUMENTALITIES - DELIVERY OF SERVICES

Community Services Audit

1864. Mr GRAHAM to the Minister for Regional Development:

(1) Has the Government established a Community Service Audit to measure the performance of State Government Agencies in improving the equitable delivery of government services?

(2) If no to (1) above, why not?

(3) If yes to (1) above -

(a) which agency is responsible for the audit;

(b) what is the result of the audit;

(c) what action has been taken as a result of the audit;

(d) where is the audit published?

Mr COWAN replied:

(1) No.

(2)-(3) The process to carry out a community service audit is being developed by the Department of Commerce and Trade in partnership with the nine Regional Development Commissions.

HEALTH - UNIVERSITY RURAL SURGICAL SERVICES

Funding

1866. Mr GRAHAM to the Minister for Health:

(1) Has the Government provided any additional funding to the University Rural Surgical Services since November 1996?

(2) If no to (1) above, why not?

(3) If yes to (1) above -

(a) what additional funding has been provided;

(b) what was the source of the additional funding;

(c) what further funding will be provided over the next three years?

Mr PRINCE replied:

(1) Yes.

(2) Not applicable.

(3) (a) $38,880.

(b) 1997/98 health budget.

(c) $960,172

HEALTH - COUNTRY DOCTORS

Training - Funding

1867. Mr GRAHAM to the Minister for Health:

(1) Has the Government provided any additional funding for the training of country doctors since November 1996?

(2) If no to (1) above, why not?

(3) If yes to (1) above -

(a) what additional funding has been provided;

(b) what was the source of the additional funding;

(c) what further funding will be provided over the next three years;

(d) what training has been provided;

(e) how many doctors have taken advantage of the training;

(f) where were the doctors taking the training practising?

Mr PRINCE replied:

(1) No.

(2) With the exception of doctors employed directly by health services, or training provided through the WA Centre for Remote and Rural Medicine, the responsibility for ongoing training is the responsibility of individual Private Practitioners. Additional training support is available through Divisions of General Practice and through the Commonwealth Department of Health and Family Services under the Rural Incentives Program, training grants.

(3) (a)-(e) Not applicable.

HEALTH - COUNTRY DOCTORS

Locums - Funding

1868. Mr GRAHAM to the Minister for Health:

(1) Has the Government provided any additional funding for the provision of locums for country doctors since November 1996?

(2) If no to (1) above, why not?

(3) If yes to (1) above -

(a) what additional funding has been provided;

(b) what was the source of the additional funding;

(c) what further funding will be provided over the next three years;

(d) how many locums have been provided as a result of the additional funding;

(e) in which town have the locums been situated?

Mr PRINCE replied:

(1) No.

(2) With the exception of locum support provided to doctors employed by Government Health services or through the WA Centre for Remote and Rural Medicine, the provision of locum support is the responsibility of the relevant Private Practitioner. Additional support is provided through Divisions of General Practice

from the Commonwealth Department of Health and Family Services or through grant application made to the Commonwealth Department.

(3) (a)-(e) Not applicable.

HEALTH - HEALTH WORKERS

Training - Funding

1869. Mr GRAHAM to the Minister for Health:

(1) Has the Government provided any additional funding for the training of health workers since November 1996?

(2) If no to (1) above, why not?

(3) If yes to (1) above -

(a) what additional funding has been provided;

(b) what was the source of the additional funding;

(c) what further funding will be provided over the next three years;

(d) what health workers have taken advantage of the training;

(e) in which towns are the health workers who have had additional training located?

Mr PRINCE replied:

(1)-(3) To respond accurately to this question will require considerable research and expenditure to gather the necessary information. Can the member be more specific on what training and category of health worker is sought.

REGIONAL WESTERN AUSTRALIA - 2029 COMMITTEES

Location and Membership

1870. Mr GRAHAM to the Minister for Regional Development:

(1) In which towns has the Government established 2029 committees?

(2) Who are the members of each committee?

(3) What is the age of each member of each committee?

(4) What are the criteria for selection to the committees?

Mr COWAN replied:

(1)-(4) The commitment to establish "2029" Committees within each regional development commission was made during the 1996 election campaign. The Department of Commerce and Trade has been requested to liaise with the nine regional development commissions, with the objective of establishing these committees in each region by January 1998.

DE FACTO RELATIONSHIPS - PROPERTY LEGISLATION

Introduction

1907. Ms ANWYL to the Minister representing the Attorney General:

(1) When is it proposed to introduce the De facto Relationships (Property) Bill to the Legislative Assembly?

(2) Will the Minister provide me with a draft of the Bill?

Mr PRINCE replied:

(1) The De facto Relationships (Property) Bill was listed on the Government Legislation Program tabled in both Houses as proposed for introduction in this sitting of Parliament.

(2) No. The drafting of the Bill has yet to be finalised.

QUESTIONS WITHOUT NOTICE

POLICE - DRUGS SQUAD

Funding - Cut

556. Dr GALLOP to the Minister for Police:

Last night the Commissioner of Police admitted on the ABC Television news that funding to the WA Drug Squad had been cut this year. This is at the same time that the Minister's Government has been criticising the Federal Government for cutting funding to the Federal Police, the Australian Customs Service and the National Crime Authority. Has funding also been cut to the organised crime unit of the WA Police Service?

Mr DAY replied:

I thank the Leader of the Opposition for the question, because it allows me to place on record a number of facts relating to drug law enforcement in Western Australia. The question is an example of the hangup that some members opposite have about the numbers in a particular police squad. It is a manifestation of some fairly narrow thinking and a lack of understanding of the operations of the Police Service.

Several members interjected.

The SPEAKER: Order! As members know, I allow interjections, even though they can be ruled to be disorderly, particularly when those interjections come from the members who ask the questions. I will not allow a barrage of interjections from around the Chamber.

Mr DAY: It is important to understand, firstly, that the Police Service can move officers into any area of operation where they are needed; secondly, that other units outside of the drug squad can be allocated the duty of dealing with drug law enforcement - that is exactly what is happening; and, thirdly, that general duties police whether they be in a suburban police station or elsewhere across the State also have the responsibility to deal with drug law enforcement.

Several members interjected.

Mr DAY: Members opposite might not get the information they want; however, they will get the correct information.

I was interested to learn of the comments of the Leader of the Opposition on ABC Radio yesterday. I agree entirely with what the Leader of the Opposition said and I sympathise with him. The Leader of the Opposition said there was a need for a specialised force from within the Police Service to cooperate with the federal and other authorities to try to uncover the drug problem. He said it is a matter of the powers that the police have in that area and that the Opposition is willing to look at that with the Government. He went on to say it is a question of the resources they have, but ultimately it must be targeted policing. I reiterate that I agree with his comments and it is the situation which prevails in Western Australia.

The total funding for the drug squad in 1996-97 was $2.393m and in 1997-98 it is estimated at $2.544m.

Mrs Roberts: Does that include the organised crime unit?

Mr DAY: No, it does not.

Dr Gallop: What is the answer to that question?

Mr DAY: I do not have the figures for the organised crime unit. If the member puts that question on notice I will be happy to get the figures.

What we have this financial year compared with the last financial year is an increase in funding to the drug squad. In addition to the staff who are directly involved in the drug squad, 155 officers within the metropolitan region have been given the primary responsibility of implementing Operation Final Dose and that is occurring at the moment. If additional officers are needed for drug law enforcement they will be allocated.

ROADS - RANFORD ROAD BRIDGE

Construction

657. Mrs HOLMES to the Minister representing the Minister for Transport:

The people in the Southern River electorate are anxious to learn more about the new Ranford Road bridge. Accordingly, I ask -

(1) What is the construction timetable for the new Ranford Road bridge?

(2) When will it receive traffic?

(3) What will be the design and how many additional lanes will it provide?

(4) Will a dual use pedestrian-cycleway be incorporated in its design?

(5) Will the associated roadworks, when completed -

(a) allow for the dual carriageways of South Street and Ranford Road to be linked; and

(b) provide for a more efficient access point into the Canning Vale industrial estate, via the Bannister Road-Ranford Road controlled intersection?

(6) Has the design and layout of the new Ranford Road bridge been developed so as to adequately accommodate the proposed Waratah fast transit rail passenger station?

Mr OMODEI replied:

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

(1) Roadworks commenced 7 August 1997 and the bridgeworks are planned to commence in December 1997.

(2) April 1998.

(3) The design provides for two lanes in each direction. There is currently only one lane in each direction.

(4) Yes.

(5) (a) Yes. The design provides for the dual carriageways of Ranford Road and South Street to be linked.

(b) Yes. The length of the right hand turn slip lane for north west bound traffic on Ranford Road into Bannister Road will be lengthened to improve the capacity of right turn movements.

(6) Yes. Planning for the bridge had to be altered to ensure the new rail link is fully accommodated.

DEFENCE FORCES - ROLE IN FIGHT AGAINST DRUGS

658. Mr McGOWAN to the Premier:

I refer to the fact that the defence force already plays a valuable role in drug interdiction on the sea and in the air, via patrol boats, Orion aircraft and the availability of defence assistance to the civil community.

(1) Was not the Premier's call yesterday for the defence force to join the war against drugs symptomatic of the fact that he is completely ignorant of the valuable role the defence force already plays?

(2) Is this not just another red herring designed to divert attention from the fact that he has cut funding to the drug squad, as admitted by the Commissioner of Police?

(3) Can he understand why John Howard thinks he is a cheap opportunist when he attacks the Federal Government for cutting funding to Customs and the Australian Federal Police in Western Australia while cutting funding to his State's drug squad?

Mr COURT replied:

(1)-(3) The member should have been listening to the answer to the previous question when I explained that there had been an increase in funding to the squad and that the number of police allocated directly to drug related matters had quadrupled. He should get his facts right.

Regarding the Defence Forces, yesterday I made the comment that we had to use all available resources to help both supply and demand. I said that I believe that the Defence Forces have technology available which can assist private surveillance.

Mr McGowan interjected.

Mr COURT: The member has asked his question, and he should let me finish. I said that I believe that we can use available technology. A lot of money has been put into the over-the-horizon radar to give a better 24 hour coverage of the movement of aeroplanes and ships which affect our coastline. That has not worked. The defence facility at

Curtin is undermanned. In a part of the State which has very few defence personnel permanently based in the north, it would be a positive move if we could better utilise our resources to help the surveillance effort.

WORKERS' COMPENSATION - PREMIUM RATES

559. Mr MacLEAN to the Minister for Labour Relations:

What are the levels of premium rates for workers' compensation since 1993-94?

Mr KIERATH replied:

I thank the member for some notice of this question. The recommended premium rate for workers' compensation this year has decreased by a further 10 per cent. In 1993 when we made some overdue reforms to the workers' compensation system, we received a lot of criticism particularly from members opposite. The reforms have worked magnificently because cases are settled very quickly. I think 80 per cent of all cases were settled within three to four months instead of two to five years previously. We have increased the statutory benefits by in excess of 13 per cent and we introduced statutory payments for soft tissue injuries and back injuries for the first time.

Workers are not the only ones who have benefited from the changes. The recommended premium rates decreased in 1994-95 by 12.5 per cent; in 1995-96, by 2.5 per cent; in 1996-97 by 10.5 per cent; and 1997-98 by 10 per cent That represents an overall decrease of 35.5 per cent in the past four years.

ALP members are screaming loudly because New South Wales has a Labor Government and in the same time frame that Government's premium rates have increased by 40 per cent. Therefore, one can make a good comparison between a coalition Government and a Labor Government. While our rates have decreased by 40 per cent the rates in New South Wales have increased by the same figure. The lower premiums, coupled with the improved safety records, save thousands of dollars which are used to employ more people in this State. I congratulate WorkCover and the employers and employees for their very fine efforts in improving workplace safety.

TOURISM - EVENTSCORP

Role in Liberal Party Campaign

560. Mr BROWN to the Premier:

Was EventsCorp actively engaged in assisting the Liberal Party campaign during the last state election?

Mr COURT replied:

I am not aware of any involvement by EventsCorp in the Liberal Party campaign.

TOURISM - EVENTSCORP

Interview between the Premier and Elle Macpherson

561. Mr BROWN to the Premier:

Why did EventsCorp, on no fewer than six occasions, attempt to organise an interview between Elle Macpherson and the Premier during one of his talkback radio spots on 6PR during the election campaign?

Mr COURT replied:

I am not aware of any interview I did on radio -

Several members interjected.

Mr COURT: I am not aware of any interview I did with Elle Macpherson during the election campaign.

Mr Brown: The question was whether you are aware of attempts being made.

Mr COURT: I am not aware of any attempts being made, but if the member has some information, he should give it to me.

PRISONS - PRISONERS

Positive Drug Tests - Ban on Visitors

562. Mr SWEETMAN to the Minister representing the Minister for Justice:

Would the Minister for Justice be prepared to consider the suggestion of the member for Burrup that prisoners should lose contact visits and other privileges if tested positive for drugs?

Mr PRINCE replied:

At 8.30 this morning on the Peter Kennedy program on Radio 6WF, the member for Burrup proposed that prisoners who returned positive drug tests should be banned from having visitors. That is a drastic call, or it is described in that way -

Mr Brown: That is not what he said. Do not mislead the House.

Mr PRINCE: I quote -

> Well, prisoners returning positive drug tests should be banned from having visitors - that's the drastic call from State Opposition frontbencher Fred Riebeling . . .

Mr Riebeling is also quoted as saying -

> Well I think these are drastic times, demand drastic measures.

Mr Kennedy then asked the member for Burrup whether these measures had been tried elsewhere, and the member for Burrup said -

> I'm not sure whether it has been tried elsewhere. I'm saying that in our West Australian prisons we've got to try something different. . . . At the moment there's a 'close your eyes and pretend it doesn't happen' type situation in our prisons.

An officer from the prisoners' advisory support service then said that these measures are currently being used and penalties have been in place for some time.

The Minister for Justice does not need to consider the proposition that the member for Burrup raised because it is already the case. Under instructions from the Director General of the Ministry of Justice, the following loss of contact visit privileges will occur: For cannabis, first offence two months, second offence three months and third offence four months.

Point of Order

Mr RIPPER: The Minister appeared to be quoting from an official document - a Government Media Office transcript of an interview - and I ask him to table that document so that the House can have available to it the full transcript of the interview.

The PRESIDENT: Order! If the Minister is quoting from an official document, the Minister will table it, but if it is his private notes -

Mr PRINCE: It is a transcript of the interview, and I have no problem in tabling it.

[See paper No 621.]

Questions without Notice Resumed

Mr PRINCE: For harder drugs or alcohol, the penalties are first offence three months, second offence six months and third offence 12 months. In addition to these penalties are the loss of many other leisure privileges and possible solitary confinement.

The member for Burrup should be congratulated for his interest in this matter. However, in future before he makes constructive suggestions of that nature he should find out whether they are being implemented, because as with everything else in the drug debate, members opposite are years behind what the Government is doing.

TOURISM - EVENTSCORP

Interview between the Premier and Elle Macpherson

563. Mr BROWN to the Premier:

I refer again to EventsCorp's efforts to arrange an interview for the Premier and Elle Macpherson on Radio 6PR during the election campaign and ask:

(1) Why did EventsCorp prepare for Ms Macpherson "political questions and answers . . . for the radio phone call with the Premier/Howard/Elle on Tuesday"?

(2) Why was Ms Macpherson instructed to deny any association with the Liberal Party?

(3) Did the Premier or anyone in his office instruct EventsCorp to arrange the Elle interview last November?

Mr COURT replied:

(1)-(3) I am not aware of any arrangements that were put in place. What the member for Bassendean has said to me is the first that I am aware of that. If there was no interview, I do not understand what the issue is.

FIREARMS - CATEGORY C

Applications for Retention

564. Mr AINSWORTH to the Minister for Police:

(1) How many applications for the retention of category C firearms have been received to date?

(2) How many of the applications have been approved?

(3) How many of the applications have been returned for further information?

(4) How many of the applications have been rejected?

Mr DAY replied:

I thank the member for some notice of this question.

(1) At close of business on 18 August 1997, 2 143 applications for the retention of category C firearms had been received.

(2) Of those applications, 461 had been approved.

(3) A total of 1 554 applications had been returned requesting further information.

(4) Of the applications, 73 were refused and 55 were withdrawn.

I take the opportunity of reminding members of this House and the public that the firearms buyback scheme comes to a conclusion on 30 September. In order for firearms owners to receive compensation they are required to hand in their firearm by that time. There will be no extension of the buyback scheme. Alternatively, owners are required to apply for an exemption for a category C licence if that is the course of action they wish to take.

I also take the opportunity to advise members that the firearms branch of the Police Department has established an information booth at the Dowerin Field Day this week to provide to primary producers advice and information on the buyback scheme and the category C exemption application process.

HOUSING - KEYSTART LOANS LTD

Mortgages - Financial Counselling

565. Ms MacTIERNAN to the Minister for Housing:

Last week the Minister claimed that Keystart borrowers received financial counselling prior to entering into Keystart loans.

(1) Is the Minister aware that the Opposition's claims that no such counselling takes place is supported by more than 100 Keystart borrowers and the Association of Financial Counsellors?

(2) Can the Minister explain -

(a) when the supposed financial counselling takes place; and

(b) who delivers that counselling?

(3) Is the Minister concerned about the effectiveness of that advice, given that hundreds of low income earners are taking on loans that exceed the market value of the homes they are purchasing?

Dr HAMES replied:

(1)-(3) I thank the member for the questions. I take this opportunity once again to deny the last comment.

Ms MacTiernan: Don't take the opportunity, answer the question.

Dr HAMES: I take the opportunity to reject the comment the member has made over and over again about the homes being overvalued. We have been through this before. The Institute of Valuers has said that is not the case, and the member is making suppositions that are not correct.

With regard to financial advice being provided, that is the advice I have been given. The member indicated she would provide me with information from that phone-in and I suggested I would follow this up. I look forward to her providing that information; she has not done so yet. I will be pleased to follow through on any issue she wishes to raise.

HEALTH - ROSS RIVER VIRUS

Increase

566. Mr MARSHALL to the Minister for Health:

There is growing concern about the increase of mosquitoes and the possibility of contracting Ross River virus in my Dawesville area.

Mr Thomas: How is the Thunder going?

Mr MARSHALL: The member for Cockburn knows I am in a dilemma. I am No 1 badge holder for Peel Thunder and a life member of the East Fremantle Football Club.

The SPEAKER: Order! The member for Dawesville should get on with the question.

Several members interjected.

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

Mr MARSHALL: I ask the Minister -

(1) Is Ross River virus a growing health risk in Western Australia?

(2) What percentage of cases have been reported in the north west as against the metropolitan, Peel region and south west areas?

(3) What is the time lapse between infection and diagnosis?

(4) What can be done to combat this virus?

Mr PRINCE replied:

I thank the member for some notice of this question.

(1) Yes, of course Ross River virus is a growing health risk.

(2) The percentage of cases reported during 1996-97 are: Pilbara, 25 per cent; Kimberley, 10 per cent; Peel region, 25 per cent; Perth metropolitan, which obviously excludes Peel, 13 per cent; Goldfields-Gascoyne-Murchison, 12 per cent; and other south west areas, 15 per cent.

(3) The time elapsing between infection and diagnosis of Ross River virus varies enormously from as little as 10 days to a year or more and, obviously, anywhere in between.

(4) It should be well known, understood and publicised that there is no vaccine or cure for Ross River virus at this time. The Health Department has a number of strategies to minimise the impact of the virus including fortnightly collection and testing of mosquitos from high risk areas between Mandurah and Busselton to determine when the virus is present in the species; aerial and land based application of larvicides in strategic high risk areas when surveillance indicates that the Ross River virus risk is present in the community, which is carried out in conjunction with local government; the issuing of public warnings when Ross River virus risks are high; providing public education materials advising on steps to prevent mosquito breeding and personal prevention measures to avoid contracting the virus; testing of new and existing larvicides progressively, as is happening now, to improve the effectiveness of mosquito control; and the inclusion of mosquito minimisation strategies in planning processes. There is also a good deal of intensive training going on for local government officers. This matter is receiving continuing, ongoing attention by the Government.

WESTERN POWER - ELECTRICITY TARIFF SURCHARGE

Conversion of Small Businesses to Individual Metering

567. Dr GALLOP to the Minister for Energy:

I refer to the fact that dozens of small retailers in shopping centres throughout regional Western Australia have been

slugged with the electricity tariff surcharge introduced last October because they are being treated as one large customer, and I ask -

(1) Is the Minister aware of Western Power's policy to refuse requests by these small businesses to convert to individual metering?

(2) Does the Minister think it is fair for Western Power to screw small business in this way?

(3) Will the Minister instruct Western Power immediately to scrap the policy in the interests of small business in regional Western Australia?

Mr BARNETT replied:

I thank the member for this question. I would appreciate it if he would give me examples of those that - I will not use his unsavoury language - have been treated in this way.

Dr Gallop: It is in *The Esperance Express* of 26 August 1997, if you want to read the article. It is all there.

Mr BARNETT: No doubt it is an article featuring Mr Miles Cattle, a person whom I do not take particularly seriously.

Dr Gallop: Don't you?

Mr BARNETT: No, because he never takes the time to look at the facts of a matter.

The only increase that has been applied is an up to 8¢ surcharge on the increase in consumption above 200 000 units. No small business consumes to that extent. If a small business is a tenant of a shopping centre and is not individually metered, that small business should arrange for individual metering.

Dr Gallop: Western Power won't allow that to happen. Get in touch with what is going on.

Mr BARNETT: That is not the case.

Dr Gallop: It is the case.

Mr BARNETT: I am about to speak to the shopping owners in Esperance. I do not know of the one the Leader of the Opposition is talking about.

Mr Ripper: Terence Hall.

Mr BARNETT: I will speak to him. This debate has been full of misinformation. It is an important issue for regional Western Australia. If those opposite care about energy conservation and energy efficiency and if they want to see investment in expanded generating capacity in regional Western Australia, they should think a little more clearly about the issues, instead of trying to fire cheap shots. The proposals I intend to bring back to Cabinet may well see some significant energy customers in this State pay less for electricity than they do now.

WESTERN POWER - ELECTRICITY TARIFF SURCHARGE

Conversion of Small Businesses to Individual Metering

568. Dr GALLOP to the Minister for Energy:

Is the Minister aware that a Western Power spokesman was quoted in the article as saying that the costs now being spread onto the individual businesses were a management concern and not a concern for Western Power?

Mr BARNETT replied:

I am not aware of that. I have not read the article. I do not know to which officer within Western Power the Leader of the Opposition is referring. It is matter for Western Power. It is of importance. The issue of electricity prices in regional areas relates to large customers. Individual metering within large complexes is a real issue, and I will take it on board.

WATER RESOURCES - HARVEY DAM

Construction - Review

569. Mr BRADSHAW to the Minister for Water Resources:

(1) At what stage is the review of the proposed new Harvey dam?

(2) When can those possibly affected by the proposed new dam expect to know whether the dam will be built?

(3) If the Water Corporation decides to build a new Harvey dam, when will it be completed?

Dr HAMES replied:

I thank the member for some notice of this question.

(1)-(3) The Water and Rivers Commission is currently responsible for preparing a subregional water allocation plan for the Harvey river basin, and that plan will detail the availability of that resource for Perth's water future. That is expected to be completed by January of 1998. A decision on the procedure for the new Harvey dam will be made by the Water Corporation following preparation of that plan. Current expectations are for the dam to be completed by around 2010.

MIDLAND WORKSHOPS - FUTURE USE

570. Mrs ROBERTS to the Premier:

I refer to the bells and whistles media launch last December of the Premier's election commitment for a university at the Midland Workshops site. Is he prepared to give the following two commitments to the House today: Firstly, a commitment that his Government is still committed to the workshops becoming a university for the growing eastern region; and secondly, a commitment that his Government is not currently preparing to sell the workshops, or was the university promise just another example of deceit like his promise in 1993 to expand the workshops?

Mr COURT replied:

I do not want to disappoint the member, but I am the chairman of the committee overseeing the disposal of a number of government sites, and the workshops is not on the list of such sites.

Mrs Roberts: Why is the Government Property Office saying that it is?

Mr COURT: The Government Property Office has been talking to a number of people on the future use of that site. The member knows that Edith Cowan University already runs some courses on that site, as does TAFE. A number of propositions have been put forward for that site, one of which relates to the historical society with an exercise relating to the railway. We have earmarked one of the major sheds for that group. I understand that the society will put a proposition to us on a major combined operation being placed at Pinjarra for that purpose.

Mr Brown: It is not true, Premier?

Mr COURT: I have been so advised. People have indicated that they will put a proposition to us about combining those operations and those of the Hotham Valley Railway, which is in financial difficulty, at a Pinjarra site. I am not saying that it will happen, but I am told that we have put land aside for it at the Midland Workshops.

Mrs Roberts: Will you give a commitment on the university, and will you say that you will not flog off the site?

Mr COURT: I have told the member that we are not considering the sale of the Midland Workshops, but we are looking at an option for that land.

Mrs Roberts: You promised a university.

Mr COURT: Hang on.

Mrs Roberts: It is as plain as that! Are you sticking by your promise or not?

Mr COURT: I have told the member that Edith Cowan is already operating from that site. The site is a large area of land, some of which has difficulties with contamination and the like. All those issues are being assessed. As far as the buildings are concerned -

Mrs Roberts: Will we get a fully fledged university? You promised it; do we get it?

Mr COURT: If the member stopped interrupting -

Mrs Roberts: Answer a simple question!

Mr COURT: I told the member what is happening with the site. We are looking at a number of proposals. We would love to see the financial support forthcoming to enable it to expand as a university; however, a large area of land is involved. If the member wants to take a constructive part in the debate, she should willingly put forward suggestions rather than carping all the time.

UNIVERSITIES - EDITH COWAN

Joondalup Campus - Sport and Recreation Centre

571. Mr BAKER to the Minister for Education:

(1) Is the Minister aware of a proposal to construct a sporting complex at the Joondalup campus of Edith Cowan University?

(2) If so, what is the nature of the proposed complex, the estimated cost of its construction and its proposed completion date?

Mr BARNETT replied:

I thank the member for some prior notice of this question.

(1)-(2) Edith Cowan University is currently building a sport and recreation centre on the Joondalup campus. The building is located adjacent to the campus playing fields, and includes a two court sporting hall, a health and fitness centre, a multipurpose room, two external tennis courts, and support areas including a small coffee shop, an occasional child-care centre and below level parking for around 90 cars. The facility is intended primarily for the use of the staff and students of the university. It is part of the long term plan for developing the Joondalup campus. The decision to go ahead with the project was on the basis of planning studies conducted for the university. Members may be interested to note that the study indicates that the campus will increase progressive from its current 4 100 students to a target of around 18 000 students. It will be a very strong educational facility in the northern suburbs. The total project cost is $6.8m and it is expected to be completed early in 1998.

EDUCATION - LOCAL AREA PLANNING

Consultation

572. Mr RIPPER to the Minister for Education:

I refer to the Minister's reported backdown on his position of 25 June that it was generous of the Education Department to even seek public comment on local area education planning.

(1) What is the new date for the receipt of public comment on local area education planning?

(2) Is the Minister's statement of 28 May that "local area education planning for all secondary schools in the metropolitan area, as well as Albany, Esperance, Kalgoorlie and Mandurah, would begin in term three, while planning for the remainder of schools should begin in term four" still operative?

(3) If not, when will local area education planning actually commence?

Mr BARNETT replied:

I thank the member for his question.

(1)-(3) It is fair to say that when the department went out with its draft proposals for the structure of local area planning, the time provided for response was a little over a month. In terms of practicalities, it provided limited opportunities for school groups to respond. Therefore, we have continued to receive submissions. From memory, around 400 submissions have been received, of which over 150 came from schools.

Importantly, I stress that decisions have not been or are not about to be made. The released local area planning discussion paper is about a structure of consultation and planning for education at a regional or local area. It is intended that for some areas of local regional planning, the process will start later this year; this will probably be in the western suburbs, or in my electorate if the member likes. The member for Kalgoorlie would be keen to see work done in Kalgoorlie and perhaps the concept of a senior college progressed. Many positive things arise from this process.

I have also agreed following receipt of the submissions - we are talking about a process, not a preset agenda or a Machiavellian plot - that up to 12 months will be provided for the planning process in each area. More input from parents, teachers and the wider community will be sought. It will be a formal ongoing process. Some areas will start this year, most areas will start in 1998 and some areas will start the process in 1999.

I suggest that members of Parliament take an interest in this process. They should have an open mind to take a proactive view to improve education in members' areas. That is what it is all about. It is a chance to get a substantial lift in the quality of education in metropolitan and non-metropolitan areas.

EDUCATION - LOCAL AREA PLANNING

Commencement

573. Mr RIPPER to the Minister for Education:

As a supplementary question, has the planning process for local area education planning in Swanbourne, City Beach, Scarborough and Kalgoorlie commenced as the Minister indicated in his statement of 28 May, and is it continuing?

Mr BARNETT replied:

No; under the structure of local area planning, it has not commenced. However, over the last 18 months ongoing planning, decisions and debate about the two areas have taken place, as occurred at Geraldton where two high schools merged. It is not as though the planning process in education can be whisked away and it be assumed that it did not happen.

Mr Ripper: I am trying to work out when you have delayed its implementation.

Mr BARNETT: The point is that we are planning in all parts of the State, as the department should do. No, the formal planning in the western suburbs has not begun. However, I hope and intend that it will begin this year as it is very important; this relates importantly to the rebuilding of Churchlands Senior High School as it is a chance to redo it better, rather than simply rebuilding what was destroyed in the fire.
