



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE ASSEMBLY

Thursday, 16 October 1997

Legislative Assembly

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

PETITION - STEPHENSON AND WARD INCINERATOR SITE

DR EDWARDS (Maylands) [10.02 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We, the undersigned, request that:

The regulators, Water and Rivers Commission, Health Department of Western Australia, the Environmental Protection Authority (EPA), with the independent adviser to the EPA appointed by the Minister, Professor Arthur McComb, and the Department of Environmental Protection's Pollution Prevention Division, adopt the remediation option for the Stephenson and Ward/Medi-Collect Incinerator Site in Welshpool which ensures the complete removal of all contamination, including the contamination beneath the incinerator building.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

Mr Speaker, you will note that the petition has been signed by Professor David Bellamy.

The petition bears 365 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 96.]

PETITION - ROADS

Safety Bay Road and Ennis Avenue, Rockingham

MR MCGOWAN (Rockingham) [10.03 am]: I present the following petition -

To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned, wish to register our concern at the intersection of Safety Bay Road and Ennis Ave in Rockingham. This intersection services a large population, including that of Safety Bay, Waikiki, Warnbro, Port Kennedy and Baldivis. In addition to this Ennis Ave is the main thoroughfare to Rockingham and the Kwinana Freeway and Fremantle for people coming from Golden Bay, Singleton, Mandurah and beyond. The speed on this particular section of Ennis Ave is 110Km/hour.

During peak hour this intersection can be a death trap with vehicles travelling at high speeds hitting vehicles turning or crossing.

We ask that you urgently review this situation and put in place measures to increase the safety level of this intersection by installing traffic lights and/or an overpass.

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 46 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 97.]

SELECT COMMITTEE ON PERTH'S AIR QUALITY

Discussion Paper

MR TUBBY (Roleystone - Parliamentary Secretary) [10.06 am]: I table a discussion paper produced by the Select Committee on Perth's Air Quality entitled "Vehicle Emissions" and move -

That the paper be printed.

This discussion paper is the third in the series of five to be released by the select committee. The paper outlines strategies designed to reduce vehicle emissions from motorcycles, cars, buses, trucks and light commercial vehicles in use in the metropolitan area. The committee acknowledges that one of the key ways of reducing vehicle emissions is to use vehicles less and adopt other transport modes, such as public transport, cycling and walking. It is the committee's intention to elaborate on the strategies relating directly to alternative transport modes in the fifth and final discussion paper to be released in November.

Emissions from vehicles come from a number of sources. The most obvious is the exhaust, particularly when the vehicle is not operating effectively or efficiently. Emissions also arise from evaporation at the engine, the fuel system and the fuel tank. Vehicle emissions are the second largest contributor to episodes of particulate haze. Vehicle emissions are also a major source of nitrous oxide and reactive organic compounds contributing to the generation of photochemical smog. These emissions also contribute a variety of air toxics including benzene and toluene.

In comparison to other cities around the world, the Australian vehicle fleet is relatively old with 55.4 per cent of the fleet estimated to be pre-1986 and with 48.5 per cent of the fleet running on leaded fuel. The Perth passenger vehicle fleet is similar with approximately 54 per cent being 1970 to 1986 model years. This means that a large proportion of the vehicles in use today were designed to meet only the very early standards.

Diesel engine vehicles emit a disproportionately high level of transport related particulates. Typically these vehicles represent only about 10 per cent of urban traffic or 35 per cent of fuel consumption, but about 70 per cent of urban transport particulate emissions. Particulate levels from motor vehicles are predicted to increase over the short to medium term, principally because of the growth in diesel vehicle use and the absence of particulate emission standards until the mid-1990s. Although diesel vehicles emit some smoke on acceleration, smoke should not be emitted constantly. Black or grey smoke arises when there is incomplete fuel combustion. Blue smoke arises when engine oil is being burned or atomised, and white smoke arises when fuel is not burning. Simple maintenance procedures can often alleviate these smoke emissions if maintenance is undertaken correctly and regularly. It is a similar situation for petrol vehicles, where black or grey smoke arises from incomplete combustion, blue smoke arises from engine oil being burned and white smoke is emitted if coolant and/or water is being vaporised in the combustion chamber.

Written and oral submissions received to date have come from individuals, community groups and associations, businesses, industry, academics, health professionals and government agencies. A complete list of submitters will be provided in the committee's final report.

An opinion expressed in the submissions was that the Government had failed to deal adequately with vehicles that were contributing to Perth's pollution problem. The smoky vehicle reporting program, which is operated by the Department of Environmental Protection, was seen as a bandaid approach, and the policing of vehicles that had an exhaust problem was considered inadequate.

Other submissions outlined the technological inadequacies of vehicle, engine and fuel design as contributing factors to the amount of pollution from vehicles in Perth. It is estimated that 25 per cent of car trips made in Perth are less than 3 kilometres in length. Since the effective operation of catalytic converters is temperature dependent and that it takes between 10 and 15 km of driving for the catalyst to reach optimum operating conditions, there are many instances when emissions from vehicles are higher than we would expect.

Concern was expressed in some submissions that although all new vehicles were required to meet the Australian design rules for emissions when the vehicles came onto the market, it was considered to be a well known fact within the servicing and maintenance industry that tampering with fuel systems and removal of emission control equipment was taking place. This was considered in submissions to be prevalent among the diesel and trucking industry. There is no policing of this, and there appears to be no penalty for those requesting that work.

Evidence was presented to the committee that overfueling, which is rife within the transport industry, is undertaken to increase the horsepower rating of heavy haulage vehicles. A 10 per cent increase in the diesel injection into the engine creates a 400 per cent increase in the emissions produced. It is a significant problem and one that must be addressed seriously.

This discussion paper outlines a range of strategies which could be implemented to reduce vehicle emissions. All of these strategies have been recommended to the committee through public submissions or during the presentation of evidence. The committee is not suggesting that every strategy listed should, or must, be implemented. Instead, it is seeking public comment on the strategies which are considered to be the most effective and which would receive the most public support.

The strategy options have been classified as either educational, technical, regulatory or market based. The educational strategies include implementing a driver education campaign relating driver actions to vehicle emissions,

implementing a community education program about the importance of regular inspection and servicing of vehicles, and providing free or inexpensive vehicle testing facilities in Perth as part of an education campaign. The technical strategies include improving vehicle technology such as better engine design and aiming for zero emission targets; improving fuel - petrol and diesel - quality, such as by lowering the sulphur content of diesel; and examining the usefulness of remote sensing devices or radar to detect vehicles with excess emissions.

Regulatory strategies include introducing an annual or biennial vehicle emission inspection program requiring all vehicles over a defined age to be licensed as road worthy from an emissions - exhaust and evaporative - perspective and including testing of cars, trucks, buses, light commercial vehicles and motorcycles; introducing a random roadside vehicle exhaust inspection program for all vehicles, regardless of the age of the vehicle; introducing a radar vehicle emission identification program requiring all vehicles detected to undergo an exhaust and evaporation emissions test; and requiring the introduction of two-way catalysts in diesel vehicle emission control systems.

Market based strategies include providing incentives to owners of pre-1986 vehicles without catalytic converters to convert the exhaust system to a cleaner alternative or trade the vehicle for scrapping, and providing car owners with incentives to trade in old vehicles, such as a government funded buyback program. Many other strategies are included in the paper. I pay tribute to the committee's research officer, Deanna Tuxford, for the amount of work she has put into not only this paper but all discussion papers that have been presented to date.

Question put and passed.

[See paper No 774.]

STATEMENT - MINISTER FOR PLANNING

Metropolitan Region Scheme Amendments

MR KIERATH (Riverton - Minister for Planning) [10.14 am]: This ministerial statement is about amendments to the metropolitan region scheme concerning the regional road reserves review and the Henderson industrial estate. At Henderson the Government will rezone two lots in Cockburn Road from the parks and recreation reservation to the industrial zone. This will allow a much needed expansion of the important shipbuilding facilities at Jervoise Bay. Currently Western Australia contributes 70 per cent of the total annual value of Australian ship exports. Shipbuilding in this State is valued at \$616m a year and provides employment for more than 5 000 people. This amendment will help Western Australia maintain its competitive edge in the shipbuilding industry.

During the public comment period some concerns were raised about the loss of a public beach and a lack of strategic planning. The Fremantle Rockingham industrial area regional strategy is examining the strategic development of the Fremantle-Rockingham industrial area and that strategy will allow for public comment on the shipbuilding industry and other strategic matters when it is released soon. The Department of Environmental Protection has advised that the beach area does not form an integral part of the Woodman Point Reserve and it offered little recreational value. Given the value of the shipbuilding industry to the State's economy, changing the zoning to industrial will not have a major impact on the area.

On the matter of regional roads, this Government will move to further improve road safety, enhance street scapes, reduce the impact on private property and provide protections for heritage buildings and existing trees through the road reserves review, which began implementation in 1993. It has identified eight roads across the metropolitan region that reduce further the amount of land set aside for future road building works.

Having identified that some reservations are wider than required, the Government is reducing the amount of land set aside for future roadworks to allow for valuable inner city development, to lessen government liability and to allow for road enhancement along our streets. Parts 1 and 2 of the road reserves review have already been successfully completed when similar changes were made to 19 roads in the metropolitan area. Part 3 will affect Broun Avenue, Beaufort Street, Main Street, Sevenoaks Street, William Street, Claremont Crescent, Shenton Road and Albany Highway in Cannington.

I table amendment 986/33 on the Henderson industrial estate and amendment 982/33 on the regional roads, and I commend these amendments to the House.

[See papers Nos 775A-F and 776A and B.]

STATEMENT - MINISTER FOR WORKS

Public Buildings Maintenance

MR BOARD (Murdoch - Minister for Works) [10.18 am]: Maintenance of public buildings is a vitally important issue, one which is always at the forefront of attention of both the public and the Government. The State Government

is committed to improving the maintenance standards of public buildings. For the record, I will outline some of the Government's achievements in this area. Since 1993 the total budget managed by the Department of Contract and Management Services for the maintenance of public buildings has increased significantly from \$50m to \$76m last year. However, not only has there been a significant injection of funds into the maintenance of public buildings by this Government, but also the Government has achieved significant savings through the use of private contractors. We are now getting more maintenance work completed for the taxpayer's dollar.

For example, in one instance savings of \$850 000 were achieved in the first year of a series of contracts that cover about \$17m worth of urgent repair work. The facilities management contracts which manage the maintenance of more than 900 public buildings are also contributing to a significant increase in the amount of work for small businesses in Western Australia. In the metropolitan area last year, small businesses delivered \$40m worth of building maintenance on public buildings. This was \$22m more work going to small businesses than three years ago. In addition, \$27m of public building maintenance work was delivered by small businesses based in regional Western Australia.

The Department of Contract and Management Services is actively managing these contracts to ensure the expected outcomes are delivered and the State's interests are protected. A three-way alliance between CAMS, its client government agencies and the five facilities management companies has ensured the success of these contracts. CAMS audits the facilities managers to ensure they are following the rules for awarding work and making timely payments to their contractors, and also monitors their performance on service standards, timeliness, price and customer satisfaction. A recent survey showed that 95 per cent of agencies are satisfied with the planned maintenance service while 91 per cent are satisfied with the breakdown repair service. The facilities management contracts are structured to grow and bring greater benefits and savings to those involved, whether they be clients, the private sector or the Government. This is a good example of where the Government's competitive tendering and contracting agenda has brought significant benefits to the community of Western Australia.

MUTUAL RECOGNITION (WESTERN AUSTRALIA) AMENDMENT BILL

Second Reading

MR COURT (Nedlands - Premier) [10.20 am]: I move -

That the Bill be now read a second time.

Section 7 of the Mutual Recognition (Western Australia) Act states that the Act expires at the end of the termination day, which is 28 February 1998 under section 3 of the Act. A review of the operation of the Act has been completed and was tabled in both Houses of Parliament on Thursday, 28 August 1997 in accordance with section 6. However, the Council of Australian Governments has also agreed to undertake a national review of the operation of the Australian Mutual Recognition Agreement and the commonwealth Mutual Recognition Act. Under the terms of the Australian agreement, a review of the mutual recognition scheme is to be conducted by March 1998, five years after the commencement of the commonwealth Act. This review will consider the future of the operation of the mutual recognition scheme in Australia.

The short Western Australian Act essentially adopts the commonwealth Act. The sunset clause of the Mutual Recognition (Western Australia) Act comes into effect in February 1998 before Western Australia has the opportunity to consider the recommendations of the national review of the commonwealth Act in March, and introduce any proposed legislative changes which may be necessary. Therefore, the intention of the Bill is to extend the sunset clause by just one year to enable the subsequent consideration of recommendations of the national review and any other action to occur. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

STATUTES (REPEALS AND MINOR AMENDMENTS) BILL (No 2)

Second Reading

MR COURT (Nedlands - Premier) [10.22 am]: I move -

That the Bill be now read a second time.

This is the third Bill introduced by this Government to revise Statute law by repealing spent, unnecessary or superseded Acts, and by making miscellaneous minor amendments to various Acts. Its aim is to make Parliament more efficient by reducing the number of amendment Bills dealing with relatively minor legislative amendments and repeals. Amendments and repeals included in the Bill are required to be short and non-controversial. In addition, they must not impose or increase any obligation or adversely affect any existing rights.

The Bill contains amendments and repeals initiated by Ministers and also contains recommendations by the Parliamentary Counsel's Office for miscellaneous clerical correction and amendments discovered when drafting other Bills or compiling reprints of Acts.

Although the Bill is introduced by me as Premier, it covers much legislation which is the responsibility of other Ministers. Therefore, subject to the orders and practices of the House, it may be possible for different Ministers to have responsibility for the legislation at different times during the Committee stage of debate.

Some of the specific provision of the Bills are as follows: Clause 3 repeals the Albany Woollen Mills Ltd Agreement Act 1976. This Act ratified an agreement between the State of Western Australia and Albany Woollen Mills Ltd for the purpose of further development of Albany Woollen Mills Ltd in a decentralised location and for cognate purposes. Under the agreement, the obligations of Albany Woollen Mills Ltd ceased on 30 June 1983 while the obligations of the State ceased on 30 September 1982. The purpose of the Act has been fulfilled and the Act now serves no purpose.

Clauses 4-10 repeal various commonwealth and state housing agreement Acts. These Acts ratified and approved housing agreements made by the Commonwealth and the State of Western Australia between 1945 and 1981. The agreements have been superseded by later housing agreements.

Clause 11 repeals the Imperial Acts (Masters and Apprentices) Adopting Act 1873 which applies the common law of England as at January 1873 in relation to matters concerning masters and apprentices. Section 28 of the Industrial Training Act 1975 overrode the operation of that Act to the extent of any inconsistency. The relevant section of the Industrial Training Act will be repealed when part 7 of the Vocational Education and Training Act comes into operation. Therefore, it is intended to repeal the Imperial Acts (Masters and Apprentices) Adopting Act with effect from the day that the Industrial Training Act is repealed.

Clause 17 amends the Anatomy Act to provide that the Minister rather than the Governor may authorise schools of anatomy. The existing system has been found to be unwieldy and expensive to administer. The expanding role of health education and the number of other professions which have the study of anatomy prescribed as part of their curriculum make it appropriate that a more flexible administrative structure be adopted.

Clause 20 amends the Bush Fires Act to enable the Bureau of Meteorology to issue separate morning and afternoon fire danger forecasts to take into account the considerable variation of the fire danger index that may occur during a particular day, especially in an area such as the Perth metropolitan hills.

In order to assist members in their consideration of the Bill, explanatory notes on each clause repealing and amending a Statute have been prepared. These notes can be made available on request. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

INDUSTRY AND TECHNOLOGY DEVELOPMENT BILL

Second Reading

MR COWAN (Merredin - Minister for Commerce and Trade) [10.26 am]: I move -

That the Bill be now read a second time.

The Industry and Technology Development Bill provides a more effective and accountable framework within which the Government can encourage, promote, facilitate and assist the development of industry, trade, science, technology and research activities in the State. The Bill also provides for the continuation of the Western Australian Technology and Industry Advisory Council.

Western Australia must be able to respond positively to the rapidly changing trends, markets and issues that are transforming the global economy if it is to achieve its own economic growth targets and maintain an internationally competitive industry base. This response must be led by industry, but government also has a critical role to play in creating an environment which facilitates industry activity.

The existing Technology and Industry Development Act was reviewed by an independent steering committee in August 1994, and the final report of this steering committee was tabled in this House in March 1995. The recommendations of that review with regard to legislative changes were to consolidate the legislation governing assistance and support to industry into one Act, to address a number of drafting and technical legal issues in the original Acts, and to broaden the focus of, and make more flexible, the enabling legislation. When the final report of the review was tabled in this House, I undertook to seek public comment on the proposals contained in the report. The comments received through this consulting process have been considered and in some instances included in the drafting of this Bill.

This Bill repeals three existing Acts which govern this State's support to industry. These Acts are the Technology and Industry Development Act 1983, the Industry (Advances) Act 1947, and the Inventions Act 1975.

As recommended by the review, the Bill provides greater flexibility while incorporating greater accountability. This flexibility recognises that government has a significant role to play in providing assistance and support for industry development but that this role can change over time. The Bill is designed so that the type, level and style of government support can be determined through policy and delivered through this enabling legislation.

This broad focus can be seen first in the five objects of the Bill which are to promote the growth and development of industry, trade, science, technology and research in the State; to improve industry efficiency; to encourage the establishment of new industry; to encourage the broadening of the industrial base; and to promote a supportive environment for industry development.

This broad focus is also reflected by a deliberately wide interpretation of "industry" to include not only trade, commerce and manufacturing but also commercially focused research, development and innovation; and an interpretation of "technology" which includes the "application of scientific knowledge and practical experience to economic activity, to humanity, and to the environment". This widely based approach is quite deliberate and is based on the recommendations of the review steering committee which this Government has endorsed.

A specific recommendation of the steering committee report was that the Minister be provided with broad functions and powers, including preserving corporate status. This has been reflected in the Bill while incorporating new accountability provisions as balancing mechanisms.

The legislation to be repealed has some significant technical problems due primarily to the particularity of the original legislation and to poorly developed amendments to the original Acts. The technical difficulties primarily hinged around the allocation of powers and functions between the body corporate - the Minister - and the department, giving unwarranted complexity to entering into and administering contracts. To add to this complexity the Industry (Advances) Act specifies the particular type and form of assistance that may be provided thus preventing any varied response to the changing needs of both clients and stakeholders.

The review recommended that the status of both the Minister and the department be clearly identified in the replacement legislation and that formal powers of delegation should be included to ensure the technical difficulties encountered in the original legislation are not repeated.

This Bill establishes the Minister as a body corporate with clearly designated powers and functions, but it does not establish the department as such. The department exists, as do other public sector agencies, by virtue of the Public Sector Management Act. The Bill includes a clause through which the Minister can delegate to the department the functions or powers assigned to the Minister.

Clause 6 outlines the functions of the Minister. An area of government responsibility of increasing importance to the State's economic development is the timely availability of the infrastructure necessary to secure projects for the State. This function, as outlined in clause 6(c) and the related one of establishing and managing technology parks - clause 6(e) - are critical to the creation of an environment which supports the emergence in the State of internationally competitive industries.

The Government is focusing increasingly on providing infrastructure that can build industry capabilities. It may be that the Government's role is facilitative - that of identifying the infrastructure requirements and ensuring these are delivered through the private sector. However, when infrastructure has a high common use component the Government's role in providing it is more proactive. This Bill allows either of these two approaches to be adopted when and as necessary.

The report of the review committee identified concern about the legislative base for the operation of overseas offices. This is an extremely important activity which provides Western Australian industry with advice and support to assist its access and entry into overseas markets. The State also maintains sister state relationships in areas where government to government contact is a necessary precursor to industry entry into the marketplace. This Bill - through Clause 6(f) - provides a clear mandate to promote state industry overseas through various mechanisms, which include establishing offices in selected countries.

In line with the whole of government thrust to commercialise its intellectual property and to profit from the sale of services, where appropriate, functions and powers are included in the Bill to ensure that this approach is introduced throughout the public sector. Once again this is in line with the review recommendations.

Clause 6(k) specifically allows for financial support to further the objects of the Act. The steering committee considered in great detail the need for an ability to undertake investment. This has also been a question of considerable debate during the drafting of the Bill. The overriding premise that the legislation should provide for

flexibility to meet the different needs of industry and government over time dictated that this power be retained in the Bill. However, as recommended by the steering committee, this power can only be used with the approval of the Treasurer. I would not expect this power to be called upon frequently.

When meeting the infrastructure needs of industry, the power to acquire and dispose of property such as land is critical. The inclusion of this power in the Bill has been the subject of extended discussion and debate both as part of the review and during the drafting of the legislation. The steering committee recommended this power be retained but had some reservations about the possibility of conflict with other land dealing entities such as LandCorp. The power has been retained but will be further reviewed along with similar powers contained in a number of other existing Acts when amendments to the Western Australian Land Authority Act are considered during 1998.

One of the more significant recommendations of the review found the existing arrangements for provision of financial support wanting in a number of respects. The deficiencies identified were to do both with the types of support which could be given, which were found to be limited and inflexible, and with the unpredictability and lack of transparency of the decision making about the support.

The Bill before this House allows, on the one hand, for any type or form of financial support to be provided - thus meeting the need for flexibility within which the policy of the government of the day can be set - while on the other hand ensuring transparency and clarifying decision making roles to ensure full accountability is achieved.

Part 3 of the Bill stipulates that the provision of financial support is to be provided in accordance with publicly available guidelines. If the assistance is outside a particular guideline or an applicable guideline does not exist, the Treasurer's approval is required on a case by case basis.

Clause 11(2) allows for the provision of financial support where there are no relevant guidelines, provided the value of support in each case does not exceed the maximum prescribed by regulation. I am proposing that the maximum amount will be \$10 000. After the regulations have been prescribed, it would be my intention to delegate this particular provision to the chief executive officer of the department assisting the Minister in the administration of this Act.

I am proposing to continue the accountability and reporting mechanisms I have introduced into financial support to industry since I became Minister for Commerce and Trade. This will be achieved by the provisions of part 3 of the Bill. It is my intention to publish guidelines which will set out the arrangements for tabling in this Parliament information about financial assistance provided to companies, industry associations and organisation. The reporting arrangements will be as follows -

assistance of \$200 000 or less will be tabled annually as soon as possible after the end of the financial year; and

assistance greater than \$200 000 will be tabled in Parliament as soon as possible after the agreement is reached with the recipient.

This brings me to the establishment of the Western Australian industry and technology development account, an account to which the moneys appropriated by Parliament are credited and to which all expenditure is charged. This is an important element of the Bill and provides an essential flexibility without which it would not be possible to complement the often unpredictable timing required for the delivery of financial support to industry.

Industry often has difficulty accurately predicting expenditure on major long term projects. Government support, usually a relatively small, though critical, portion of the overall project expenditure, is triggered by milestone events in the overall life of the project. Therefore, it is essential that the funds are readily available, when called on. The Western Australian industry and technology development account will enable allocations agreed by Government for particular projects in one year to be carried forward between financial years, rather than be automatically returned to the consolidated fund.

Part 6 of the Bill continues the existence of the Western Australian Technology and Industry Advisory Council. The review report recommended that the independence of this council be clarified in the new legislation, particularly the council's ability to initiate recommendations to the Minister - not just respond to requests from the Minister - and to make its findings or reports publicly available.

This recommendation is fully endorsed and has been reflected in the Bill now before this House. This formal avenue for providing, not only the Minister administering the Act, but also the public, with independent views and advice on issues relating to the objects of the Act is a critical component which will ensure that government policies for delivering services under this Bill are, and continue to be, both relevant and effective.

The steering committee recommendation that a separate appropriation be made for the Technology and Industry

Advisory Council has not been incorporated into the legislation, although the principle that the council should be independent in deciding how to spend its allocation is fully endorsed. The Department of Commerce and Trade will provide a "bureau service" to the Technology and Industry Advisory Council for its financial administration needs, thus relieving the council's small support group of a range of necessary, but administratively onerous, accountability procedures. The council has been fully consulted throughout the drafting process and is in accord with these outcomes.

A great deal has been said by a great number of people about transparency, openness and accountability processes for the provision of financial assistance to industry by government. I have already addressed the mechanisms I am proposing to establish, through guidelines based on this Bill to ensure that these processes are as open and as transparent as possible. However, I am equally committed to the principle that information of commercial value or trade secrets belonging, not to government but to the private sector, which happens to be on government record because the owner is dealing with government, should be protected. To this end this Bill incorporates an exemption for such information from access under the Freedom of Information Act. This provision will not protect information about government financial assistance to industry. That is not its aim nor its result.

Clause 29 of the Bill - confidentiality - is concerned with the need for persons subject to the Act to treat information provided to them in the course of duties pertaining to the Act as confidential. However, clause 29(3) specifically refers to information which is of commercial value or a trade secret. Clause 34(c) then amends the Freedom of Information Act so that information provided which is of the type described in 29(3) is exempt matter for freedom of information purposes. It does not, as I have said, exempt any matter except that which should legitimately be protected, nor can it be used to hide government dealings with industry which should legitimately be in the public arena.

I would like now to focus briefly on technology parks. Bentley Technology Park currently accommodates 70 companies employing more than 1 400 people with a combined turnover of \$170m per year. International evidence indicates that technology parks are catalysts for development and economic growth in both metropolitan and regional areas. A study titled "Technology precincts concept study, a role for the State Government" was released in November 1995. This report recommends increasing the use of technology parks as economic development mechanisms in Western Australia. I have already mentioned the important function included in the Bill: To establish and manage technology parks. I have also mentioned related powers to allow this function to be carried through - primarily the power to deal in real and personal property. Clause 27 of the Bill further provides for the necessary designations of areas as technology parks and the uses to which the areas can be put. In this context I would like to emphasise the growing role and success of commercially focused innovation and research activities to the economy of the State. Members will notice, and I have already mentioned earlier, that the definition of industry has been expanded to ensure that this important aspect of industry development can be supported through activities undertaken as part of this enabling legislation. Clause 31 sets out the provision for making regulations. Clause 31(2) specifically refers to the regulations which may be made in relation to a technology park.

When I became Minister for Commerce and Trade the existing legislation, enacted in 1983, included a clause requiring its review within five years of enactment. This review was carried out at my instruction in August 1994. This Bill contains a requirement for the Minister administering the Act to review the Act and its effectiveness every five years. The report of this review is to be laid before each House of Parliament. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Second Reading

MR KIERATH (Riverton - Minister for Labour Relations) [10.43 am]: I move -

That the Bill be now read a second time.

Members will appreciate that the legislative reforms to workers' compensation introduced by this Government in 1993 have resulted in a fairer and more cost efficient system. For example, since the introduction of these amendments there has been a significant average reduction of 35.5 per cent in recommended premium rates.

The 1997 amendment Bill which I present to the House replaces and consolidates the major changes contained in the 1996 amendment Bill, which was introduced, but not debated, in the 1996 spring session of Parliament. This Bill honours the Government's election commitments to reduce potential legal costs for injured workers where an employer appeals the decision of a review officer and to provide an option for permanently but partially incapacitated workers to redeem future weekly earnings. The Bill also contains minor adjustments to reflect developments in workers' compensation since the 1996 Bill was drafted.

The consolidated Bill streamlines and refines our workers' compensation scheme for the benefit of workers, employers and the community. The Bill benefits workers by -

providing that costs cannot be awarded against a worker by a compensation magistrate in cases where an appeal by the employer against a review officer's decision succeeds;

providing for automatic indexing of a number of key compensation entitlements including funeral expenses, wheelchairs, meals, board and lodging;

allowing certain workers with a permanent partial incapacity to redeem their claim - this will enable workers who will not benefit by staying on workers' compensation to exit the system; and

introducing specific claim forms for dependants of deceased workers and workers suffering noise induced hearing loss. It also enables dependants of deceased workers to directly access compensation awarded.

Employers will benefit from the Bill by -

increased protection through awareness of the fundamental obligation to hold a policy for workers' compensation insurance and by promoting equitable contribution to the premium pool through targeting the areas of recovery of avoided premiums, inspectors' powers and fines and penalties;

enabling working directors to elect whether to be included under a workers' compensation policy of insurance; and

extending the period for employers to appeal against the classification of industry or amount of premium assessed by their insurer.

The Bill also amends the Act to restore the original intent of Parliament. This will benefit the community by reducing unnecessary legal debate and therefore costs to the system and the parties to a dispute. This will be achieved by -

making greater allowances for a worker's capacity for work to be the major consideration if payments are reviewed, by emphasising his or her capacity for work instead of recovery from a disability;

empowering a medical assessment panel to determine a worker's capacity for work, thereby assisting in the resolution of disputes regarding a worker's medical condition by providing the flexibility to refer any or all medical questions to the medical assessment panel;

clarifying that the pecuniary loss threshold for entry to common law is based on the worker's future loss of earnings, consistent with the Government's original intent - this rectifies a problem arising from court interpretations that future pecuniary loss includes such items as health care costs, which were never intended to form part of this calculation; and

clarifying the original intent of the legislation by excluding from coverage sportspersons who perform promotional activities required as part of their sporting contract.

The Bill also makes a number of miscellaneous and technical amendments which correct drafting irregularities and references to sections of the Act which have been renumbered or repealed.

In summary, this Bill reflects the key role played by the major stakeholders through the Workers' Compensation and Rehabilitation Commission in the development of the reforms contained in it and I take this opportunity to acknowledge their input.

The Western Australian workers' compensation system has been recognised by the heads of workers' compensation authorities as the leading system in Australia. The Government will continue the process of consultation to ensure that the Act, when amended, will continue to provide a responsive workers' compensation system, best suited to the needs of the Western Australian community. commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

WESTERN AUSTRALIAN COASTAL SHIPPING COMMISSION AMENDMENT BILL

Second Reading

MR OMODEI (Warren-Blackwood - Minister for Local Government) [10.47 am]: I move -

That the Bill be now read a second time.

The Bill amends the Western Australian Coastal Shipping Commission Act 1965. The Government's decision to cease operations by the Western Australian Coastal Shipping Commission - Stateships - was taken in June 1995.

Subsequently, legislation to repeal the commission's Act was introduced into this Parliament and passed through the lower House. Before the Bill to repeal the legislation was introduced into this House, however, legal advice was received that should the Act be repealed, insurance cover against future claims by past employees - particularly relating to asbestosis - would be negated. Accordingly, the Government took the responsible decision to retain the shell of the commission as a non-operating legal entity in order to ensure ongoing insurance cover. The original Bill was not progressed and the current replacement Bill was prepared.

This Bill confirms the commission's position as a non-operating legal entity. An important aspect of this development is to remove the obligation on the commission under the Act to operate a shipping service. The Government's position is very clear on this issue. A private operator with appropriate support can provide a far more satisfactory and cost-effective regional shipping service than can be achieved through direct provision of a government service. This has been borne out by experience since the cessation of the Stateships' service and the subsequent provision of a subsidised service by the private operator, Nor West Shipping.

When Stateships stopped operating, a privately operated shipping service into the Kimberley and the Northern Territory was established with government support as a result of a clear demand from regional communities in the north for a regular shipping service. This demand has since been reiterated. Loadings on the vessel providing the service are steadily rising, which bears out the view of the Kimberley community on the need for shipping. The operator is considering various operational improvements to the service to better meet this growing demand.

The present support arrangements are administered by the Department of Transport, in the same way as progressive State Governments have supported aviation services to outlying areas. The current support will be in place until 1999 and the Minister has indicated that he will seek Cabinet consideration of ongoing support arrangements when the present arrangements expire. Fundamental to this consideration will be clear evidence of continued support of the service by the Kimberley community and also evidence of ongoing operational reforms on the part of the service provider. I note that a decision to continue government support beyond 1999 will require a public tender process to ensure optimum value in service provision.

The orderly winding down of Stateships' operations requires the establishment of the commission as an ongoing legal entity and the withdrawal of the obligation to operate a shipping service. Various sections of the Act will be repealed, consistent with these requirements. In addition, the Minister will be given the ability to direct the commission, and the commission's powers of delegation will be extended beyond individual commissioners and the general manager. Each of these steps is commonplace in the winding down of government entities. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

JURIES AMENDMENT BILL

Second Reading

MR PRINCE (Albany - Minister for Health) [10.52 am]: I move -

That the Bill be now read a second time.

Background: The coalition Government's policy on law and justice makes a commitment to reviewing the jury system process of selection, election and supervision. The courts information technology plan of the Ministry of Justice identified the funding necessary for the implementation of the jury information management system.

The jury information management system is due for implementation in November 1997. It will have the capacity to select potential jurors randomly from the various jury lists of the 12 jury districts in this State. The system is designed to manage the jury process, commencing with the production of jury summonses and following through with the balloting of jurors from the jury pool, the calculation of attendance fees and fares and the transfer of jurors' payments electronically to bank accounts. Various amendments to the Juries Act 1957 over the years have made provision for some of the processes to be performed by computer. However, as the legislation now stands the procedures to be followed by the jury pool supervisor laid down in sections 32F, 32FA and 32H of the Juries Act require manual performance. This Bill has been drafted to allow a computer to perform some of the functions contained in sections 32F, 32FA and 32H, while retaining the option for manual performance.

Main Features: The amendments to sections 32F, 32FA and 32H are minor. Section 32F requires the summoning officer to furnish to the jury pool supervisor a list of the names of the persons summoned - that is, jurors - and a ballot card for each person summoned. The Bill allows the list of the names of the persons summoned - that is, jurors - to remain in electronic form and for the ballot cards to be produced by computer following an electronic ballot.

Section 32FA requires, among other things, the roll to be called. The Bill allows for jury summonses to be bar-coded and swiped by attending jurors through a bar-code reader, thus recording attendances electronically. Subsections (1),

(2), (3) and (5) of section 32H require the jury pool supervisor to select by ballot from the box the jurors required and to provide a list of the jurors selected and ballot cards for each juror selected to the court. The Bill allows for the jury pool supervisor to select jurors electronically by use of a computer. It also allows for the computer to produce a list of the names of the jurors selected and ballot cards for each juror selected for production to the court. Additional jurors may be selected in like manner.

Other issues: These reforms are an integral part of the jury information management system. They are essential to the system for the realisation of the full benefits of the system to the Ministry of Justice.

Conclusion: The Bill will create a significant saving in time which will enhance customer service by limiting inconvenience to jurors and promoting a more favourable image of courts. Electronic data collection will make payments to jurors faster and more cost efficient. The amendments contained in the Bill will permit the replacement of very labour intensive procedures. The electronic system will be audit tested to ensure random selection of jurors is maintained. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

FAMILY COURT BILL

Second Reading

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [10.55 am]: I move -

That the Bill be now read a second time.

The Bill seeks to do four main things: First, it continues the Family Court of Western Australia; second, it introduces new concepts relating to parental responsibility for ex-nuptial children, like those already introduced by the Commonwealth in its Family Law Reform Act 1995 - hereafter known as the "reform Act" - for nuptial children; third, the Bill establishes a new operational philosophy for the work of the court when dealing with ex-nuptial children, reflected in a stronger emphasis on dispute resolution - again, this is like that established for the Family Court of Australia under the reform Act; and, fourth, the Bill follows the recommendation of the March 1993 report of the Advisory Committee on Family Law to repeal section 35 of the WA Family Court Act, which gives the mother of an ex-nuptial child sole guardianship and custody rights to the exclusion of the father until the court makes an order to the contrary.

Structure of the Bill: Given the volume of amendments in the reform Act which need to be reflected in the Bill, it was considered necessary to repeal the WA Family Court Act rather than amend and renumber it. Specifically, given that there are nearly 250 clauses in the Bill compared with about 90 sections in the existing Act - the Act has been amended 16 times since its original enactment in 1975 and is now 22 years old - it is understandable that this decision was made.

The Bill makes it easy to identify the clauses which follow the commonwealth legislation as the corresponding commonwealth Family Law Act 1975 section is referred to in both the arrangement and the Bill itself. Members should note that the references to the commonwealth Family Law Act may not necessarily be amendments brought about by the reform Act which came into effect on 11 June 1996 but may be in the present WA Family Law Act.

The WA Family Court Act was an Act to create the Family Court of Western Australia, and for incidental purposes. This Bill, by clause 9, continues the Family Court of Western Australia. In this regard the existing provisions of the Act dealing with the constitution of the court, together with the appointment of judges, sittings, jurisdiction and miscellaneous provisions have not been substantially changed.

The bulk of the reform Act amendments replace part III, division 3 of the WA Family Court Act dealing with issues of custody, guardianship, access and welfare. Also, substantive amendments have been included dealing with primary dispute resolution including counselling and mediation. The Bill also deals with the best interests of the child including situations of family violence and separate representation of children and clearly states the proceedings in which the best interests of the child are paramount.

The proposed legislation will be accompanied by the WA Acts Amendment and Repeal (Family Court) Bill dealing with consequential amendments to a number of other Statutes as it became apparent during drafting that these amendments were best contained in a separate Bill.

Consultation in respect of the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill has taken place with the Family Court, District and Supreme Courts, the Family Law Practitioners' Association, the Department of Family and Children's Services and the Law Society of Western Australia.

Present law: The Commonwealth Parliament has the power to legislate with respect to children of marriages - that is, nuptial children. This power was expanded between 1986 and 1990 when all States except Western Australia referred to the Commonwealth these powers with respect to ex-nuptial children.

The Family Court of Western Australia is a state court exercising state and federal jurisdiction, pursuant to a commonwealth-state agreement and section 41 of the commonwealth Family Law Act. This has the effect of two statutory regimes relating to children's issues currently operating in Western Australia. The WA Family Court Act deals with ex-nuptial children and the commonwealth Family Law Act deals with nuptial children. Although under different Acts, to 11 June 1996, the two systems, with one exception - namely, the custodian of an ex-nuptial child - were almost identical.

As well as establishing and providing the basis of funding for the state Family Court, in broad terms the commonwealth-state agreement referred to above requires Western Australia to ensure that its laws in the area are brought into conformity with those of the Commonwealth. The Bill now before the House will achieve that objective.

Federal reforms: The commonwealth Family Law Reform Act 1995 completely overhauled the existing provisions concerned with the welfare of children. The new approach emphasises the concept of parental responsibility for the care, welfare and development of children rather than giving parents any rights to custody and access, which tend to foster notions of ownership in children. This broadly follows the scheme introduced in the United Kingdom's Children Act in 1989. The major thrust of the reforms was to shift the focus from parents having a proprietorial attitude towards their children to a concept of parental "responsibility", which is defined as all the duties, powers, responsibilities and authority which, by law, parents and guardians have in relation to children. The reform Act made it clear that parental responsibility was not dependent on whether the parents are married or separated or whether they have never married or lived together.

In particular, the reform Act inserted an object and principles section - section 60B - into the commonwealth Family Law Act which provides that children should receive adequate and proper parenting to help them achieve their full potential, and to ensure that parents fulfil their duties and meet their responsibilities concerning the care, welfare and development of their children. The reform Act made it clear that the object is based on principles which are consistent with the United Nations Convention on the Rights of the Child.

The reform Act encourages parents to agree about matters concerning their children rather than seek an order from the court. Reflecting this notion, the reform Act establishes a scheme for the making of parenting plans. A parenting plan is a written agreement made between parents that may deal with any or all of the following matters: With whom the child is to live; with which people the child is to have contact; the child's financial support; and any other aspect of parental responsibility. There is provision for the registration of parenting plans in the Family Court. The plan then has the effect of an enforceable court order.

Flowing from the concept of parental responsibility, the reform Act provides for residence, contact and specific issues orders. The making of a residence order does not carry the same level of responsibility for the child's daily care and control as a previous order for custody. A residence order deals with only the person or persons with whom a child is to live and any other aspect of parental responsibility necessary to give effect to this. The court must make a specific issues order giving a person responsibility for the child's day to day care, welfare and development. A contact order deals with the contact between a child and another person or persons. The reason for making orders in this way is to make clear to the parties that parenting after separation involves ongoing responsibility toward the child on the part of both parents.

In addition to the new approach to dealing with children the reform Act effected a number of changes in relation to dispute resolution through mediation and counselling which should be used prior to seeking a court imposed decision. The aforementioned is a very broad description of the commonwealth reforms, which in many instances are quite complex. The full picture can be seen only on close examination of all the relevant sections.

Recommendations of the State Advisory Committee: As well as following the recommendations of the March 1996 report of the Advisory Committee on Family Law - relating to the adoption of the reform Act amendments - the Bill also follows the May 1993 report of the Advisory Committee on Family Law on proposed amendments to the Western Australian Family Court Act 1975. In regard to the May 1993 report the most significant recommendation was to repeal section 35 of the Family Court Act. The effect of this section is to give the mother of an ex-nuptial child sole guardianship and custody rights to the exclusion of the father until the court makes an order to the contrary. In following the advisory committee's recommendation the Bill seeks to achieve consistency between the state and federal Statutes in this important area.

Overview of main features of the Bill: Against this background I will now turn to a broad overview of a number of important parts of the Bill. As indicated earlier, substantial parts of the Bill are concerned with reintroducing

provisions relating to the operations of the Family Court of Western Australia. Against this foundation much of the remainder of the Bill is concerned with effecting legislative amendments to bring about a new approach for parents and the court in dealing with children.

Object of part 5 - children: Based on principles consistent with the United Nations Convention on the Rights of the Child, part 5 repeats section 60B of the commonwealth Family Law Act which I referred to earlier. These principles are -

children have the right to know and be cared for by both parents;

children have the right of contact, on a regular basis, with both parents and any other person significant to the care, welfare and development of the child;

parents share the duties and responsibilities concerning the care, welfare and development of the child; and

parents should agree about the future parenting of the child.

Delegation of powers to registrars: In the second reading speech to the Family Court (Orders of Registrars) Bill members were advised that the situation created by the decision in *Horne - 1997 FLC 92-734* - which held that a consent order of a registrar of the Family Court was invalid, and would be addressed by this Bill in providing for delegations to registrars and review of their decisions by the court. This is provided for in clause 33 of this Bill. Members would be aware that until this Bill is proclaimed the registrars are not and will not be making orders other than in their capacity as magistrates.

Mediation and counselling: The Bill provides in part 4 that primary dispute resolution methods include counselling, mediation and conciliation. The object of this part is to encourage people to use primary dispute resolution mechanisms to resolve matters in which a court order might otherwise be made under this Act, by ensuring that people have access to counselling to improve their relationships and to help them to adjust to a court order.

Family violence orders: Members should be aware that the Restraining Orders Act 1997 provides for the making of restraining orders. The proposed amendments also address the concerns identified in the report of the review of restraining orders giving rise to the amendments to the Justices Act 1902 dealing with the inconsistency between contact orders and family violence orders. The proposed amendments follow the commonwealth model and provide that -

- (1) A Family Court may make a contact order which is inconsistent with a family violence order, but if it does so it must comply with certain obligations including an explanation to the parties of the obligations the order creates, the consequences of failing to comply with the order, the court's reasons for the making of the order and the circumstances in which the order may be revoked or varied. The court must also provide a detailed explanation of how the contact provided for in the order is to take place and will clarify the relationship between the contact order and the family violence order. Parties may apply to the court for a declaration of the extent to which the contact order is inconsistent with the family violence order. The contact order will prevail over the family violence order to the extent of any inconsistency.
- (2) If a state Magistrate's Court makes a family violence order and there is an existing contact order, the Magistrate's Court may, if it is a final family violence order, discharge, vary or suspend the contact order. This is subject to the best interests of the child. If the Magistrate's Court is making only an interim family violence order, it can suspend or vary the pre-existing contact order for a period of only 21 days.

Parental Responsibility: Part 5, division 2, clauses 67 to 71, of the Bill is at the heart of the reforms in dealing with the concept of parental responsibility. These reforms replace proprietorial concepts of custody, guardianship and access with the concept of parental responsibility whereby the emphasis is on the obligations on parents rather than on their rights regarding children. Importantly, each parent has parental responsibility, which is a significant change in the case of ex-nuptial children, as at present under the state legislation the mother has sole custody rights to the exclusion of the father until the court makes an order to the contrary.

Parenting Plans: By part 5, division 4, clauses 74 to 82, parents are encouraged to reach agreement regarding the parenting of children, and are able to agree on all matters that can be the subject of a parenting order. A parenting plan, once registered in the court, has the same effect as an order.

Parenting Orders: Part 5, division 5, clauses 83 to 99, explains what are parenting orders. Among other matters, clause 84 provides that a parenting order may be made with respect to residence, contact, maintenance of the child and any other aspects of parental responsibility for a child. Importantly, by clause 90, the child's best interests are the paramount consideration in making a parenting order. The matters to be taken into account in determining the best interests of the child are dealt with in division 9.

Location Orders and Recovery Orders: Part 5, division 8, clauses 142 to 148, among other matters, defines "location order" and "state information order" as requiring persons and/or state entities to provide information regarding the location of a child. Clauses 149 to 157 in turn deal with recovery orders, which replace warrants for possession. Specifically by clause 154 the child's best interests are the paramount consideration in making a recovery order.

Notification of Sexual Abuse: Part 5, division 8, clauses 158 to 161, deals with the notification of suspected child sexual abuse and provides protection where notification or disclosure is made in good faith.

Conclusion: Western Australia is obliged under the commonwealth-state agreement to largely conform to commonwealth law in this area. Importantly, the amendments already enacted to the commonwealth law are so fundamental that if Western Australia did not adopt the same concepts, the effect would be two completely different legal regimes dealing with children in the State and, in addition, between ex-nuptial children in this State and other States of Australia. For example, nuptial children covered by the commonwealth Family Law Act 1975 will be subject to residency, contact and special issues orders while ex-nuptial children covered by the Western Australian Family Court Act 1975 will be the subject of custody, guardianship and access orders.

The Western Australian Government supports the federal reforms as they affect nuptial children. Therefore, it is inequitable that children whose parents are not married should be treated differently from what has been decided is the most appropriate regime for children whose parents are, or were, married, in a situation of relationship breakdown.

Finally, given the need to progress both the Acts Amendment and Repeal (Family Court) Bill and the Family Court Bill together, I shall be seeking leave for the two Bills to be debated cognately. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

ACTS AMENDMENT AND REPEAL (FAMILY COURT) BILL

Second Reading

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [11.15 am]: I move -

That the Bill be now read a second time.

I am pleased to present to this House the Acts Amendment and Repeal (Family Court) Bill. This Bill was referred to in my second reading speech to the Family Court Bill.

The Bill deals with consequential amendments to a number of other Statutes as an important part of the proposed means by which the interests of ex-nuptial children will be advanced in this State. Of necessity, the reforms introduced in the Western Australian Family Court Bill require numerous amendments to current Statutes. To accommodate this, the consequential amendments are contained in a separate Bill; that is, the Acts Amendment and Repeal (Family Court) Bill. Consultation in respect of the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill has taken place with the Family, District and Supreme Courts, the Family Law Practitioners Association, the Department of Family and Children's Services and the Law Society of Western Australia.

Through this legislation the Government is seeking to amend only the main Statutes which relate to the Family Court Act. I am advised that in addition to the Statutes sought to be amended by this Bill, there are various other Statutes which, for example, contain references to matters dealt with under the present Family Court Act, such as custody and guardianship. Amendments to these Statutes will need to be progressed in future.

So far as the consequential amendments to the Adoption Act are concerned, I advise the House that, at the direction of the then Minister for Family and Children's Services, not all the presumptions applied by the commonwealth legislation, and which are contained in the Family Court Bill, apply to the Adoption Act.

In the second reading speech to the Family Court Bill I pointed out that in the absence of amending legislation Western Australian children whose parents are not married would be treated not only differently, but arguably unfairly, in that they would not have the same rights as children whose parents married, and their parents would not have the same responsibility towards them as married parents have towards their children. I also pointed out that as the Western Australian Government supports the commonwealth reforms as they affect nuptial children, it is equitable that those children whose parents are not married should be treated under the same, appropriate regime. To achieve this the Family Court Bill and the Acts Amendment and Repeal (Family Court) Bill form an important package of family law reforms in this State. Therefore I will be seeking leave for the two Bills to be debated cognately. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

INTERPRETATION AMENDMENT BILL*Second Reading*

MR COWAN (Merredin - Deputy Premier) [11.20 am]: I move -

That the Bill be now read a second time.

This Bill amends the Interpretation Act 1984 by clarifying what has generally been understood to be the law in this State in relation to licence fees. In particular, until this year, it has been accepted in setting the quantum of licence fees prescribed by subsidiary legislation. Regard may be had not only to the direct cost of issuing the licence but also to all other costs of administering the licensing scheme.

The amendment has been introduced in response to the recommendation of the parliamentary Joint Standing Committee on Delegated Legislation that the following regulations be disallowed -

- (1) Regulations 3(a) and (d) of the Road Traffic (Drivers' Licences) Amendment Regulations (No 2) 1997; and
- (2) Regulation 3(a) of the Road Traffic (Licensing) amendment Regulations (No 2) 1997

and the subsequent acceptance of that recommendation by the Legislative Council.

Regulations 3(a) and (d) of the Road Traffic (Drivers' Licences) Amendment Regulations (No 2) 1997 introduced small increases to the licence fees payable for one year and five year drivers' licences while regulation 3(a) of the Road Traffic (Licensing) Amendment Regulations (No 2) 1997 increased the "recording" fee payable in respect of vehicle licences.

The parliamentary joint standing committee formed the view that the fees were ultra vires the regulation making power in the Act because, according to the committee, the relevant sections of the Act did not authorise the making of regulations which go beyond "fees for services" and the licence fees therefore amounted to the imposition of taxation.

This view would, in the event of its being further accepted by either House, herald a new approach by Parliament. It would mean that only the direct costs of issuing a licence to a person would be recoverable as a prescribed licence fee. All other costs of administering a licensing scheme would not be recoverable by licence fees.

This view of the committee was not supported by the advice of crown counsel or of a leading Queen's Counsel not previously involved in the matter who advised that the approach taken by the committee suggested that an inappropriately narrow view had been taken of the ambit of the power to fix fees under the relevant sections of the Road Traffic Act 1974 (WA).

The proposed amendment will clarify the position by confirming that where a written law confers the power to prescribe or impose a fee for a licence, the power includes power to prescribe or impose a fee that takes into account any expenditure - including future expenditure - that is reasonably related to the scheme or system under which such licences are issued. Any fee that goes beyond that reasonable relationship so as to impose taxation, or raise revenue, in a general way will still be invalid unless it can be shown to be authorised by Statute in its particular circumstances. I commend the Bill to the House.

Debate adjourned, on motion by Ms Warnock.

COUNTRY HOUSING BILL*Committee*

Resumed from 15 October. The Deputy Chairman of Committees (Ms McHale) in the Chair; Dr Hames (Minister for Housing) in charge of the Bill.

Clause 11: Functions and powers of the Authority -

Progress was reported after the clause had been partly considered.

Mr MARLBOROUGH: I refer to subclauses (3)(a) and (c) to which I referred yesterday during Committee. The Opposition would like some clarification about the organisations involved in the provision of finance and why it is necessary to look beyond banking and building societies.

Dr HAMES: The specific wording of subclause (3)(a) seeks to give the Industrial and Commercial Employees Housing Authority the opportunity to continue to dispose of the remaining buildings. As the member for Peel will

recall I said that as at 30 June, 70 buildings were held, but 20 to 30 buildings have since been sold. It is hoped that the rest will be sold before the end of this financial year. Those sales will in effect provide the \$12m that allows the \$20m-worth of loans in that first four years of the authority's existence.

With reference to subclause (3)(c) obviously as a Government we do not want to be borrowing money from the nearest lone shark. My advice is that because of the deregulation of the finance industry, the authority needs the flexibility of being able to borrow from alternative sources such as brokers or insurance companies which have become common lenders. Like any contract, the authority would need to make an assessment of the reputation and qualifications of the other party to the contract.

The Wallis report examined finance and one of the suggestions was that, as part of the deregulation market, other opportunities be provided to obtain finance. I gather that insurance companies could well be sources of finance provided they are reputable financiers.

Mr MARLBOROUGH: I am aware of the Wallis report but not of its detail. I accept the Minister's explanation for that clause; however, I urge caution. As the Wallis report indicates, a number of insurance companies are involved in banking. I am not sure that Governments necessarily should be leading the way in that respect.

On my reading of the Wallis report, it refers to borrowings in the private sector for driving major industrial initiatives. In this situation we are not talking about great amounts of money for projects that require tremendous amounts of infrastructure. Irrespective of the Wallis report, the Government should stick to the traditional lenders such as banks and building societies.

Mr BROWN: Clause 11(1)(a) on the functions and powers of the authority aims to facilitate the provision of housing outside the metropolitan area for farmers, retired farmers and in connection with certain businesses and services. Clauses 28 and 29 relate to applications for assistance by both rural employers and local governments. The Bill does not appear to contain any provision for applications by employees. Does the Bill provide the power to grant a loan directly to an employee?

Dr HAMES: The member for Bassendean is right: Clauses 11 and 28 do not specifically mention the employees of the employers. However, "rural employer" is defined as an employer who provides employment for any person, including the employer himself or herself, outside the metropolitan region. Although it is not apparent to me, I am advised that that will allow the provision of loans to employees of those employers.

Mr BROWN: I would be pleased if that matter could be checked. Loans can be made available to house employees only on the application of a farmer, rural employer or local government. Part 3 of the Bill deals with assistance by the authority. However, it does not contain a provision that relates to assistance directly to employees, other than through those mechanisms. I would be pleased if the Minister would consider that matter before the Bill gets to the other place.

Dr HAMES: The funds that provide accommodation for employees are not provided directly to employees. This provision comes from the ICEHA scheme, which provides loans to businesses, and the Rural Housing Authority scheme, which provides loans to farmers to provide housing for their employees. The loans go to the farmers either for themselves or their employees, because farmers have the balance sheets and the dollars to do the borrowing and they will be responsible for the loan; or to a business for its employees; or to the local government, either for Government Employees Housing Authority housing or for GEHA to work in conjunction with businesses to provide employee housing. The employee does not personally get the loan. Other funding opportunities are available through government, mostly through Homeswest - in particular, Keystart - that provide funds to an employee who wants to purchase land and build and own a house in a country town.

In Wongan Hills the Government will try to undertake both approaches at once. We will provide information on Keystart to all employees to allow them to consider the possibility of getting loans through Keystart and building their own homes and taking their families to the town. At the same time the Government will conduct the program through the council and local businesses so they can make commitments and be responsible for the provision of houses, also for their employees, which they could then rent out to employees or provide free. It would be up to them to work that out, provided they were responsible.

The loan through this scheme does not go directly to employees. Other opportunities and funding mechanisms are available to do that. To some extent it is better this way because it gives a guarantee to the employee who goes to a country town if he is sacked or if he must move. The changes to ensure a safety net to Keystart will provide an opportunity to protect people against those circumstances. I have suggested that even with those changes, in order for businesses in places such as Wongan Hills to encourage their employees to take that risk of getting a loan through Keystart and building their own home, the businesses should provide a guarantee that there will be no loss to employees if they choose to do that. As a security, employers will provide a personal guarantee that if a person must

leave for whatever reason, the business will buy back the house at the value the person bought it, otherwise people will not take the risk. They certainly have not taken the risk to date, because the funding has been available under Keystart. The Government will ensure that Keystart information is available in country areas and at the same time encourage employers to house their own employees.

Mr Brown: As I understand it, certain eligibility requirements apply to Keystart loans. They are not open to everybody.

Dr HAMES: That is true, but people must be just at the lower end of the income scale. The income for eligibility for Keystart is \$25 000 to \$35 000. It is still a reasonable income that allows people to access Keystart.

Mr BROWN: On the one hand, Keystart and various other schemes have provided an opportunity to borrow at either a very low rate, a lower rate or some benefit rate. However, in order to do that, people must have minimum incomes. This provision does not appear to cover any income differential. If I were seen to be a person of substance by a local authority, that local authority could apply for a loan to build a house to accommodate me, even though I might be on a reasonable income, because it considers me a person worthy of support or one whom it wishes to live in the town. If the local authority does not determine that, it is up to me to arrange. If I were on a reasonable income, I might be able to access the arrangements that would otherwise be available simply because the local authority or the rural employer was not prepared to make that application. I wonder about the equity of that arrangement. All sorts of arrangements can be entered into. Perhaps that matter does not gel immediately in my mind in respect of the equity considerations and how the equity treatment sits consistently across the two areas.

The other matter I wish to raise relates to subclause (3), and in particular paragraph (c), which was also referred to by the member for Peel. This provision allows the authority, with the approval of the Minister, to enter into any contract or arrangement with a bank or building society or other person. I am not sure that this head of power for the authority envisages through that process the raising of borrowings that are covered by other parts of the legislation. Rather than dealing with them piecemeal perhaps we can deal with them together.

My understanding of the comments made yesterday is that it is the authority's intention to have a nest egg of the existing \$20m, which it will lend out at a particular rate and recoup. As it does that it will collect money and be able to lend more and so on. However, the legislation also provides for the authority to borrow within certain limitations. Is it intended that the authority would borrow, obviously at the best rate it can given the nature of the institution, and lend it at that rate or at a higher rate? On the other hand, would it borrow and, whatever the interest rate, subsidise that rate to provide a preferential interest rate? If it is the latter, where do the funds come from to make up the difference?

Dr HAMES: That point was raised to a degree. The member is correct about the funds coming through. Initially it is expected that there will be no borrowings - the authority will use the existing funds. It is a question of demand. There could be an enormous demand in rural communities for this sort of funding facility. It is always hard to tell, but there is a need. If all local authorities were to make a genuine effort to improve the situation in their community, every community would need to access these funds. They would make a difference. All the towns I mentioned yesterday that I have visited need extra accommodation, primarily for employees. Businesses set up in a town or workers move and live in the town and get a job if they can get accommodation. If everyone gets off their tail, there will be a big demand. We need the ability to access funds.

It is expected that all of the funds will flow from the Treasury. Those funds are available at an interest rate between 4 and 5 per cent. That is the source of the funds for Homeswest and the Good Start program. A margin is included to cover bad debts and the subsidies we talked about previously, where we might need to charge a lower rate. We must ensure that no loss is incurred. The margin on those interest rates and administration costs take the rate up to 6.95 per cent. It is expected that the rate will be the same for all loans.

Mr Brown: Will it be the same at all times or at some time?

Dr HAMES: It will be the same for all loans at all times because it is a variable loan rate set by the authority through the Minister. The same applies for Keystart loans.

Mr Brown: It will move up and down?

Dr HAMES: Yes. Other packages might be developed for fixed term loans at different rates.

As stated earlier, the board includes one person from local government and others from the fields of planning, housing, finance and the farming industry. An officer from Treasury is also included to provide the advice the board needs about finance. That is what happens with other bodies, particularly with Homeswest, where we have that sort of expertise on committees to provide financial advice.

Mr BROWN: We referred to an interest rate of 6.95 per cent yesterday, and agreed that that is the interest rate generally available in the marketplace through banks. Is the advantage of this not so much a lower interest rate but the fact that one is able to borrow, whereas banks would not be prepared to loan funds because of the risk? They may think the population is not stable enough, that people will move and that the value of the property will decline. Is the benefit here not so much having a subsidised interest rate but a commercial interest rate so that people can access the money when a financial institution would not lend it?

Dr HAMES: That is true; that is the whole reason for this Bill and this organisation. Banks will not loan money in those areas, particularly in the smaller country towns where it is very difficult. The prices are not necessarily stable and are often low, and building costs are often much higher than the house is worth. Banks in general will not provide the loans, and that is why we are establishing this Country Housing Authority - it will fill the gap. We are trying to make the rate as competitive as we can so that people are not required to pay too much. The Government wants the rate as low as possible but not at the risk of losing money. We do not want to establish a financial structure that will require government subsidies. It is there to provide that service.

Mr BROWN: In the past the authority purchased and rented out a range of properties. It is now raising money from the disposal of those properties. Has any analysis been carried out of the return on the money lent now that the properties are being sold? Is there a risk of bad debt?

Dr HAMES: Traditionally ICEHA has run at a loss and sold property to fund those losses. The Rural Housing Authority has run at a small profit. I do not know of any study on whether individuals have made a gain or a loss.

Clause put and passed.

Clause 12: Delegation -

Mr BROWN: Paragraph (a) provides that the authority may delegate any of its functions to a single member. Is that prudent? I could understand if that said "two members". What degree of wisdom is there in delegating the functions of that authority to a single member?

Dr HAMES: This is a fairly standard clause. It does not relate to the routine functions of the board. However, if the board requires something to be done it may in writing give the authority to a single member of the board to carry out that function, fill that role or whatever is required. That is common procedure and that clause is necessary to give power to the board to delegate its authority to allow that particular function to be performed.

Mr BROWN: The word "function" is included in the last line of the clause. Is that word limited to its meaning and can it not be interpreted as a policy responsibility that has been delegated down? I appreciate that many organisations, local government and a range of others, make policy decisions and transfer the function of analysing whether those decisions fall within policy. Is the word "function" in clause 12 interpreted in the narrow sense, or is it a wider interpretation so that policy power is delegated to a member? There would be some concerns about handing that level of discretion to a single member of the authority. I would not suggest the board hold meetings to approve a minor point but equally one must balance that to ensure that the responsibilities delegated down are not responsibilities to delegate policy.

Dr HAMES: I would expect this to be interpreted in the narrow sense, as suggested by the member for Bassendean. The Interpretation Act sets out which powers can be delegated. The functions of the authority include assessing the eligibility of persons to be assisted under the Act. An individual would do that on behalf of the board. This clause is essential.

Clause put and passed.

Clauses 13 and 14 put and passed.

Clause 15: Funds of the Authority -

Mr MARLBOROUGH: Yesterday we mentioned the problem of a small business operating out of a hotel at Tom Price and the possibility of some sort of leasing arrangement being entered into with the authority. Among other things this clause refers to rents and other payments derived from land leased by the authority and others. That is over and above the general thrust of the Bill, which is to loan money. Schedule 1 refers to the ability for this new authority to continue to control stock from the Industrial and Commercial Employees Housing Authority for the next five years. Does paragraph (e) cover the circumstances in Tom Price and over and above that will the authority own property and manage it under a lease arrangement?

Clause 6 of schedule 2, under the heading of management and disposal of industrial housing houses, refers to the retention of housing stock for the next five years. It says that at the expiration of five years from the commencement

day, the Minister shall by order to be published in the *Gazette* allocate to the State Housing Commission any industrial housing house properties held by the authority and the liability of the authority relating to those properties.

I seek some information on paragraphs (e) and (f), although I do not think we need to go into detail about gifts and bequests. If people want to give some money to the authority, how will that work? What are gifts and bequests under this Bill? Should this provision be in the Bill? I refer to clause 15(3)(b) and (c). I probably should have asked this question when we talked about the remuneration for the four people nominated to be on the authority. The level of moneys that can be given to these people for meetings and travel expenses is not indicated anywhere in the Bill. I think we rely on some guideline to tell us; however, I wonder what sort of money and expenses we are looking at. I presume the moneys that will be paid to board members will not include - or would they - those who are from government departments, such as Treasury and the others the Minister has already mentioned.

Dr HAMES: The leasing of land is for only the existing Industrial and Commercial Employees Housing Authority properties. Under this Bill we are given no opportunity to purchase alternative buildings and to lease them out. Perhaps in Tom Price the loan would be made to the council which would then perhaps lease it to the fish and chip shop owner about whom we talked before. The council would collect the rent and would be responsible for payments to the authority. There is no direct leasing.

As the member stated, after five years the authority must have sold all the land that currently belongs to ICEHA. Any land that has not been sold will be purchased under an agreement by Homeswest at valuation. I have been advised that the authority is very confident that it can sell the remaining properties by the end of the next financial year. I do not think we will have any difficulties along those lines.

The provision relating to bequests and gifts was a carryover from the previous ICEHA legislation. It is there to provide the opportunity for people who want to leave things to the authority and for the authority to take them. It is always a difficult issue when an organisation such as this authority is able to accept gifts. However, people who want to donate gifts or money as a bequest because of the great service they have had from the authority or in gratitude for something that has been done by the authority - for example, in assisting a farmer to be able to stay in a local community - should not be denied the opportunity of providing those funds which, in turn, will go on to providing opportunities for further access to housing and accommodation in other farming communities. It is a standard clause. It is open to scrutiny. There can be no question of impropriety. Anything done by the authority can be checked and will be audited.

Any departmental members who are on secondment will be paid the routine cost by the department. The chairperson and appointed members of the committee are paid sitting fees and travelling expenses. That is determined in consultation with Public Sector Management Office, as is the case for all fees relating to boards and committees of that nature.

Clause put and passed.

Clauses 16 to 20 put and passed.

Clause 21: Distribution of surplus -

Mr BROWN: This clause deals with the distribution of a surplus. Is this an optimistic clause or is it envisaged that some services will generate funds?

Dr HAMES: I expect there to be a surplus. If there was not, we would be pretty worried about the running of the organisation, especially if it came in exactly at zero dollars or made a loss. The interest rates are calculated at a rate to allow for things going wrong, such as bad debts and other problems that might be experienced with the loan. Hopefully, we will not have those problems. If we had problems to a degree that the authority still lost money with the interest rate, the interest rates would have to rise. Alternatively, if there were excessive profits, the interest rate would be reduced. It is designed as a non-profit organisation. The Rural Housing Authority, which is a similar organisation to this one, made a small profit in the last financial year. That goes back to covering the organisation for future possible losses and provides the opportunity to reduce interest rates if it is successful. Every authority must make sure there is a small margin of profit. Any non-profit organisation I am aware of makes allowance for a small margin of profit, just in case.

Clause put and passed.

Clauses 22 to 25 put and passed.

Clause 26: Applications for assistance by retired farmers -

Mr BROWN: This clause deals with applications for assistance by retired farmers. Clause 3 contains the definition

of a retired farmer; that is, a person who has transferred his or her total interest in the farming property to a family member. I think that means the person within the family.

Dr Hames: The lineal descendant we talked about previously.

Mr BROWN: If that land had been transferred into a trust of which the retired farmer was the controller -

Dr Hames: Do you mean the director?

Mr BROWN: It is some other word that I cannot think of now to describe a person who runs a trust but is not a beneficiary.

Dr Hames: The administrator?

Mr BROWN: Something like that. If a retired farmer had disposed of his total interest in the farming property to a trust with which he had some connection, other than as a beneficiary, would that be considered to be at sufficient arm's length to enable that farmer to qualify for assistance under this clause?

Dr HAMES: I am advised that the land cannot be held by a trust, but the profits and income from that land can go to a trust and then be distributed to beneficiaries.

Clause put and passed.

Clause 27: Financial assistance to retired farmers -

Mr MARLBOROUGH: I have sought some information about whether applicants for these loans will be means tested, and although I met with the Minister's officers yesterday, I am still not convinced that a retired farmer who had handed over his farming property to his family and wanted to obtain a loan to purchase a property in or near a country town would not be eligible for that assistance if he had \$300 000 in the bank. While I am aware that under this Bill a farmer's financial position may be examined, it is not an absolute requirement that all of a retired farmer's assets be taken into consideration.

I am not aware of any Government today at any level that provides loans and/or assistance to persons whose assets have not been subjected to a means test. As I said yesterday, if I applied for Homeswest rental accommodation, my weekly income would be assessed; and if I had previously owned a house and had sold it to my family, under the Homeswest guidelines those assets would be considered in determining whether I was eligible for assistance. I am not convinced that the same measures are in place for retired farmers.

Dr HAMES: The objective of this legislation is to do everything within our ability to encourage people to stay in rural communities. Having said that, a limited amount of funding is available, and the authority will need to use those funds in the best possible way. The requirements under which the former Rural Housing Authority operated are no different from these requirements. The authority will delve as deeply as it can into the financial accounts of any person who applies for a loan to ensure that it does not lend valuable money to a person who can obtain funding from other sources. At the end of the day, a person who has \$300 000 in the bank will not access this funding because he will invariably be able to get a loan from another source at a lower rate. All applicants will be assessed on their merits.

Mr MARLBOROUGH: I appreciate the points that the Minister raised. We support the general thrust of the Bill and we understand the need to keep rural communities together. However, I am concerned that although such a person might access other financial institutions, we are still talking about rural areas that might not be, for whatever reason, supported by the normal banking institutions. In some country towns, the cost of providing a dwelling is worth far more than its value, and even though a farmer might have assets, the normal lending institutions might not be interested. Although the Rural Housing Authority used the same criteria, it was restricted to on-farm buildings. I am convinced by the Minister's statement that regional centres such as Albany, Bunbury and Mandurah will not be classified as areas in which people cannot normally get a loan, but other regional centres such as Northampton, Collie, Merredin and Northam may be grey areas where people will need to access a loan from this authority for whatever reason. I am concerned about that access, because it should be for those in most need - but not only them. When Governments provide money to assist people with housing, where there is already an established means to offer another housing service throughout the State to a cross section of the population, that service is based on equity. That is, if a person wanted to rent a Homeswest house at Port Hedland, it could not be done unless that person earned less than a certain amount a week. It is the same in Kwinana. If a person left his purchased home and gained a certain amount of assets - whether in Port Hedland or Kwinana - that person could not access the service.

We are now setting up a special circumstance for on-farm dwellings - I understand it was partly in place with the old Rural Housing Authority. A specific recognition was built into the legislation. We recognised that farmers from time

to time suffer from depressed markets and drought; and there may be a need to get them through that time and allow them to consolidate, to have some money coming into what they regard as an asset. A bank would not necessarily regard it as an asset to the farm: It did not gain money; one cannot get a crop from bricks and mortar. One can understand that argument. We are now changing the ground rules and saying that it is more than just putting a house on a farm. If people want to live in a local, rural community - in a small townsite near the farm; perhaps they want to live in Harvey, instead of on the property - that should be possible. When the bricks and mortar are removed from the farming property into the little communities, and people can enter certain arrangements not available to other people, we must have greater public scrutiny and concern. My concern throughout this debate has been that in applying this approach it is being used as a tool to assist the rural communities, and the tool is now so broad that all sorts of things can happen. All sorts of people can access this process, even people with \$300 000 in the bank.

Dr HAMES: Increased scrutiny would be welcome when this type of loan is made. The member highlighted some of the problems experienced by Homeswest in rural areas. One problem is that people say that no accommodation is available. People may qualify for Homeswest accommodation, yet when we come to provide that accommodation we cannot find out who needs it. There is no waiting list; no-one puts down their name for Homeswest accommodation in rural areas, because there is no accommodation. We cannot have a Homeswest waiting list when there are no homes for which people would wait. It is a big problem.

Mr Marlborough: It sounds like Collie; it is a grey area.

Dr HAMES: The member cited Northam, but I cannot see Northam being included as an area that would receive these loans. The purpose of a loan is to keep farmers in small areas where it will make a difference. Northam is a reasonable size town, and many farmers tend to stay in the area. Whether someone applies for a loan to stay in the area is not relevant. Trying to stay in the smaller rural areas is much more important than trying to keep people in smaller country towns.

Someone with \$300 000 in the bank will not receive this sort of loan, because that person could build a house himself. For example, if a person has \$30 000 or \$40 000 in the bank and may be slightly better off than other people, the authority will still need to consider the importance of trying to keep that person in a very small town like Lake King. The importance of keeping someone in that town may be more crucial than in other areas. We might accept a certain degree of assets to keep the person in that town. That will be a decision for the authority, and it needs that degree of flexibility.

Clause put and passed.

Clauses 28 to 38 put and passed.

Clause 39: Terms of provision of assistance by the Authority -

Mr BROWN: I move -

Page 25, after line 19 - To insert the following -

(3) The Authority is to publish in the *Gazette* the criteria, as amended from time to time, that assisted persons must satisfy in order to secure financial assistance.

The purpose of the amendment is to require the authority to publish in the *Government Gazette* the criteria under which loans are made available. My proposed amendment to clause 40 seeks to ensure that where financial assistance by way of a lower interest loan will be provided in certain towns, likewise the criteria for assessment should be published in the *Government Gazette*. That will not take away any discretion from the authority. The amendment seeks to improve the openness of the decision making processes, because the criteria will be clearly available and published.

The amendments are not controversial; they do not seek to alter or denigrate the functions and operations of the authority. Rather, if the authority is to make loans available it will use those criteria to measure whether a loan is made available. That will not be done on a case by case basis, without looking at a policy document. It will be done by reference to a set of criteria. It is appropriate for the criteria to be published so that the people intending to apply for a loan, or those interested in the way the authority is operating and providing loans, will be aware of the criteria and thus can assess any applications they may be thinking about making.

Dr HAMES: The member should move the amendments separately. We can accede to the first amendment. My advice is that it is not normally the right forum for doing those things. It does not bother me, and I do not think it will inconvenience the Country Housing Authority to do it that way. I am happy to accept the first amendment to clause 39, but the member's second amendment to clause 40 is not possible. The wording the member has used cannot apply as the process does not work that way.

There will not be a fixed lower than standard rate of interest, as the rate will be as fixed. No problem arises in the published figure, be it the 6.95 per cent or whatever. Those who receive a lower interest rate than the set rate will be considered on their merits by the department, and recommended to me as Minister. No fixed differential rate will apply from the basic rate outlined. It will be a variable alteration, and will occur rarely. It will be judged on the circumstances involved and the value to the community of the person remaining within it. Often local government may have a significant input, as it will work out an affordable package to keep in the area somebody believed to be crucial to the function of the town. We may then negotiate a changed interest rate, but not a fixed lower than standard interest rate. Therefore, we cannot accede to the second amendment. The first amendment does not follow the normal process but I see nothing wrong with it; therefore, the Government is happy to accept it.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 40: Determination of standard rate of interest -

Mr BROWN: I will not persist with my foreshadowed amendment in the light of the Minister's comments. Will the Minister consider, before the Bill reaches the other place, inserting a provision requiring a reference in the annual report to any loans made at a lower than standard rate? That requirement may already apply. It would provide another form of transparency.

Dr HAMES: I am advised that such loans normally would be listed because they are part of the community service obligation which must be highlighted in the report. They will certainly be recorded.

Clause put and passed.

Clause 41: Guidelines by Minister for assistance -

Mr MARLBOROUGH: My concerns may be covered by my colleague's amendment which the Minister has accepted. Clause 41 gives the Minister the power to provide the terms upon which financial assistance might be provided by the authority under the legislation. How will the Minister report his involvement in that process? One presumes one is talking about varying guidelines. Other parts of the legislation require the Minister to report matters within 14 days of their occurring. What, if any, assurance can the Minister give that matters varying the assistance will come before the Parliament in an appropriate way?

Dr HAMES: I am advised that things are not normally done in that way. It is not as though I am issuing a direction.

Mr Marlborough: It is loan by loan - I understand that.

Dr HAMES: This forms part of the guidelines, and they become part of the policy documents of the department.

Mr Marlborough: Which we do not have yet.

Dr HAMES: No, but they will be in the policy documents.

Clause put and passed.

Clause 42 put and passed.

Clause 43: Additional powers of building societies to make advances under this Act -

Mr MARLBOROUGH: Why have additional powers of a building society been singled out? Obviously, legal requirements for such institutions are different from those of other lending authorities. What is the reason for this clause?

Dr HAMES: It provides that a building society, credit union or other society registered under the financial institutions code may make an advance under the Act where an indemnity is provided, and determines whether such an advance is to be allowed under the Building Societies Act, that code, or the rules, articles or constitution of the particular society.

Clause put and passed.

Clauses 44 to 48 put and passed.

Schedules 1 to 3 put and passed.

Title put and passed.

Bill reported, with an amendment.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)*Second Reading*

Resumed from 14 October.

DR TURNBULL (Collie) [12.40 pm]: I would like to address the House about the effect on the living standards of Australia of the demands of the United Nations climate convention which may be forced on Australia. Currently the United Nations' demand is that there be a 15 per cent reduction in greenhouse gas emissions on 1990 levels by the year 2010 with a trade embargo against countries which do not comply with those levels. If the demand from the Kyoto conference was that Australia reduce emissions to that level, it would be disastrous for Australia. Even if the result of the convention was that greenhouse emissions must be held at 1990 levels, there would still have to be drastic changes in the Australian economy. The dilemma for Australia is that its projected economic growth will result in a 26 per cent increase in energy usage between now and 2010; that is, a 1.7 per cent increase in the usage of energy for every year.

I will list those changes that I see would have to be made in our country if we were to comply with even the 1990 levels of greenhouse gas emissions. The first would be to install nuclear power stations and shut down coal fired power stations over 20 years of age. The second would be to cut transport usage for people and goods, not in the future, but to reduce the present very high rates of usage of transport. The third would be to stop the establishment of all new industry unless an old industry closes. The fourth would be to install renewable energy systems, such as tidal, solar and wind power in all areas where diesel generation occurs, regardless of the cost to the taxpayer in subsidies for the renewable power source establishment. The fifth would be to limit agriculture to 15 per cent of the total acreage of the agricultural lands of Australia. The sixth would be that we do all those things. My proposition is that we would have to do all those things just to hold the greenhouse gas emissions in Australia at 1990 levels, let alone further reduce those levels. Those are all very drastic solutions to the challenge being put forward by the United Nations sponsored Kyoto conference on climate change, which is to be held in six weeks' time. The United Nations demand of developing nations is a 15 per cent reduction by the year 2010. If those levels are not achieved, trade sanctions will be imposed against recalcitrant countries by all signatories. As far as the bureaucrats involved in the United Nations position are concerned a quote that came out of the Berlin conference early this year was that economics do not matter, but only reduced emissions, and that any adverse impact is a necessary price that the economies of the countries involved will have to face.

What is the magnitude of Australia's greenhouse emissions? How fast are they growing? As I said, the projections are 1.7 per cent per annum but so far in Australia over the past 20 years the growth rate has been 2.5 per cent. That consumption has been despite a very large effort to improve efficiency. In Australia energy consumption is divided into 27 per cent for electricity production, 26 per cent for transport, 26 per cent for manufacturing and only 8 per cent for residential use. In the area of electricity production the growth rate has been 6.5 per cent. As I have said, this has been despite a quantum change in the attitude of all Australians towards conservation and efficiency in energy usage. The improvement in energy efficiency for Australia over the past 20 years has been 14 per cent; that is, a rate of 2.2 per cent a year every year for the past 20 years. With a growth rate of 2.5 per cent and an efficiency factor of 2.2 per cent, members can see that energy usage in Australia has been growing at an enormous rate and will continue to do so.

As we know, Australia's energy consumption is driven by electricity generation, industry, mining, agriculture and transport. Coal, iron ore, aluminium, alumina and agricultural products make up the bulk of our export production and gross domestic product. We know that in Western Australia energy is our lifeblood and energy creates the lifestyle of 1.7m people. In Western Australia the use of energy per person is most likely one of the highest in the world at 357 gigajoules a year. That is difficult for everyone to quantify, but it is huge. New South Wales uses only 280 gigajoules a year. What does all this mean? Does it mean that we will have to cut down and shut down our activities? How will we achieve a reduction in greenhouse gas emissions or even just stay at the current levels? We will not go back to the 1970s because I can assure the House and everyone in Western Australia that no-one would accept that scenario. Do we go to nuclear power? Australia would have to go to nuclear power. It is a fact that one-quarter of the world's electricity production is by nuclear power and one-quarter of the total production of electricity by nuclear power comes from France. One factor we must recognise is that the only block of nations which supports the United Nations' position that is being put forward at the Kyoto conference is the European Economic Community. The EEC says that it can reduce 1990 greenhouse gas emission levels by 15 per cent. How will those countries do it? They will do it by using nuclear power. It will be a matter of shutting down the very old, inefficient, polluting power generation stations and industries and utilising nuclear energy from France. The whole of Europe is on an integrated grid, even England with a sub-Channel line. Under that system England will be using nuclear energy as well. Europe will go nuclear. To bring greenhouse gas emissions below 50 per cent, the developed world will have to use nuclear power. If members look at the figures relating to the rapid rate of energy consumption in the

undeveloped world, they would reach the conclusion that the only way greenhouse gases can be contained, if not reduced, is for the world to use nuclear energy.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 7001.]

STATEMENT - MEMBER FOR PERTH

Family Planning Western Australia

MS WARNOCK (Perth) [12.50 pm]: I take this opportunity to advise members of an important anniversary, the twenty-fifth anniversary of Family Planning Western Australia. This vital organisation is celebrating its twenty-fifth anniversary as the leading non-government provider of sexual and reproductive health services in this State. From tentative, barely funded and even controversial beginnings in 1971, Family Planning WA is now established in its Northbridge home as the number one provider of top quality sexual health care, contraceptive counselling, community education and professional training in the sexual health field, cancer screening, HIV testing and safe sex promotion. It has a telephone information service that receives more than 16 000 calls a year, a large library on sexuality and health and a commitment to always providing a caring and courteous service, whatever the problem.

In the beginning, Family Planning WA often used colourful means to attract attention to its important message. Some members will recall the fuss caused at the first appearance in Perth streets of Condo the Clown and Dorothy Diaphragm. Its underlying message has always been very serious and very important. Sexual health and fertility control is everybody's right and nothing is more dangerous than ignorance. This excellent organisation deserves our funding support for the vital work that it does. I hope that all members in this House will hear its message as it celebrates its twenty-fifth anniversary over the coming week and remember it when funding questions arise.

STATEMENT - MEMBER FOR JOONDALUP

Surf Life Saving Western Australia - Mullaloo Surf Life Saving Club

MR BAKER (Joondalup) [12.52 pm]: I take this opportunity to inform the members of this Chamber of the recent official opening of the Surf Life Saving Western Australia's 1997-98 season. The official state launch of this year's surf lifesaving season was hosted by the Mullaloo Surf Life Saving Club which is situated in my electorate of Joondalup.

The Mullaloo Surf Life Saving Club was formed over 20 years ago and is Australia's biggest and most successful surf lifesaving club. It has over 1 000 members ranging from nippers, juniors and seniors through to the veterans and masters classes. The broad aim of the club is to provide the community with a safe swimming beach at Mullaloo and to promote surf lifesaving skills and develop the youth of the area.

The club's primary role is patrolling Mullaloo Beach in spring and summer. All active members are rostered on patrol approximately eight times during the year and each year they are required to patrol the beach for 32 hours. In view of this, it stands to reason that Mullaloo Beach is the safest surf beach in this State and that has been borne out by anecdotal evidence.

All members of the club are encouraged to participate in the various awards on offer including the bronze medallion, advanced resuscitation, radio and inflatable rescue boat procedures. As with most voluntary groups, the Mullaloo club runs on the fuel of voluntary labour and it also relies heavily on donations. I urge all members to support the Surf Life Saving Western Australia's member clubs and to give generously during Surf Week '98 which will be conducted in January next year.

STATEMENT - MEMBER FOR WILLAGEE

Ms Cheryl Kernot - Resignation from Australian Democrats

MR CARPENTER (Willagee) [12.54 pm]: I want to make some remarks which I know the vast majority of members will agree with. In resigning yesterday as the federal leader of the Australian Democrats and announcing her intention to join the Labor Party and stand as a House of Representatives candidate at the next federal election, Cheryl Kernot delivered a speech which will resonate loudly among a huge number of Australian and Western Australian people. She spoke of her growing sense of outrage at the damage being done to Australia by the Howard Government. She spoke of the deliberate cultivation of the politics of division and intolerance. Thousands of people have been thrown out of a reeling public sector and onto the unemployment scrapheap while services are slashed. She spoke of a Howard Government which has allowed an agent of division to vilify and scapegoat black Australians

and migrants. The Howard Government has taken this country backwards in the most despicable way. His Government has no vision and no forward direction, is bankrupt of ideas and is incompetent, dishonest, useless, miserable, mean spirited, compassionless, talentless and perfidious. The Government is a national embarrassment, a national disgrace and a failure. We are all diminished by it. I have said in this Parliament before that John Howard is the worst Australian Prime Minister since Billy McMahon. I apologise posthumously to Billy McMahon; Howard is much worse. All but the diehard conservative supporters know that what Kernot says is the truth.

STATEMENT - MEMBER FOR CARINE

WA Police Service

MRS HODSON-THOMAS (Carine) [12.56 pm]: I take this opportunity to acknowledge the fine work of the Western Australia Police Service. I was fortunate to be provided with an opportunity to join with Inspector Mabbott, Inspector Operations - Joondalup South, and two police officers on their nightly patrol on Friday. I take this opportunity to commend the WA Police Service for the work it does for the benefit and protection of the community. Having witnessed firsthand a number of situations on Friday, I must say that I hold the police in high esteem and I commend them for their commitment. Regrettably, there is a level of contempt for the police by a small section of the community, and I hope this does not become the norm as a result of changing values in society today. During the patrol I was able to attend with police at the scene of what was initially thought to be a fatal car accident on Anchorage Drive. Fortunately, there were no serious injuries or death. I also attended an attempted break and enter.

It has become apparent, not only from this patrol but from growing concern within my constituency, that suburban walkways are being used as a means of escape by thieves. Where once these walkways were used by local residents, they have now by their very nature, namely lack of visibility, become the breeding ground for antisocial behaviour and quick escape routes. It is of great concern to all in my electorate, and not only those who have been subjected to break and enter. Clearly, there is a move in my electorate to have these walkways closed.

STATEMENT - MEMBER FOR ROCKINGHAM

Gerrard James Ross

MR McGOWAN (Rockingham) [12.57 pm]: As member for Rockingham, I shall comment on some very distressing events taking place in Rockingham at the moment. I am referring to the disappearance of Gerrard James Ross, the young lad who went missing on Tuesday this week at Rockingham beach. I know I am speaking on behalf of all members of Parliament when I say we are all thinking of Gerrard and his family at this time. I am sure our prayers are also with Gerrard and his family during this awful period.

I have spoken to some other members about this and I know they share my concerns. They have expressed their extreme concern and sadness at this development, both for Gerrard and for us as a community. I congratulate the police and the State Emergency Service on their quick response and for all their efforts in Rockingham to locate young Gerrard. I sincerely wish them every success, and I hope he is found alive and well.

STATEMENT - MEMBER FOR MITCHELL

Leschenault Peninsula - Four Wheel Drive Access

MR BARRON-SULLIVAN (Mitchell) [12.59 pm]: Last year I was approached regarding proposals to close off the Leschenault Peninsula, thereby preventing access by four wheel drive vehicles to the beach south of Belvedere, near Australind. This proposal was part of the draft management plan for the Leschenault Peninsula conservation park being prepared by the Department of Conservation and Land Management. There certainly is a need for a comprehensive management plan, and I accept that it is important to preserve the fragile dune system of the peninsula. However, I do not believe a blanket ban on four wheel drive vehicles will achieve this.

Consequently, I have met with beach users and spoken to officers from CALM, and I lodged a formal submission calling for the beach to remain open. CALM's response to the concerns of beach goers was nothing short of commendable. Its officers talked through the issue, met user groups and held discussions with various individuals to work on an option that will enable it to protect the dune environment while still accommodating the fishing community. It is with great pleasure that I advise the House of CALM's decision to recommend that the beach be left open for use by four wheel drive vehicles. It is a responsible decision which relies on the cooperation of all beach users in a number of ways.

I offer my sincere thanks in this Parliament to all those individuals and groups that have contributed to this commonsense solution.

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - HOSPITALS

Access to Free Medical Treatment

THE SPEAKER (Mr Strickland): Today I received within the prescribed time a letter from the member for Fremantle in the following terms -

Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today -

That this House support the Medicare principles and commitments contained in the Hospitals and Health Services Act as the cornerstone of health care delivery in Western Australia.

In particular the Parliament reaffirms the Government's legal and moral responsibility to -

1. provide all citizens with the choice to receive public hospital services free of charge as public patients;
2. ensure access to public hospital services is based on clinical need; and
3. ensure equity in the provision of public hospital services to all citizens regardless of their geographical location.

Further that the Parliament reject as unacceptable any actions or propositions from government which impair the operation of these principles.

The matter appears to be in order. If sufficient members agree to this motion, I will allow it.

[Five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes in total to the Independent members, should they seek the call.

MR MCGINTY (Fremantle) [2.38 pm]: I move the motion.

I think all members of this House are concerned about the state of our public health system. All indicators are pointing towards a government health system in crisis and one which is presided over by a Minister who has proved totally ineffective. Less than 12 months ago the Liberal Government promised the people of this State a social dividend. We were all told that the dams were full; we had everything to look forward to; a great harvest was coming in; and great prosperity lay ahead for the people of Western Australia. Those people who were hoping and relying on that social dividend have been bitterly disappointed by the actions of the Government in the past 10 months since the state election. The promise that was made in the health area was that waiting lists for people wanting elective surgery in Western Australia would be halved. If that were the case, we would see people waiting very short periods for surgery in Western Australia and that time reducing, but we all know the reality of what has occurred - it is a broken election promise. The second thing that was promised for health only 12 months ago was that all patients requiring surgery in our government hospitals would be operated on within the accepted time for their condition. It means that those people whose condition is diagnosed as urgent would be operated on in under 30 days. The most recent figures from the Health Department indicate that one in five people with urgent surgery requirements are waiting longer than the time stipulated for their condition. Thirteen per cent of the people whose condition is semi-urgent and who must be operated on within 90 days are waiting longer than that time. People with what is classified as routine surgery - not life threatening but debilitating, painful conditions - were told they should never wait for more than a year. That was the promise made by the Minister for Health. The situation is that more than one in four people are waiting longer than a year to undergo surgery to alleviate pain and other problems to help them function normally. It is the second promise for health care that this Government has broken.

My comments so far refer only to waiting times. Let us consider what has happened to waiting lists. Members have seen from the media that one of the sources for growing alarm and ill ease in the community is that waiting lists, which the Government promised to halve, have grown. Today there are 1 100 more people on the waiting list than there were 12 months ago. In Western Australian 13 309 people have serious conditions and need urgent surgery, but are not getting it even though this Minister promised them that they would receive it.

Mr Minson: Give us your solution.

Mr MCGINTY: I am coming to that.

What is occurring at the Princess Margaret Hospital for Children is a scandal. Currently 1 100 babies are waiting for surgery at that hospital. That is an intolerable situation and all we get from the Minister in response to that is excuses. The situation at that hospital has become worse in recent weeks because during the school holidays elective surgery for many children was cancelled. The parents of those children had organised the surgery for their children to coincide with the school holidays. The shortage of funding at that hospital has meant that a day surgery ward, which is fully equipped, is lying idle. With proper funding that ward could be used to make a real assault on the waiting list of 1 100 Western Australians.

At the Osborne Park Hospital 12 beds were closed a month ago to pay for the privatised Joondalup hospital which is expanding its operations this year. The Minister said the closure would be for no longer than one month. The month is up and the beds are still closed. They will remain closed because there was a transfer of funds and patients budgeted for from that hospital to the Joondalup hospital. Have those beds been opened?

Mr Prince: Do you remember the letter that was tabled in this Parliament? Are you trying to mislead the Parliament?

Mr McGINTY: The Minister misled the House and he knows it.

Mr Prince: You did that.

Mr McGINTY: Those beds are still closed and the month is up. The Minister did not tell the truth then and the Opposition is sick and tired of the Minister's excuses. If he cannot do the job he should chuck in the towel so that it can be given to someone who can do it. The Minister is ineffectual, he has done nothing and he has presided over a crisis for at least the last 10 months. He is a disgrace of a Minister because he did not tell the truth about the 12 beds at the Osborne Park Hospital. When he gets on his feet he can tell the House when they will reopen.

Mr Prince: Read the letter.

Mr McGINTY: The metropolitan teaching hospitals have had their budgets cut this year. Royal Perth Hospital has \$20m less than last financial year with which to operate, and that is not in real terms. If members factor in inflation, increased demand and population growth, the real decline in the budget allocation for Royal Perth is a lot more than \$20m.

Princess Margaret Hospital, which has over 1 000 children on the waiting list for surgery, had its budget cut by \$9m. King Edward Memorial Hospital for Women and Sir Charles Gairdner Hospital also had their budgets cut by \$9m. Fremantle Hospital, with its crisis which members have heard so much about recently, had its budget cut by \$4m. The Osborne Park Hospital had to close those 12 beds because its budget was cut by \$3m. It cannot afford to keep those beds open because this Government has cut its funding.

I refer now to the Alcohol and Drug Authority. In the midst of a heroin crisis, the Government has made a very bad decision. With nearly 70 young Western Australians having died this year, almost half as many people as have been killed in motor vehicle accidents this year, and members know what resources are put into road safety campaigns, the Government disbanded a dedicated statutory authority which deals with drug issues and provides care of and assistance for people with heroin addiction. The policy of the Government on the disbanding of the Alcohol and Drug Authority is to fragment the people from that authority throughout a variety of government departments and they will lose their focus. It is the only dedicated drug treatment agency in this State.

One wonders why we have a crisis on our hands in health? The chief executive officer positions at the two biggest hospitals - Royal Perth and Sir Charles Gairdner - have been vacant for two years. What move has been made by this Minister to appoint people to those positions to show leadership, to take control of the tiller and steer a new direction for the two biggest hospitals in the State? The hospitals have been in disarray because the acting chief executive officers have been looking over their shoulders wondering what the hell this Minister is doing to the hospitals. Why have chief executive officers not been appointed in a substantive capacity for the last two years? These positions became vacant in 1995, within a month of each other. Since then, the biggest hospitals in the State have not had permanently appointed chief executive officers leading them.

A decision was announced this year to abolish the commonwealth dental scheme and 40 000 needy pensioners will be denied subsidised dental care. The Minister blithely says, "It is not my responsibility. I will do a Pontius Pilate and wash my hands of responsibility for that. It is the Federal Liberal Government that should be condemned." I will come back to that excuse.

I refer to the most desperately needy - pensioners who are in receipt of a full pension and who have no assets or income from any other source. There are 10 292 of those people with their teeth rotting in their mouths because they are on waiting lists and will have to wait up to two years to receive subsidised dental care through the State Government dental scheme. Those lists are blowing out. People are waiting longer and more of them are going onto the waiting list.

There was the fiasco of the closed 10 bed ward at the Fremantle Hospital, which is in my electorate. The Minister went to the hospital and, as is his way, with much fanfare, pomp and ceremony, declared open an accident and emergency department. It should have been a closing ceremony. He put a sign on the door to the 10 bed ward, which is an important part of that hospital's accident and emergency department, which said there was not enough money available to open that facility. It is the height of duplicity to have a big opening ceremony which is more accurately described as a closing ceremony.

Two weeks ago the Fremantle Hospital confirmed that the position for people from the southern suburbs who are waiting for surgery is untenable and unrecoverable. The hospital went on to say that people waiting for surgery may never receive surgery at that hospital. They will die before the State is able to offer them surgery for their condition. These are not conditions that are purely cosmetic in nature. The day after this document became public I spoke to a gentleman who was almost crippled with pain. He featured prominently in the media, and that indicated the human toll over which the Minister is presiding in the way in which the Government treats our citizens, especially senior citizens, battlers and people who need the assistance of the State. Such people may never receive treatment; in other words, they will die with their debilitating conditions. Has there been a word of sympathy from this Minister or, more particularly, has he done anything concrete to alleviate that situation? No. We have heard only feeble excuses. They are truly third world conditions when we say to citizens that this State is not well enough off and does not have sufficient wealth and resources to treat their medical conditions, unless they are rich. Unless they have the means to pay for their treatment privately, they will not be treated. If they are battlers, it is too bad because they are on the scrapheap. I would expect to find those conditions in third world countries but not in Western Australia, which purports to be such an affluent and caring society.

BreastScreen is a tremendous government run program which has offered medical care, assessment and comfort to many thousands of Western Australian women. It recently did its 250 000th breast screening in Western Australia, and is a tremendous success. What has happened? The Minister is sitting on a report that recommends its privatisation. It is recommended that it be dismantled and contracted out to the private sector. Why do that to something so good and powerful, which has been a source of so much comfort to so many women in this State? It has been successful and has been supported by those women, yet the Minister wants to privatise it.

We know of public health budget cuts, which the Minister initially denied until I produced the paper that confirmed them. It attacked women's cancer screening, disease control, environmental health, and health promotion - all to effect redistribution from preventive programs in order to prop up the ailing health system for which the Minister has responsibility.

All of this has happened at the same time the Minister has been presiding over tax avoidance in the Health Department of Western Australia. He is too busy concocting schemes that allow employees in hospitals, health services and the Health Department to avoid the payment of income tax and fringe benefits tax. It should be condemned, and the Government should not allow these underhand, devious practices for people to avoid paying tax. It undermines the support for the system as a whole. This is presided over by the Minister for Health.

The Australian Red Cross Blood Transfusion Service in Western Australia is faced with budget cuts. Because it does not have enough money to do otherwise, it must effect a 20 per cent cut in the production of blood products and those blood products must be rationed to the hospitals.

The Harvey Hospital and the Yarloop District Hospital attempted to privatise their management, but they made a real mess of it. This Minister supported the boards in their decision and when the contracts collapsed and the Auditor General stepped in, he was roundly critical of what had occurred.

Jobs are being taken up in Western Australia by 480 foreign nurses, on a fly in, fly out basis, at the expense of our young people who should be trained to undertake those jobs.

With that litany of sins by this Minister, it is time to go beyond the disingenuous excuses offered for his repeated failures. We hear them all the time and, no doubt, we will hear a continuation of those excuses today during this debate. Blame is placed on the federal Liberal Government and the shortage of nurses. The increased demand for health services is blamed on the ageing population and the drop off in private health insurance. It is said that there is more money in the health budget, although cuts are made to individual hospital budgets and there is a real reduction in per capita health expenditure. We have heard the Minister say that the waiting list strategy will work. We all know it will not. It has failed and it is a broken election promise by this Government. It is time the Minister showed some candour and admitted his failure in that regard. We have heard claims that the new Metropolitan Health Services Board will be the universal panacea for these problems. It clearly will not. A strong Minister was needed, rather than a Minister who needed a newly appointed board and the abolition of all the old boards. This winter the Minister blamed the weather, when all else had failed. We have heard all these feeble excuses from a weak and ineffectual Minister. I will deal today with one of those issues - the nursing issue.

We have heard there is a shortage of nurses. One of the reasons this State will face a shortage of nurses in the years ahead is that Curtin University will reduce its intake of nursing students next year by up to 80 places. I will be interested to hear what the Minister has done to ensure that does not occur. Approximately 230 positions will be offered to first year students at Curtin University in 1998. The enrolment figures will be finalised in the next six weeks. Last year, the university did the right thing and over enrolled in the nursing faculty, because it knew there was a market demand for more Western Australians to be trained to take up jobs in the health system. This year it will be pulled back to the quota for nursing students in that faculty. This has been caused by a change in the funding arrangements, which means the university will not be able to afford to dramatically over enrol. In 1998 Curtin University School of Nursing will receive \$2 475 for each student enrolled over the quota. That is about half the \$5 089 the School of Nursing receives for each student enrolled within the quota. In other words, an enormous financial penalty on Curtin University School of Nursing will hamstring its ability to cater for work force demands by enrolling above and beyond its quota. The Health Department and this Minister should ensure that, by whatever means, Curtin University can maintain a level of enrolment of student nurses equivalent to that achieved last year. We have not heard a whimper from the Minister about this issue.

Also as a matter of priority, in order to attract the thousands of trained nurses, who currently may or may not be registered, back to the work force, they should be offered full time employment rather than the standard form of contract offered by the Health Department for 30 hours a week. It is no surprise that nurses, particularly women, will not return to nursing when they want and need full time employment if it is not offered to them. The Government must also properly reward nurses who complete the extra two years' training to become midwives. Currently they receive no extra pay for this qualification, as the Health Department regards it as a primary qualification. I have just spent a week in the Kimberley region, and spoke to most of the directors of nursing throughout that region. They raised this issue with me. They said how valuable midwives are and that they are not properly recompensed by the Health Department. It is a matter of priority that this question be properly addressed. The Government should not try to overcome the shortage of nurses simply by the fly in, fly out system. That does nobody any good.

Finally, the Government must invest the money currently being spent on importing foreign nurses in training and educating our young people to take up these jobs, which I hope will be full time jobs in the future. This year Curtin had 311 first year student nurses. In 1998, if it stays with the quota there will be 232, approximately 80 less. That is not good enough, and next time the Minister stands in this place, says there is a nursing shortage and uses it as an excuse, I will ask again what he has done to make sure the enrolments do not drop off at Curtin University. Quite clearly the Minister is not in charge of his department; he does not have a handle on the problems. He is not putting in place the correct strategies, therefore proving himself to be completely ineffectual. In this debate about health care it is time we got back to basic principles in health care delivery. Those principles are unambiguous, are to be found in the Medicare agreement and have been legislated for in the Hospitals and Health Services Act and have served the people of this State well for many decades.

In essence, those principles which today's motion calls on the House to endorse and reaffirm are, first, that every citizen should have a choice of being treated in a public hospital free of charge. That right is under threat by a desperate Minister. The other two primary principles are that access to our public hospitals should be on the basis of clinical need and it is becoming disturbingly obvious that that is not the case. Thirdly, there must be equity in the provision of public hospital services to all citizens, regardless of geographical location.

Having spent some time in the Kimberley it is obvious to me that the Medicare principle fundamental to health care delivery in this State is not being met in aged care, and obstetric and other services in the Kimberley region of this state.

Last week the Minister was scurrying around for another excuse for the crisis that besets our public hospital system. He decided that the cornerstone principles of our health system should be attacked as a means of defending his own ineptitude. He said publicly that he thought it was about time we threw out the Medicare principles and started charging people. In other words he wants to deny the first basic principle of Medicare that every person should have the choice of free treatment in a public hospital. He wants to throw that out the window and get a few dollars from the more affluent people to prop up our ailing health care system.

The minute the Government throws out the principles nothing will be left. We are sick and tired of hearing excuses from this Minister. We now need to hear what is to be done to maintain and support these principles and properly fund a decent health system for the people of Western Australia.

MS McHALE (Thornlie) [3.02 pm] I agree with the member for Fremantle that perhaps the most important issue for our community is access to quality and first class health services. It is very clear from what the Opposition has been saying over the past months in this House that this Government is failing to deliver quality health care services to our community. A number of examples in our speeches have reinforced that point.

It is interesting how the department offers the correct rhetoric, which we all share, when in its recently published vision for quality health care it makes the point that the people of Western Australia attach high value to good health and expect to have access to health services when necessary and to receive the highest quality of care. This Government is not delivering on its own rhetoric. In the same publication it acknowledges there is clear evidence of overwhelming inequalities in the health of Western Australians. Groups with the poorest health status include socioeconomically disadvantaged people, Aboriginal people and people with mental illness. These groups have the poorest health according to death rates and measures of illness. Even in its own publications the Health Department publicly acknowledges the serious inequalities in our health system.

I recently spoke to the daughter of an elderly resident of mine who has almost lost his eyesight, cannot walk, is almost completely housebound and needs cataract operations, but has been told he must wait for up to two years for his operation. He has a reasonably low income and his quality of life is appalling. To have to wait 18 months to two years is unacceptable. This man believes he will die before he has his operation.

Another low income earner, an elderly woman, has been waiting for a cataract operation and for an operation on her shoulder for most of this year. She has been in constant pain throughout the year. We are not talking about elective surgery but about critical quality of life operations that mean a great deal to our community. They are being denied that quality of life due to lack of funding in our health system.

I refer now to immunisation, which protects all families in Western Australia against basic illnesses such as diphtheria, whooping cough and measles. Our State is experiencing an eight-fold increase in whooping cough outbreak. Nationally only about 53 per cent of children are immunised and 47 per cent of children under the age of six are not immunised. For a developed country such as ours those figures are unacceptable. At a state level our figures replicate those to a reasonable extent.

A number of parents have been concerned about reports of the side effects of vaccinations. They are generally very small but there is something this Government can do about that, which it is not doing; that is, make available a new vaccine which has fewer side effects than the triple antigen vaccine that was commonly used and was used when my 13 year old son was a baby.

In Western Australia the figures for whooping cough for this year are alarming. From January to October 601 cases of whooping cough were reported compared with 183 in 1996. Epidemics can peak every three to five years but here they have peaked in about 18 months. A more acceptable vaccination which has come onto the market has been denied to parents of children when they have vaccinations at the age of two, four and six months. They are the very critical months of vaccination. If this Government were serious about universal quality health care it would make that vaccine available to all children rather than denying the critical population that new vaccine. There is very little difference between the two regarding protection rates but it is the side effects that are critical. I call on this Government to make the vaccine available to reduce the appalling whooping cough crisis in this State.

MR PRINCE (Albany - Minister for Health) [3.08 pm] I thank members for their contribution to this debate. Regarding the matters raised, particularly the actual form of the motion before the House rather than most of what was said by the member for Fremantle, I will make some observations concerning the Hospitals and Health Services Act and the Medicare principles and commitments in them.

I make the obvious point that section 34 of the Act sets out the principles and commitments as guidelines for delivery of public hospital services. They are not statements of rights or entitlements or legal responsibilities; they are guidelines.

Dr Gallop: In order for you to do what is necessary you must change them.

Mr PRINCE: No. It makes a statement of aims that a Government seeks to implement in health care. The Government acknowledges the guidelines and seeks to ensure that they are observed in practice. I draw the attention of the House to the third principle in the motion moved by the member for Fremantle which in full requires that, to the maximum practical extent, the State will ensure provision of public hospital services equitably to all eligible persons, regardless of their geographical location.

If the member quotes something, he should quote the totality of it. The significance of the introductory phrase "to the maximum practical extent" must be understood. The Government remains committed to the principles set out in the Medicare Agreement. It works at meeting those to the maximum extent practicable within the funding allocation made available to the health system from all available funding resources. Consequently, there is simply not the funds nor the capacity in the system to provide unlimited services in all areas. There never has been - even pre-Medicare. Consequently, decisions must be made by clinicians and planners on what is the most efficient and effective manner to allocate the available funds to maximise the clinical and financial effectiveness of the public health services.

Dr Gallop: Do you think access to the public health system should be means tested?

Mr PRINCE: That is a pointless question because under the Medicare Agreement that cannot be done.

Mr McGinty: Why are you advocating it?

Mr PRINCE: I am not. It is being advocated by the Australian Medical Association. I will come to that in a minute.

Mr McGinty: You're as slippery as an eel. An article I have states: "Health Minister Kevin Prince says charging wealthy patients who choose treatment at public hospitals is one way to tackle pressure on the State health system."

Mr PRINCE: That is right; it is not a means test.

Mr McGinty: Charging wealthy people?

Mr PRINCE: It is not a means test.

All members know Western Australia has a geographically dispersed population. It is also the most urbanised State. We have a huge area, but a great concentration of people, particularly in the metropolitan area. There is a commitment, insofar as it can exist practically, to provide for service; for example, the patient assisted travel scheme, the Royal Flying Doctor Service and funding of rural surgical services. A series of initiatives attempt to do this to the maximum practical extent.

The second principle regarding the determination of access according to clinical need is applied within the resources that are available. The capacity of the system at any time is fixed because a finite amount of money is available to work with. The establishment of waiting lists for elective surgery is one means by which clinicians determine the clinical needs of patients. It is the only method by which government can ensure access to service is granted on clinical need. It is only since the coalition came into government that the teaching hospital elective surgery news bulletin has been published. During the whole time Labor was in government innumerable questions were asked of Labor Ministers for Health who refused to answer because they said they did not know who was waiting, how many were waiting, where they were waiting and for what they were waiting. This Government got together the information from the four major teaching hospitals and started publishing the teaching hospital elective surgery news.

It is a very good document. It covers four hospitals. It does not cover all 17 hospitals in the metropolitan area and certainly does not extend to the country areas. It covers only the major hospitals. Granted that is between 60 and 70 per cent of the hospital capacity but, it presents an inaccurate picture. Part of the reason for that is that people who are waiting but who are on lists maintained by doctors who have the right of practice in other metropolitan hospitals are not known to the hospitals and cannot be known without the active coordination and cooperation of those doctors. That is about to occur.

In respect of the second principle regarding the determination of access according to clinical need, of course waiting lists are the only way government can ensure that access to services is granted on clinical need. The Government's commitment to reduce waiting lists has resulted in significant increases in the number of procedures carried out and, as a consequence, in the number of people cleared from the list. The list continues to grow and the numbers continue to grow. I accept that the times continue to move out, although the latest teaching hospital elective surgery news to 30 September shows that the mean waiting time on the list increased and the number of people fell. I am not suggesting that that is indicative of the trend. I am just pointing out that in this bulletin, which came out about only 10 days ago, the number of patients waiting for elective surgery in teaching hospitals fell from 13 528 on 31 August 1997 to 13 309 on 30 September 1997. It is a fall over only a one month period, but the mean waiting time increased from five months to 5.1 months. During September, 3 276 people were added to the waiting list and 2 327 people were admitted to teaching hospitals for elective surgery. The clearance time was 4.7 months at 30 September. I am quoting figures from the teaching hospital elective surgery news bulletin.

Some 385 000 people will receive surgical operations in hospital this financial year, which is a significant increase on last financial year, which was an increase on the year before. Demand is increasing. To judge the public hospital system by waiting lists and their length and number is unfair on the hospitals and on the people who work in them because that is not the only criteria by which hospitals should be judged. They cope extremely well - in fact, at world best practice - with emergency medicine. The average ambulance time to get into a hospital in this city is just over nine minutes, which is less than the benchmark of 10 minutes. The quality of treatment people receive in our major hospitals as a result of an accident or emergency is world best standard. Many other units that operate in our hospital are world best standard. For example, the Princess Margaret Hospital for Children oncology unit benchmarks itself against a number of similar hospitals in America, because those are the best to benchmark against, and has just been judged the best in the world. To say that a catastrophe is occurring in public hospitals is unfair on the hospitals and unfair on the people who work in them.

Dr Gallop: You know that is not what we are saying. We are talking about you and your Government.

Mr PRINCE: That is the picture the Opposition is attempting to portray. The strategy for waiting lists will be expanded to provide for the capacity for patients, and probably also doctors, to be moved between facilities to ensure patients receive treatment as quickly as possible. One of the commitments taken from the Medicare Agreement and not quoted by the member for Fremantle ties the Government to ensuring improvements in the efficiency, effectiveness and quality of hospital service delivery. In particular, the commitment refers to the integration of the delivery of hospital and other health related community services. That commitment is being addressed on a stack of fronts.

The establishment of a single metropolitan health service board is the most direct example of the Government's commitment. It has a charter to eliminate duplication and to reconfigure services where possible and provide them in accordance with the clinical need of a local population. The elimination of duplication and other efficiencies offered by the establishment of that one board will release resources that have not been able to be released before.

Dr Gallop: That is not true. Under the regional system set up in 1992 that is exactly what happened.

Mr PRINCE: It did not happen.

Dr Gallop: Ring up Dr Rex Joyner and ask how his metropolitan health system worked.

Mr PRINCE: I am dealing with what I have done. There is one board and significant things are happening now in relation to that one board. The medical council is now dealing with these contentious matters and the clinicians are leading the way. That is the first time that has occurred. I give them all credit for it. In other words, a significant number of other things are happening. For the first time ever there will be predictive planning in health in this State. A strategic planning group has been formed for the metropolitan area and is to report by 30 June. I announced that the last time Parliament sat. A group has been formed also for the north west, which includes the Gascoyne, Pilbara and Kimberley, and for the south west. It will plan for services to be delivered in the year 2020 and back from there. That has never been in place before.

Dr Gallop: That is not true. What about the planning document prepared in 1992 for health services in the north metropolitan region through to the twenty-first century?

Mr PRINCE: The Fremantle accident and emergency facility was built in 1959, if my memory serves me correctly, and was largely untouched from then until now. The Labor Government - in which the member for Fremantle played a part for a short time - did not touch it. It took four years and millions of dollars to rebuild that facility and we now have an accident and emergency facility at that hospital that is second to none in this State.

The number of treatment bays in the accident and emergency ward has been increased from 26 to 38. Its capacity is significantly increased and the 10-bed holding unit cannot be opened because we do not have enough nurses - that same problem is limiting Osborne Park Hospital.

Despite what the member for Fremantle said, he, other members and the public know that lack of nurses was the reason for the closure at the Osborne Park Hospital. I tabled a letter from the acting director of medical services or the director of nursing the last time the member raised and twisted this issue showing that it has nothing to do with funding - it relates to nurses. The member keeps trying to make that connection and it is wrong - totally and completely wrong!

The shortage of nurses is a considerable problem. We have vacancies for 150 experienced general nurses across the metropolitan area at the moment, and the same number are needed in specialised areas. Princess Margaret Hospital must reduce elective surgery because of the shortage of paediatric nurses. As I said, Osborne Park Hospital has closed beds and Fremantle Hospital must maintain a closed emergency observation ward.

We have an agreement with the commonwealth Department of Immigration and Multicultural Affairs to recruit overseas. Obviously the individuals are subject to all the normal checks.

Mr McGinty interjected.

Mr PRINCE: I will come to that. That figure is not 480 for the public system; it is 180 for the private system and 300 for the public system.

The reregistration program for nurses currently out of practice is being set up and will commence in February 1998. We are also discussing with the Australian Nurses' Federation a new enterprise bargaining agreement. The graduate nurse consortium that coordinates the placement of new nurse graduates across the metropolitan area is operating and it is anticipated that 320 new graduates will be placed between December 1997 and June 1998. Some Mt Henry staff have been redeployed and 12 enrolled nurses will be placed in acute services in the next month.

Scholarships specifically directed at midwifery have been advertised and are being processed. I hope and expect that 75 midwives will graduate in 1998 from the Curtin University and King Edward Memorial Hospital programs. The university has levied a \$6 000 fee for all midwifery students in 1998, and without the scholarship those places would not be filled. That is taxpayers' money being used as a scholarship for nurses to do midwifery. These measures are in hand now.

The point not as well understood as I had hoped is that we have never trained more than 51 per cent of the nurses we employ in this State. I truly wish it were different and it is about time we lifted the number.

Training for registered nurses was moved out of the hospitals and into the two universities between 1988 and 1992 - it was a gradual transition program. Now no-one will be able to be registered as a nurse in this State who has been trained here unless they have done one of those university courses. Therefore, the control of the numbers is in the hands of the universities.

In relation to what is going on at the universities and the number of students they are prepared to accept - which relates largely to commonwealth funding - a number of meetings have been held with the Health and Education Cooperative Planning Committee, which includes the universities. I have raised with the Minister for Education the question of quarantining midwifery students from full fee paying students. I have asked for a meeting with the Vice Chancellor of Curtin University to discuss, in particular, midwifery, but also the workforce generally. There certainly needs to be an increase in the numbers.

The TEE entry requirement is very low in comparison to other programs, but still the courses do not attract students. The number of students going into TAFE to study enrolled nursing remains healthy. A significant number of those young women - they are predominantly young women - tend to move from the TAFE course after a year or two into the registered nurse course. That is desirable but we would like them in the RN course in the first place.

The number of nurses in this State trained elsewhere is well over 40 per cent. In fact, 43 per cent of the nurses who responded to the 1996 annual nursing labour force survey said they obtained their initial qualification outside Western Australia and 25 per cent gained their qualification overseas, and those ratios have been the same for years. If we are to improve the situation, we must be able to persuade more young people to accept that nursing is a good career. This phenomenon is not peculiar to this State; it happens across Australia, the United Kingdom, the United States and Canada. In other words, comparable jurisdictions are experiencing the same problems.

I have spoken to the chief nursing officer a number of times about this issue because it is perplexing. In the words of the chief nurse, young women now have many more options than were available 25 years ago. Today I am pleased to say that the doors are open and they can go anywhere in any form of education and training, almost without exception. That has undoubtedly reduced the numbers that were previously channelled into education and nursing. We must be able to turn that around and make nursing more attractive. Many initiatives have been put in place to achieve that.

Of the 1 183 registered nurses who are not presently practising, more than a third indicated that within the next three years they will be back in the workforce because their children will be going to school and so on. In fact, we anticipate a turnaround in the situation in the next 36 months. The shortage we have now was predicted two years ago and it is causing acute difficulties for some health services.

With regard to the matters raised by the member for Thornlie -

Mr McGinty interjected.

Mr PRINCE: Obviously the member was not listening. Many meetings have been held. I have asked to see the vice chancellor and I will tell him that he cannot do this. I expect him to say that the level of funding allocated will not allow the university to take on any more students, and therefore it will not. It is simply a matter of the numbers seeking to enrol. I will do everything I can to impress upon the university the great desirability of enrolling these students and having these places available.

Mr McGinty interjected.

Mr PRINCE: I cannot direct them. I have no intention of going back to hospital based training, which has been urged by a number of organisations. That would be a very retrograde step. I have met with the Chamber of Commerce and Industry to discuss a number of initiatives involving getting students back into hospitals as part of their training and to allow them to make a little money. In other words, we are trying to make it more attractive.

Since 1953 we have used the triple antigen vaccine covering diphtheria, tetanus and whooping cough. In February 1997, the new vaccine - acellular pertussis, known as DTPA - was approved for use in Australia. The new vaccine is said to cause five to ten times fewer side effects. The Commonwealth gave an undertaking that it would fund the

new vaccine - so it should - as a means of improving immunisation coverage, particularly given the high profile taken by the Commonwealth and the commonwealth Minister for Health on the issue, with which I thoroughly agree. Through the National Immunisation Committee on 10 July 1997 the Commonwealth asked the States to ensure the vaccine was ordered and distributed so there would not be shortages. The federal Minister used the first immunisation days in August to extol the virtues of the new vaccine. For reasons that we do not understand, the Commonwealth has now withdrawn the commitment to fund the first three doses of the five dose schedule.

This State, the Northern Territory, South Australia and Tasmania have all in good faith replaced the previous triple antigen vaccine with the new vaccine. We have purchased and distributed over 43 000 doses of DTPA at a cost of \$900 000. That is almost the totality of the commonwealth funds for DTPA this financial year. We want children who have commenced immunisation of DTPA to continue to receive it. I have written to the federal Minister and he has been the subject of intensive lobbying to review the decision that caused him to make the announcement that the Commonwealth would fund the vaccine for only certain immunisations. It makes no sense, particularly with respect to the scientific advice that is available.

In short, Mr Deputy Speaker, I reject the motion as it stands. I will move the following amendment within the commitments that are contained in the Hospital and Health Services Act that is, to the maximum practical extent a State will ensure the provision of public hospital services equitably to all eligible persons regardless of their geographic location. This Government is doing exactly that.

Amendment to Motion

Mr PRINCE: I move -

To delete all words after "Australia" with a view to substituting -

and supports state government policy to provide the best quality affordable health services.

DR TURNBULL (Collie) [3.36 pm]: I second the amendment moved by the Minister for Health. I felt sick sitting in this place listening to the opposition health spokesman. It is the carping, whingeing, complaining and carrying on about our health service that drag the poor people who work in it down. For the member for Fremantle to compare us with third world countries is absolutely wrong. The member has not received medical treatment in a third world country.

The DEPUTY SPEAKER: If the member for Collie addresses her remarks to the Chair instead of the Opposition we will get on with the speech.

Dr TURNBULL: It is a disgrace for the Opposition to try to compare treatment in Western Australia with third world medicine. The member for Fremantle has no concept of how hard it is for people in third world countries to receive any health treatment. The trouble with the people of Western Australia whom the member for Fremantle supports and the examples he drags in here is that they have the wrong expectations. The member for Fremantle supports the sort of person who appeared on the front page of *The West Australian* about 10 days ago. She wanted to move up the hospital waiting list for a breast replacement. A breast replacement is absolutely unnecessary.

Mr McGinty: The member for Collie should tell Cecily Cronin that it is an unreal expectation.

Dr TURNBULL: It is an unreal expectation to have that treatment on the free health service list.

Mr McGinty: She will love the member for that. The member for Collie had better hide behind those trees in Collie if she thinks it is all right for a woman to walk around without a breast. What a disgrace as a medical practitioner. The member should be ashamed of herself.

Dr TURNBULL: The member for Fremantle should read the letters to the editors in *The West Australian* that followed that front page headline. H would understand that the average Western Australian does not support that view.

The DEPUTY SPEAKER: Member for Collie, Order! Once again, the object of the debate is for the member for Collie to address her remarks to the Chair. I ask the member for Fremantle to give the member for Collie the opportunity to deliver her speech without throwing in an interjection every two seconds.

Mr McGinty: The member for Collie has been sniffing too much coal if she thinks it is all right for a woman to go around without a breast.

Dr TURNBULL: The State does not have a responsibility to put her wants above all other people on the waiting list. The waiting lists are essential because they help to divide those who need treatment from those who want treatment and those people who have unrealistic expectations.

Mr McGinty: Unrealistic expectations?

Dr TURNBULL: Yes. I was proud of all the people who wrote to the editor of *The West Australian* saying the same thing. People in the streets of Collie know what is essential.

Mr McGinty interjected.

Dr TURNBULL: An arm and a leg is not an unrealistic expectation. I will quote a case which the member for Fremantle promoted. A person wanted a new knee because his former implanted knee had not worked. Does the member for Fremantle know how much this person weighed? He weighed 118 kilograms. That is the most unrealistic expectation one could have out of any health service in the world. The trouble with the Opposition and particularly the member for Fremantle is that those people who get on the front page of *The West Australian* whingeing and complaining because they did not get an extra knee free from the free system are building up people's expectations. That is the worst situation one could possibly have. This health service is paid for by the taxpayers.

Mr Carpenter interjected.

Dr TURNBULL: Will the member for Willagee pay for a breast reconstruction for a person who is whingeing and wanting more than a woman whose life will be saved by a breast operation?

Mr Carpenter interjected.

Dr TURNBULL: She does not need a hospital benefit. Hundreds and thousands of women are walking around Australia without reconstructed breasts. They have perfectly normal lives. I know because some of them they have been patients of mine. Why should people want extra? Members opposite are laughing. They are taxpayers. What do they think about their money being spent on unnecessary health demands?

Mr McGinty interjected.

The DEPUTY SPEAKER: The member for Fremantle should not reflect on other members.

Dr TURNBULL: Members opposite must be a bit more realistic. It is their tax money as well. What does the member for Fremantle's wife think about this?

Mr McGinty: She thinks your Government is an absolute disgrace.

Dr TURNBULL: The member's wife is fortunate; if she needed a breast cancer operation she would get it.

Mr McGinty: I would hope so. You are saying it is a luxury.

Dr TURNBULL: I am not saying that a breast cancer operation is a luxury.

Mr McGinty: You are saying breast reconstruction is a luxury.

Dr TURNBULL: I am saying a breast reconstruction is a luxury and a breast cancer operation is essential.

Mr McGinty: If that is the best your Government can do, chuck the towel in now and go.

Dr TURNBULL: The Opposition should understand that Western Australia has the best health service in the world and the member for Fremantle denigrates it week after week. The taxpayers of Australia cannot support a totally free system. I am pleased - though it is unfortunate - that I have created a dreadful spectacle here today. I am absolutely sick and tired of listening to the whingeing and complaining by members opposite. The Australian health service is the best in the world.

Question (words to be deleted) put and a division taken with the following result -

Ayes (29)

Mr Ainsworth
Mr Baker
Mr Barron-Sullivan
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes

Dr Hames
Mrs Hodson-Thomas
Mr Johnson
Mr Kierath
Mr Marshall
Mr Masters
Mr McNee
Mr Minson
Mr Nicholls
Mr Omodei

Mr Pental
Mr Prince
Mr Shave
Mr Sweetman
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Osborne (*Teller*)

Noes (15)

Mr Carpenter
Dr Edwards
Dr Gallop
Mr Graham
Mr Grill

Ms MacTiernan
Mr Marlborough
Mr McGinty
Mr McGowan
Ms McHale

Mr Ripper
Mrs Roberts
Mr Thomas
Ms Warnock
Mr Cunningham (*Teller*)

Pairs

Mr Barnett
Mr House
Mrs Parker
Mr Wiese

Mr Kobelke
Mr Riebeling
Ms Anwyl
Mr Brown

Question thus passed.

Question (words to be substituted) put and a division taken with the following result -

Ayes (28)

Mr Ainsworth
Mr Baker
Mr Barron-Sullivan
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Cowan
Mr Day
Mrs Edwardes

Mrs Hodson-Thomas
Mr Johnson
Mr Kierath
Mr Marshall
Mr Masters
Mr McNee
Mr Minson
Mr Nicholls
Mr Omodei
Mr Pental

Mr Prince
Mr Shave
Mr Sweetman
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Osborne (*Teller*)

Noes (15)

Mr Carpenter
Dr Edwards
Dr Gallop
Mr Graham
Mr Grill

Ms MacTiernan
Mr Marlborough
Mr McGinty
Mr McGowan
Ms McHale

Mr Ripper
Mrs Roberts
Mr Thomas
Ms Warnock
Mr Cunningham (*Teller*)

Pairs

Mr Barnett
Mr House
Mrs Parker
Mr Wiese

Mr Kobelke
Mr Riebeling
Ms Anwyl
Mr Brown

Question thus passed.

Motion, as Amended

Question put and passed.

APPROPRIATION (CONSOLIDATED FUND) BILL (No 3)*Second Reading*

Resumed from an earlier stage of the sitting.

DR TURNBULL (Collie) [3.48 pm]: Before the luncheon suspension I was elaborating on the role of nuclear power generation in the worldwide electricity generation scheme. The internationally recognised World Energy Council which comprises 100 member countries met in Tokyo in 1995 and reviewed the status of world energy consumption and demand. The recommendations that came from that conference were very interesting. The first challenge set out in the recommendations was to respond now to the urgency of the plight of over two billion people in the lower income, developing countries, both the urban and rural poor, who cannot access electricity and do not have sufficient commercial advantage to purchase it.

This is how the World Energy Council believes electricity can be brought to those in 40 per cent of the world, who

are still trapped in the vicious cycle of poverty and deprivation. Over the next 30 years, a much wider range of energy forms will be required to satisfy the world's expanding global demands. These will include fossil fuels, publicly acceptable nuclear developments, and those forms of renewable energy which can be made viable. Allowance needs to be made for fossil fuels to remain cost competitive against alternatives over the next few decades. This means that fossil fuels are set to play a greater and longer role than is widely understood, or in some quarters wished, and nuclear energy will be involved in advancing the production of electricity.

The recommendations state also that there is a necessity to bring on economically viable non-fossil energy supplies to address these huge challenges, particularly in road transport. However, over the next 30 years, coal and fossil fuels will remain the major sources for the production of energy. It is predicted that the use of nuclear energy will expand and play an increasing role in the total world production of electricity. As I said earlier, currently it comprises 25 per cent of the world's production, and some articles that I have read predict that it will increase to between 27 per cent and 30 per cent of total world electricity production.

It is interesting that last weekend it was predicted in the *Sunday Times* editorial that "more money would need to be put into researching alternative fuels, which include the possibility of nuclear power, with watertight safeguards." If Australia were forced into a situation where it had to reduce greenhouse gas emissions, nuclear power would be one of the most viable alternatives.

Where could nuclear power be used in Western Australia? Western Australia is a diverse State with quite a small interconnected grid. If a large project, such as an aluminium smelter, could not access natural gas, nuclear power would be a possibility. Putting the nuclear scenario to one side, if the Federal Government was committed to reducing greenhouse gas emissions, another scenario would be to close the coal fired power station plants in Western Australia that are over 20 years old. Those plants are the four 30 megawatt generators at Muja Power Station, the units at Bunbury Power Station, and one or two of the coal fired units at Kwinana Power Station. That would remove from the grid about 150 units of power generation, which could be replaced by the new coal fired 300 megawatt unit to be built next to the unit that is being constructed at Collie Power Station. This would be a logical way of dealing with the older, more polluting and less efficient generators. I urge the Western Australian Government to consider this proposal and to approach the Federal Government to ensure that Western Power is given infrastructure finance taxation advantages to ensure that this can take place.

Western Australia has made a huge contribution to the introduction of new, highly efficient refining and manufacturing processes using natural gas in the north west and the south west. In Western Australia, the proportion of energy produced by natural gas has increased markedly in the past five years and is now about 25 per cent of all electricity production. Natural gas has made a huge contribution to efficiency because it is used in many industrial processes in this State. The coal which is being used is now basically used in the most efficient generator, which is Muja stages C and D, and when the new 300 MW power station is opened, that area will provide highly efficient coal fired power generation.

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

Dr TURNBULL: I turn now to the second proposition that I mentioned at the beginning of my speech; namely, that if we are to reduce greenhouse gas emissions, we will need to reduce transport. When talking about reducing transport, many people talk about public transport within our cities. This morning, the Select Committee on Perth's Air Quality presented a discussion paper for consideration by this House. The production of greenhouse gas emissions from private transport forms only a small part of the overall picture. Transport uses 26 per cent of the energy that is used in Australia, and of that 26 per cent, about 20 per cent is used for the transport of minerals, agricultural and fishing produce, etc. If we were to reduce transport, we would have to reduce the economic lifeblood of this State.

The same applies to the scenario of reducing agriculture. Across Australia we would have to reduce agriculture by 15 per cent, which would take out of production thousands of hectares. That land could not be salt affected land. We would have to take out productive land.

Mr Osborne: Do you mean 15 per cent of the area under cultivation?

Dr TURNBULL: Yes. The production of cotton, sugar cane, cereals and wheat uses an enormous amount of energy.

The fourth item is to stop the establishment of all new industry unless an old industry is closed down. The other day it was mentioned in this House that last weekend's *The Australian Financial Review* had a front page article about what would happen if we slowed down industrial development in Australia. That front page story was suggesting that an economic war would occur between the south and the north of Australia. That is a highly possible scenario because the antiquated industries and the ground coal burning power stations of Australia are in the south west corner. If they were closed while the new hot briquette factories and new petrochemical industries of the Pilbara and north

west of Australia proceeded, a great amount of poverty would occur in that south west corner. Those predictions are not an unlikely scenario.

People have said that those arguments are scare tactics and that the Federal Government should not be so concerned about this demand for reduction in greenhouse gasses. Those people do not have a realistic assessment of the situation in Australia. The Australian Bureau of Agricultural and Resource Economics publication of 1997 of the "Australian Energy Consumption and Production Projections" has calculated that to reduce greenhouse gases below the 1990 levels would cost each Australian \$10 000 a year. As we know, that would be an unacceptable economic impost on ordinary Australians.

Those scenarios are very drastic. However, the United Nations is demanding that participating developed nations achieve a 15 per cent reduction on 1990 levels by the year 2010 or the recalcitrant countries will face trade sanctions.

My suggestion that all diesel powered generation in Australia be replaced by renewable energies is feasible. It would no doubt be beneficial to the general Australian economy. Those renewable energies would come from areas such as tidal power, solar power and wind power. However, Australians would have to accept a huge taxpayer subsidy for their installation.

The purpose of my speech today is to call on all Western Australians to support the Federal Government in its stance of not signing a Kyoto conference declaration that would require greenhouse reductions on 1990 levels. Australia will support only a steady, cooperative move to reduce greenhouse levels taking into account the individual countries involved.

I was very pleased to hear on Tuesday night that the Opposition also supports this stance and acknowledges that the proposed convention, which would impose mandatory reductions on Australia, would result in a very serious situation. That debate focused on *The Australian Financial Review* weekend editorial.

Recently newspaper editorials have been very critical of the Prime Minister's stance. However, they have been overtaken by international events in the past few weeks. Australia is not the only nation trying to change the United Nations declared position. So far, Europe is the only bloc to support the UN position. That is partly because Europe will be able to use nuclear power to supplement its cuts. In *The Australian Financial Review* of 7 October a very good article indicated that Japan had changed its stance. Even the 5 per cent reduction Japan proposes will be too difficult to achieve. In fact, many people in Japan have estimated that Japan will be able to achieve only a 2.5 per cent cut in greenhouse levels. In order to achieve that 2.5 per cent cut it would have to build 20 new nuclear power stations. Only a few years ago Japan decided not to install more nuclear generators, but to increase coal purchases from places such as Australia, Venezuela and Indonesia.

America is also having second thoughts about this. Although President Clinton wants to support the United Nations, the United States Senate has voted 95 to nil against signing any Kyoto convention which will result in serious harm to the United States' economy.

In conclusion, I assure the House that the Western Australian Government has an interagency group which has been examining the greenhouse issues that arose from the Rio and Berlin conferences. They are preparing positions for Western Australia to take to the Kyoto conference. The whole object of the interagency group is to ensure that Western Australia's position reaches the Federal Government and that its policy position in Kyoto will represent Australia's position.

I challenge all Western Australians to endorse the hard line being adopted by the Federal Government that Australia not sign any convention which involves binding reduction on greenhouse gas emissions. We must support the Federal Government negotiating team which is working towards a differential formula to be presented to Kyoto.

Tim Fischer, the Leader of the National Party, Deputy Prime Minister for Australia, and Minister for Trade presented a detailed position paper in August in which he outlined Australia's position. I believe that in the next few weeks a very varied and much more realistic proposal will be prepared for Australia to take to Kyoto.

MR PENDAL (South Perth) [4.08 pm]: In supporting this Bill I will use the occasion, in the same way as the member for Collie, to raise a matter of ongoing concern to my constituents; that is, the continuing levels of crime in Western Australia as well as the adequacy of the current Police Act to be effectively used in the fight against crime. I will also touch briefly on the refuge that the Minister, like many of his predecessors, chooses to use when he frequently tells Parliament that a matter is allegedly operational and therefore outside of his capacity.

Over the past five or six years I have made it a practice to inquire of successive Ministers for Police about the crime that affects most Western Australians. I am not referring to homicides or major assaults, but to home invasion or, in old fashion terms, burglaries. I have made a practice of seeking two sets of statistics: First, the month by month statistics for home invasions in my electorate; and, second, the clearance rate for those crimes. Four or five years

ago it was established by the then Minister for Police that the police had a very poor clearance rate for home burglaries of something like 9 per cent. I remember quizzing a number of people over what they would regard as an adequate response by the police; whether it would be a 70 per cent or a 50 per cent clearance rate. When I tell people that the figure is in the realm of 10 per cent, most acknowledge that is not a satisfactory outcome for society. I asked similar questions in early September this year. Question without notice 1762 was answered on 18 September. In part (1) of the question I asked the Minister how many reported break-ins occurred in each month from October 1996 to the present. The Minister has answered that question. That will allow me to compare with like figures from corresponding periods.

Mr Baker: Are they home or commercial burglaries?

Mr PENDAL: It is a global figure. The problem of office break-ins was all but eliminated in South Perth because shopkeepers contributed to specially paid private patrols. As a result of that success I put to the previous Minister for Police that it was worthwhile running a pilot program over a three year period in which the State would fund a private security patrol in the electorate of South Perth to see whether we could achieve the same results for residential properties. The Minister at that time declined on the rather extraordinary grounds that it might be successful - and that if it were successful in South Perth, other members would ask for it for their electorate. That was extraordinary. I castigated the Minister at the time, both here and in public, because he would have written his name into history if many of those home and office invasions could have been eliminated in the way outlined.

My concern is the present Minister's failure on 18 September to provide the data in answer to the questions that were always answered by his predecessors. That is: How many arrests and/or convictions have resulted and what number or percentage of break-ins remain unsolved? On previous occasions, notwithstanding that that data may have been politically uncomfortable, Ministers have provided that information to this Parliament. To my knowledge this the first occasion on which a Minister in this Parliament said -

The information sought would require considerable research, including from other agencies, which would divert staff away from their normal duties and I am not prepared to allocate the State's resources to provide a response.

That answer is found on page 6521 of *Hansard*. That is a black mark against the new Minister for Police. It is a very serious diversion from a past practice whereby Ministers have been prepared to tell the Parliament openly the real position across Western Australia. For the first time the Minister for Police chose to say he was not prepared to bring about an allocation of resources.

I saw the Minister privately about that matter. He said to me what Ministers have said for years in this State. I will concentrate on this as my second point, because it is nonsense in all respects. It is no less nonsensical that this Minister is now saying these things than when his predecessors have said them. The Minister told me privately that he is not able to get involved in operational matters.

Mr Minson: That is always true of police matters.

Mr PENDAL: No. In the past I have made the allusion that the same situation confronts the federal Minister for Defence, for example. Parliament does not allocate to the Minister for Defence \$65m of the federal Budget and then allow -

Mr McGowan: How much? It is more than that.

Mr PENDAL: It does not matter. My point is about to be made; namely, that the Federal Government does not allocate money to the Minister for Defence, only to have the Minister say he will let the joint chiefs of staff decide which wars Australia will fight. How silly would that be? Successive Ministers have said the same as the current Minister has said in Western Australia: They cannot tell us those matters because they are operational. When we speak to the Minister privately he tells us to look at section 5 of the Police Act. I did. It is a refuge that the current Minister is using and that previous Ministers used. Section 5 deals with the Governor's capacity to appoint a Commissioner of Police. It states, in part, that "every Commissioner of Police shall be charged and vested with the general control and management of the Police Force". That is quite a different matter from that which has been defended by this Minister and his predecessors. Parliament was very careful when it passed that provision. I will come to the date that legislation was passed, because that is most relevant to this debate. Section 5 does not say the Minister must opt out of those matters: It states that every Commissioner of Police shall be charged and vested with the "general" control of the Police Service. In other words, it explicitly suggests there is an active role for the Minister of Police.

It may come as a surprise for members to learn - it certainly came as a surprise to me - that the Police Act is more than 105 years old. I will show members how out of date it is by a reference to a couple of palpably and laughably

nonsensical sections in the Police Act. They illustrate that the Minister must bring in a Bill to repeal the current Act and to enact new and modern legislation.

Dr Constable: He is nodding.

Mr PENDAL: I am pleased to hear that. If that is so, it will have taken us 105 years to get to a position at which we will empower those who are charged with the general control and management of the Police Service, rather than give them an Act that was written in the horse and buggy days and, frankly, that is still in the horse and buggy days. The Minister must bring in a Bill to repeal this nonsense. He must also abandon the false idea - I have just demonstrated that it is false - that the Minister for Police has no role in operational matters. I am not saying this Minister for Police has done this any more than his predecessors did it; however, he is the current Minister. The mythological interpretation that has been given to section 5 is offensive to communities such as mine where the figures prove they are suffering from either police inaction or lack of police performance. That is the first thing upon which the Minister must turn over a new leaf. He must do what past Ministers have been prepared to do and give the House information, even if it means that a few policemen in the research unit must spend a bit of time working to provide this Parliament with the information to which it is entitled.

What would allow someone to draw the impression from all of that that the Act is out of date? Apart from anything else, it was enacted in 1892. I have not spent all day going through these more ludicrous propositions, but I do have some examples to show how outmoded and laughable it is and how much nonsense still exists.

The current Police Act makes reference to the transport of night soil and ammoniacal liquor, which I am assured is urine; I have never seen it described in such an elegant way. I do not need to spell out the meaning of night soil for members. Incidentally, it is an offence if one moves night soil in a night cart between 5.00 am and 11.00 pm. The Act also contains a reference to offences in respect of butchers' shambles. I believe that I am good with words, but I do not know what is a butchers' shambles.

Mr Osborne: It is a slaughterhouse.

Mr PENDAL: No, it is not. The Act immediately goes on to refer to slaughterhouses, so it is clearly not a slaughterhouse.

The Minister has joined us. Everyone knows that he is a good and intelligent man. I will challenge him: Does he know there is an offence relating to use of bath chairs being driven on a footway? If he does, will he tell me what is a bath chair?

It is an offence to challenge a person to fight for money. The Act also refers to mad dogs, and it is a criminal offence to engage oneself in the unauthorised removal of turf or gravel from the roadway. That is a desperate sort of crime, but it is 105 years old and we still have that nonsense in the legislation.

Mr Day: We do need new legislation and four Bills are being drafted at present to replace the existing Police Act. It is taking longer than I would like and I am sure longer than previous Ministers would have liked, but it is being done.

Mr PENDAL: It is a great relief that we will no longer be burdened with these things. I commend the Minister if he is doing that.

While he is doing that I hope he looks at section 78, which must be an English master's nightmare. One section has a sentence comprising 300 words.

Several members interjected.

Mr PENDAL: I do not think I should torture the House. I will give a private performance in the corridor. The trouble is that the section contains language that I find difficult to pronounce. That defies every law of good, clear English, yet it is the same Act in which the Minister takes refuge in section 5. I hope he does not bring back into this place a Bill that maintains this falsehood that the Minister for Police cannot be involved in operational matters.

Mr Day: It is not a matter of taking refuge under that section of the legislation; it is a longstanding practice under the Westminster system. There is a separation of powers between the responsibilities of the commissioner and the Minister. I hope the member is not suggesting that that should be changed.

Mr PENDAL: Yes I am, because it is false. It has not only been the refuge under section 5, such as the present Minister has used, but also it is a separation of powers that does not exist. That has nothing to do with the principle of the separation of powers; that is a different set of principles.

If the Minister were to say that it is improper for a Minister for Police to direct a police officer about the way in which

he or she might conduct an investigation, that would be proper. That applies in many Statutes; that is, we do not have the Minister making decisions, for example, about who should be investigated or prosecuted. That is what the Minister was referring to and we need a new Act to preserve that. God forbid that we would ever have an Act of Parliament or a practice that allowed a Minister to determine whether a person is investigated or charged. However, in any other case it is a falsehood to suggest that there is a separation of powers under which the Minister must refrain from directing operations.

Everyone agrees that it is the Minister's right or responsibility to tell the Police Commissioner that he or she wants the police to withdraw resources from traffic enforcement and to spend more in the war against heroin use or house break-ins. To say that the Minister does not have that power is to disfranchise the Minister for Police. The whole notion of accountability coming from the voter to the Minister for Police, to me and every other member is destroyed.

I plead with the Minister to do two things: First, to look at the answer he gave me on 18 September and rap himself across the knuckles, and then resolve that he will never give another answer like that, because it is beneath him as a good person to do what he did.

Mr Day: If it is the answer to which I think the member is referring, if he asks the question in the same manner as the member for Churchlands, I will answer it.

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

Mr PENDAL: I am aware of what has happened with the member for Churchlands. I am also aware of the way in which her pressure and the pressure of a reporter prompted and, in fairness, allowed the Minister to see the error of his ways in that regard. I will put the question on notice - I have been asking it for five or six years - in order to track the rate of home invasion in my electorate. I am very pleased to hear him say that for the record, and I am grateful for that. Without the second piece of information, the first piece is almost worthless.

Secondly, I am very pleased to hear the Minister say that he will introduce an up to date and modern piece of legislation that will enrich and empower the police in their capacity to enforce the law. This 105 year old legislation actually impedes the Police Service. Finally, I want the Minister to take that on board because if he does not I will give him as hard a time as is possible when the new Bill arrives on the equivalent of the current section 5. It has nothing to do with the separation of powers. It is another principle entirely and when it is considered in its other context it is a perfectly valid principle that must be vigorously protected by this House and by any Parliament. It is wrong to roll it into one because the Minister for Police can then do what no other Minister can do. In other words the Minister is saying, "My CEO will make those decisions", when, as an elected member of Parliament, I do not get the chance to quiz the CEO. It is a fallacy that has built up historically.

Section 5 of the Act has only ever given the Commissioner of Police general control to manage the police force, thus leaving everything else that the law provides for the Minister to accomplish. This business of being a Pontius Pilate and saying, "I must wash my hands of it and walk away from it - I cannot get involved in it and I cannot tell you that", is a cop out. I hear members say it. I hear them talk about the police facilities in their electorate. It is nonsensical to be told that it is the Commissioner of Police who makes those decisions and not the elected Government of the day. It is the elected Government of the day that I can quiz in the House, and that is the way the system is designed. That misunderstanding on the part of successive Ministers has resulted in refuge being taken in a non-existent principle. For that reason, when the Bill is introduced into this House it must be made absolutely and fundamentally clear that the fallacy that has existed in the minds of Ministers, and more particularly in the minds of commissioners, for a century is actually abandoned and taken out of the Statutes so that the Minister has a very clear line of responsibility to this Parliament. On that basis I support the Bill.

MR McGOWAN (Rockingham) [4.33 pm]: I open my remarks by paying tribute to a great woman, Ms Cheryl Kernot, and I will refer to the contribution she is making, is in the process of making and will make in the administration and the future of this nation. By her actions over the last day she has demonstrated courage, vision and a conviction which has not been seen in this country for a very long time. I believe that most earnestly. The reason I say that is that she has placed loyalty to Australia, loyalty to the federal Parliament and duty to this nation before petty party politics and party loyalty. That is a major development for the future of this nation and it shows a woman of conviction and we can look forward to her doing big things.

Several members interjected.

Mr McGOWAN: I was expecting some interjections from members opposite because they can see the end result - a one term Government; the first one since the Government led by James Scullin in 1929. The intellectual pygmies of the coalition in Canberra can see the end coming. The front bench in Canberra has the least talent of any front bench this nation has had in the past 30 to 40 years.

Cheryl Kernot has gone about it the right way. She resigned from the Senate.

Several members interjected.

Mr McGOWAN: Exactly, they got Colston and we got Kernot. Cheryl resigned from her party and the Senate. She has given up her income. My understanding of the commonwealth pension scheme is that she will lose her entitlements if she loses the seat of Dickson.

The DEPUTY SPEAKER: Order! I will not stand for cross-Chamber conferences while a member is delivering a speech.

Mr McGOWAN: She has forthrightly stated that if she fails in her bid for a lower House seat she will not run for Parliament again. Her career in politics will be over.

Another thing she has done which we must acknowledge is that she has decided to run for a 3.7 per cent Liberal seat. How many people would do that? She probably could have demanded something greater had she been trying to enter into the lower House for reasons other than the right ones. She did not do that; she said she wanted to fight for a seat and win it in her own right and do the right thing by the people of Dickson in Queensland. Admittedly the seat is held by the most infamous Liberal in Australia, Tony Smith, who was a man of note some weeks ago.

Cheryl said that she is sick of playing both sides, which is what the Democrats must do. When she said, "I can no longer say that I see the Labor Party as being in the same state as the Liberal Party and it is far better than the Liberal Party", she was duty bound to herself to do the right thing by no longer sitting in the upper House. In that position she did not play a part in setting the agenda for the future of Australia.

Several members interjected.

Mr McGOWAN: She did the right thing. The funny thing is that a number of colleagues of members opposite in the Federal Parliament asked her to join the Liberal Party. She recognised the fairly low quality of the mob opposite and no doubt spurned them fairly quickly. I must be honest: I was ambivalent about Cheryl Kernot and I will give members the reason for that. I recognised her talent.

I am envious because that talent was not in our party. Let us recall the first three to six months following the last federal election. Cheryl Kernot seemed to be gaining most of the media publicity and hitting every issue right on the head. I was envious. I thought she was doing a good job. Amazing things happen in politics. I am very pleased that she has come to join those on this side of politics.

Mr Baker: Were you shocked?

Mr McGOWAN: I was very surprised, as I think everyone was. I had the pleasure of having lunch with Kim Beazley on Tuesday. I would like to read into *Hansard* what I regard as probably one of the best speeches I have ever written - I mean, read!

Several members interjected.

Mr McGOWAN: Members have found me out - I wrote the speech for Cheryl Kernot. I made a Freudian slip. She put out a press release yesterday, announcing what she intended to do. I regard it as a fantastic critique of the current Federal Government. It states -

In the last 18 months I have watched as the Government stepped up the process of dismantling the State, throwing thousands of people onto the scrapheap; abolishing job creation and training programs that are now the models for new Governments overseas. I have watched them manically cutting back programs ranging from industry R&D to family planning to dental hospital services for the poor.

Over the last 18 months I have watched this Government create a crisis of confidence in the higher education sector and attack our public school system. I've seen them return to the development at any cost approach to the environment. And allow media coverage back into Family Law courtrooms. I have watched as a Government that was so obsessed with its Budget bottom line failed to understand the effects of its own actions in creating massive insecurity in this country . . .

For 18 months I have watched as the Howard Government allowed an agent of division to vilify and scapegoat black Australians and migrants under the cloak of free speech. We have all seen this do enormous damage to Australia's standing in the rest of the world.

I firmly believe the Howard Government has demonstrated itself to be a new Government, shackled by old ideas. Its policy approach has been a patchwork of mediocrity and confusion. Its economic prescriptions still look to Margaret Thatcher for their inspiration, . . .

But, over and above all this, to me this Government's key crime is not its list of incompetent ministers fallen by the way, its blind eye to racism, its pettiness. It simply lacks any vision about the future direction of the country.

That is an absolutely damning indictment of the Federal Government.

The DEPUTY SPEAKER: Order! I remind the member that under the rules of debate in this House, members are entitled to read from a document, but it should be only one or two lines, not a couple of paragraphs. Although I will allow it today, I just mention it for the member's future reference.

Mr McGOWAN: I thank you for your guidance, Mr Deputy Speaker. Another point we can make about the transfer of Cheryl Kernot to the Labor Party is that she has recognised that in the Leader of the Australian Labor Party we have a great man, a visionary, a great Western Australian who has a vision for this nation as a better place, someone who has strength of character, who is understanding and who has a deep sense of compassion, someone who stands hugely -

Mr Trenorden: Hugely is the right word.

Mr McGOWAN: The member for Avon should not throw stones in glass houses. In any event, he is a man who stands far higher than his opposite number on the federal coalition front bench. John Howard's major fault is that he spent so long knowing where he wanted to go and pursuing that aim - at the age of 18 John Howard worked out that he wanted to be Prime Minister - that in the process he has become bitter and twisted and he does not know what he is doing now that he has the most important job in the nation. When people look to him for some sense of where Australia will go as a nation, for the reason we are all here, for some insight about what our children will be doing in the future, John Howard does not know what he is doing.

It is quite a shame for a bloke who has spent 23 years in public life to be in that state. The battering and constant problems he has faced over the past 15 years have taken their toll on him. He is not up to the task of being Prime Minister of our great country. Fortunately, we have a Western Australian who we hope within a year to 18 months will take on the role of Prime Minister. It will be far better for Western Australia if that occurs. The Premier of this State has attacked the Federal Government most viciously over its last Budget. Every week in this Parliament the Premier attacks the Federal Government for making a whole range of cuts in the commonwealth funding to our State and for the terrible treatment we are being handed under our federal-state financial relations.

Those opposite should secretly be hoping that Kim Beazley does become Prime Minister following the next federal election because Western Australia will receive a better deal from the Federal Government. It will do better financially. We will have a Prime Minister from this State who will do the right thing by Western Australia. Having him as Prime Minister will improve the bottom line of the State Government's Budget, which will do us a lot of good.

Cheryl Kernot is a welcome addition to the Australian Labor Party. I was surprised when she joined us, as was everyone else. We are all very envious of her abilities, her charm and her capacity. Her announcement yesterday to join us made it a very pleasant day.

I now draw to the attention of the House the changes relating to aged care made by the Federal Government. Of all the changes that have been made over the past 18 months, these are the absolute worst - and they cannot be justified. I warn those opposite not to try. These changes are absolutely abhorrent to our sense of justice for older Australians, for their quality of life and for their emotional, financial and intellectual wellbeing.

Mr Trenorden: You should not say that, because you put exactly the same system in place.

Mr McGOWAN: Does the member for Avon support these changes?

Mr Trenorden: I believe people who have money to pay for themselves should pay for themselves.

Mr McGOWAN: I hope the Hansard reporter heard that comment.

Mr Trenorden: I have just put my mother into a nursing home. I am happy to pay for her accommodation. I love her and I am happy to look after her.

Mr McGOWAN: The member for Avon thinks, as does the Federal Government, that if people who are aged and infirm have more than \$22 500, they should pay exorbitant funds to go into a nursing home. Generally people stay in nursing homes for the rest of their lives. Those sorts of decisions show the compassion and the vision of this Federal Government.

Mr Trenorden: People have to pay only if they have money. You are twisting the position.

Mr McGOWAN: It is a deplorable situation.

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

Mr McGOWAN: I am a keen student of history. My favourite period in the history of this country is 1914 to 1945, which were the darkest hours for the survival of this nation. The people who fought for this country at that time, under the great leadership of John Curtin, another great Western Australian, are the people who are now in need of nursing home care. The Second World War finished 52 years ago. The average age of the people who fought in that war was 25, so they would now be 77. Those people are now thinking about what would happen to them in the future if they were unable to look after themselves. What has the Federal Government done for those people? It has said that any person with assets, including the family home, of more than \$22 500 must pay an up-front entry fee, called an accommodation bond, the amount of which is unlimited; it may be up to \$100 000.

Mr Trenorden: That is not correct. The first \$219 000 is exempt. Why do you not mention that?

Mr McGOWAN: The member for Avon should go back to sleep. We will wake him up when it is time to go. The first \$22 500 will be exempt from assessment under this accommodation bond scheme. Therefore, a person who owns a home will be required to sell that home in order to pay the entry fee for a nursing home. The amount of that fee will depend upon the quality of the nursing home. That raises the issue that the wealthier a person is, the better will be the nursing home into which he can afford to go. A millionaire will be able to go into a better nursing home than a person who is poor. No-one can say that a person with assets of \$22 500 is affluent. That person may own only jewellery and a vehicle worth that amount of money, and the family home.

Elderly people will be forced to sell the home in which they have lived with their partner and children, the one asset that they have worked all their lives to acquire, in order to receive nursing home care which, if we are realistic about it, will be for the remainder of their lives, which probably will not be for long. Few people remain in nursing homes for more than five years.

The Federal Government has justified this proposal by saying that the money will be put back into aged care. That will not be the case. The only money that will go back into aged care is the interest that nursing homes will earn on the bond moneys. The bond money will reduce by \$2 600 for each year that a person is in a nursing home, so that person will lose that money in addition to losing his home. That person may want to give the family home to his children or grandchildren, or keep his home as his one anchor with the real world outside the nursing home, or as the one thing that he can say was his before he had to enter a nursing home. We need to remember that 95 per cent of people do not want to go into a nursing home but have it forced upon them by personal or family circumstances.

Mr Trenorden: The family wants the house so that it can sell it and keep the money.

Mr Carpenter: That is a terrible thing to say. That is unbelievable.

Mr Baker: They are divesting themselves of assets in order to fit within the means test guidelines. Who first means tested the age pension?

Mr McGOWAN: Does the member for Joondalup think a bond is a good idea? I want to get it in *Hansard* that the member for Joondalup thinks it is a good idea. I want him to keep locking himself into that position, because when Howard backs down - he is a very weak leader, and he will back down - we will see what his constituents think of what he has said.

Mr Trenorden interjected.

Mr McGOWAN: The difference is that people go into hostels voluntarily.

Mr Trenorden: A Labor Government increased the fees for hostels.

Mr McGOWAN: It decided not to increase fees for nursing homes because nursing home care is very different from hostel care. I will show the member for Avon a hostel and explain it to him. The member for Avon told me his personal story a moment ago, yet he has the audacity to back up what the Federal Government is trying to do. The member for Avon should be the one person who does not interject, because he knows the awfulness of what the Howard Government is doing.

I turn now to some other things that the Federal Government has done to elderly people. It has abolished the commonwealth dental scheme. Pensioners, or approximately 3 to 4 million Australians, generally have teeth that are not in as good condition as the teeth of people my age, and they are probably the people most in need of dental care. In my electorate, pensioners who have a toothache must wait for 24 months to get that remedial work done on their teeth.

The Federal Government has abolished the provision of free hearing aids for pensioners. It has emasculated the pharmaceutical benefits scheme for elderly people who need pharmaceutical products. A man came to see me the

other day who has a severe problem with high cholesterol but can no longer access under the pharmaceutical benefits scheme the drugs that are necessary to keep him alive. I find that incredible.

The Federal Government has also increased the fees for nursing home care. I understand that the fees have doubled. Pensioners may earn \$50 a week, but their pension is reduced by 50¢ for each dollar earned above that amount, and of course pensioners also pay tax. The Federal Government has now changed the rules so that pensioners must now pay an extra 25¢ in each dollar earned above the \$50 exclusion amount, as a nursing home fee, but that fee goes to the Government; not to the nursing home. At the same time as pensioners are being hit in this way, \$500m has been cut from aged care in two recent Howard Government Budgets. On the one hand, the Government's justification is that the nursing homes need this money. On the other hand, the nursing homes receive very little of the money, and \$500m has been cut from aged care! This is the way that the Howard Government treats the elderly of this nation - the very people who saved this nation during its darkest days!

Several members interjected.

Mr McGOWAN: I have outlined the increase in nursing home charges. That 25¢ in the dollar can be taken from the deemed income of pensioners -

Mr Trenorden: Who introduced that deeming method? It is your system!

Mr McGOWAN: The Federal Government has made it worse because the 25¢ in the dollar is taken from any dollar earned above \$50 a week.

Obviously Cheryl Kernot has realised what this mob opposite is prepared to do to old people.

Several members interjected.

Mr McGOWAN: Cheryl Kernot has become aware of the shortsightedness of people opposite, those nasty little clones of the Commonwealth Government. She has seen the light and has decided to come across to the Labor Party. She will play a major role in ensuring that John Howard is Prime Minister for only three years!

MS McHALE (Thornlie) [5.02 pm]: Members opposite are a noisy lot this afternoon. Obviously they have been rattled by something, and I will rattle them a little more!

Several members interjected.

The ACTING SPEAKER (Mr Sweetman): Order!

Ms McHALE: Mr Acting Speaker, will you keep your side of the House under control so that I can get my speech under way?

The ACTING SPEAKER: The member for Thornlie should continue her speech. I will organise the rest.

Ms McHALE: I want to talk about some disturbing findings in the 1996-97 annual report of the Directorate of Equal Opportunity and Public Employment which was tabled in this House last Tuesday. It relates to the management of diversity in the public sector. I feel obliged to raise these concerns because the annual report of DEOPE paints a very bad picture of the achievements of this Government in regard to women in the public sector and the management of diversity in general terms.

The picture painted is one of a public sector which still has significant racial and sexual harassment, women compressed at the lower salary range, and Aborigines and people from ethnic and diverse backgrounds being far less positive about the climate and culture of the workplace than other Australians or male employees. Putting those factors together, this is a very disturbing trend in the public sector which is an indictment of the Government's commitment to women and the management of diversity in general.

The report indicates that the Government has failed as a role model, and as a major employer of many thousands of employees; it has failed in its commitment to women and the management of diversity; it has also failed in its responsibilities to ensure effective management. After the 1980s and the Labor strategies of those years, which were to promote and support women in the public sector, women are becoming invisible again.

Mr Cowan: You don't believe that!

Ms McHALE: It is not what I am saying. A government department says it. Women leave because of the climate and environment that they must face - unlike this House, which I am sure is very friendly!

I wish to place what I am talking about in a framework. I hope that members opposite have heard of the Karpin report. If they have not, I recommend that they read it because it says some very telling things about the quality of

management in the twenty-first century. The Karpin report is now three years old. It was a report of the industry task force on leadership and management skills. It took the task force three years to do its research and report - and to take a number of overseas trips, I am sure! It looked at the future of management in Australia.

Mr Cowan: It was not a parliamentary committee!

Ms McHALE: It was not a select committee on crime - that is something else!

If we use the Karpin report as a benchmark, one would have to say that the Government has failed women and the community. The Karpin report states that there must be a new paradigm, a framework for management skills and ethos, as we go into the twenty-first century. That new paradigm is all about the management of talent. It is about the management of diversity; using all the talents of the work force, not just 50 per cent or 30 per cent but all the talent in any organisation -

Mr Cowan: It would not be difficult to use all the talent on that side of the House. The difficulty would be in finding it.

Ms McHALE: That snipe does not become the Deputy Premier, and it is demonstrably untrue.

The Karpin report states -

... that the challenge is to generate a management culture where decision-makers develop a better way of capitalising on diversity in all its manifestations. There are pressing economic and social needs for Australian enterprises to better manage the potential in all their employees, including current and future managers.

The concern for the Government and for us is that the report indicates that we are not using the talents of our organisations. That is where the Government is failing. The importance of capitalising on the talents of diversity is for economic reasons as well as human resource or social reasons. It makes good HR sense as well as good economic sense. Karpin states -

On almost every economic criteria, poor management of diversity by existing managers and artificial barriers around managerial and workplace culture which impede the efforts of individual employees to progress through management ranks, are inefficient and are poor business practice.

If the Government is espousing good, first class business practice, the rhetoric and reality are far apart, because this report states otherwise. The Government is not demonstrating good business practice, because this report tells the Government that it is not.

Mr Bloffwitch: What sort of an industry did they survey in the report?

Ms McHALE: I will come to that, or I could suggest that the member read the report.

Mr Bloffwitch: You know so much about it that you could tell us.

Ms McHALE: I do know about it, but I am keeping that knowledge for a later stage.

I have said in this House before that organisations are changing. A different corporate climate has emerged in successful organisations. I would prefer to see a different political climate in the way Australian parliamentary and community leaders operate; however, we will have to wait for a cultural change in that regard. As the business environment changes, so do the skills of those who lead those organisations. Again, it is of great concern that the quality and characteristics of managers in the public sector are not equating with good management practices. A shift must occur from the management practices of the 1970s, which were typically male. A shift is also needed away from the management practices of the 1990s to a more consensual approach to management and other management paradigms to which the Karpin report refers.

Mr Bloffwitch: Does merit have anything to do with it?

Ms McHALE: Merit has absolutely everything to do with it! That sort of comment underlines the problems that women and people from ethnically diverse backgrounds face.

Mr Bloffwitch: It was merely an inquiry.

Ms McHALE: It was suggesting that women in those positions are not meritorious.

Mr Bloffwitch: Who said that?

Ms McHALE: The member for Geraldton was suggesting that.

Mr Bloffwitch: Not at all.

Ms McHALE: That mindset is preventing organisations from becoming successful.

Mr Bloffwitch: I believe that these things should be based on merit.

Ms McHALE: If that were the case, far more women would be sitting opposite.

The Karpin task force research revealed that businesses preparing for the next century will increasingly be in need of what was referred to as "soft skills and cultural flexibility"; namely, those skills associated with women and people who must survive as minorities in the majority culture. The new style of management emerging is consensual, and focuses on team management - like with the reference to Cheryl Kernot by the member for Rockingham - coaching, mentoring and relying upon more effective communication between individuals. These skills must fit into an organisation so we develop the new management paradigm.

The findings of the report are numerous and government members should be concerned about the report's views on the public sector. The report is damning. It says that a lack of accountability is evident regarding the achievement of equal employment opportunities, the management of equal opportunity, and the maintenance of workplaces which are free from racial and sexual harassment. That picture of racial and sexual harassment is clearly manifest throughout the public sector where management plans are out of date.

Also, organisations are no longer required to provide stand-alone reports, the effect of which is a lack of commitment and priority by these organisations. I have worked in the public sector and I know a lot of reporting is time-consuming, and that managers feel put out when asked to report performance indicators, affirmative action and such matters. Nevertheless, those reporting requirements have a point and purpose - it is called accountability. Without reporting requirements, one is not accountable.

It has become clear in the past 12 months when reporting requirements were not in place that these issues no longer receive focus. The other difficulty was that reporting showed up agencies' deficiencies. In reporting on what they had done, they also reported on what they had not done. Hence, they felt scrutinised, and agencies do not like to report matters they wish to hide.

We are seeing that agencies, for example, are not updating even their 1992 policies. The amendments made in this House in 1992 to the Equal Opportunity Act have not been applied in agencies' policies or plans. Some agencies have made little or no progress in the move towards a better environment for women, Aboriginal people and workers from ethnically diverse backgrounds.

The report indicates that females and other groups feel less positive about the culture and climate. It is not a friendly environment in which to operate. Grave concerns are expressed that employers continue to report the occurrence of racist and sexist remarks. It is intolerable that a 1997 report indicates that over 40 per cent of employees have reported racist or sexist remarks or harassment on frequent occasion. It is not the 1970s or 1980s. We are three years away from the twenty-first century, yet the public sector is revealed as being a sexist and racist workplace.

Mr Cowan: Nonsense!

Ms McHALE: The Deputy Premier should read the report and digest the facts and then tell me it is nonsense.

Mr Cowan: I do not think I will form the same opinion as you have formed.

Ms McHALE: We may have that debate later. I refer to the facts presented and the findings of the report.

The report makes similar comments on the Education Department, but I will not cover them as the Minister and Parliamentary Secretary are not here. The report found that the organisational culture in that agency continues to deter women and other groups from applying for promotion or for their lack of promotion. We must focus on the culture.

Mr Cowan: What is the percentage of women above level 6 in the Public Service now compared to 1992-93?

Ms McHALE: Women comprise 57 per cent of all public sector employees. I will answer the Deputy Premier's question as I know the line he is taking. Women represent over half of the Public Service, yet 75 per cent of women are at the low salary levels earning less than \$25 000 per annum.

Mr Cowan: I will tell you: Women represent 36 per cent of Public Service workers above level 6.

Ms McHALE: Level 6 these days is not a senior position.

Mr Cowan: It is not a junior position either.

Ms McHALE: No, it is not.

Mr Cowan: In 1992-93 the comparable figure was only 19 per cent - it is almost double. It is not a bad effort. You're not that miserable that you cannot acknowledge that.

Ms McHALE: I will give the Deputy Premier the figures. Women currently hold only 13 per cent of senior executive positions.

Mr Cowan: I gave relevant figures.

Ms McHALE: With respect, they were not relevant figures. We are considering women in senior management positions.

Mr Cowan: That increase in the rate of women Public Service workers above level 6 from 19 per cent to 36 per cent is a terrific jump.

Ms McHALE: If those figures are correct, I will accept them. I am making the point that there has been, not an incremental creep, but an incremental gallop in the salary structure of the public sector. It would be interesting to look at the number of positions which existed in those days as opposed to now. I am talking about the number of women in senior management positions.

Mr Cowan: So am I.

Ms McHALE: It is good that those women are there.

Mr Cowan: I would not say that level 6 and above are senior management positions in all cases but they are still senior positions in the Public Service, and that is not bad.

Ms McHALE: They are not senior management positions. We need to look at positions well over level 8. I can name departments which have had to increase salaries to encourage people into the public sector. Senior management women are not there. I will accept that a 2 per cent increase has occurred over the past two years. On the face of it that is encouraging, but I suggest that the Deputy Premier look at the women with years of experience who are leaving because of the culture and the climate.

Mr Cowan: That is nonsense.

Ms McHALE: It is not nonsense. The Deputy Premier should read Karpin and get an understanding of a successful organisation.

Mr Osborne: He does not have to read the report. Because he is the Deputy Premier of Western Australia, he knows about it.

Ms McHALE: We all continue to read and learn, including the Deputy Premier. I know him well enough to know that he is prepared to expand his knowledge. Karpin talks about good managers being the key to a more competitive economy. I rebut the Deputy Premier's comment by saying that we are lacking women in senior management positions. Even with a 2 per cent increase, they are still not there. Because they are not there, the public sector and the Government, which is ultimately responsible, are not effectively managing diversity. The glass ceiling is thickening because the work culture is not conducive at best and is hostile at worst.

Mr Cowan: This debate might have been relevant in the early 1990s, but it is not now.

Ms McHALE: That is the point: I am surprised and dismayed that we still must have this debate because the figures show that there is very little progress.

Mr Cowan: You must get rid of your fixed ideas and misconceptions.

Ms McHALE: The Deputy Premier has got it wrong. The debate and argument are much more subtle. We are talking about changing workplace culture. The legislation may be in place, which we introduced, and we may have various other forms of legislation and structures, but the issue is about attitude and culture.

Mr Cowan: I would never rely on legislation to achieve that change.

Ms McHALE: The Deputy Premier is not prepared to have the debate.

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

Mr Cowan: You have not presented anything to debate.

Ms McHALE: I have come on to the very point of the debate: 15 years on it is appalling that we have to have this

discussion. Society is changing and acquiring higher values and ethics. I am appalled that the Deputy Premier is saying the sorts of things he is saying.

Mr McGowan: Look what they are doing to old people.

Ms McHALE: Yes, women and old people. We will be back to the situation of the 1980s if this continues; that is my very point. These are not my ideas but a government department's findings.

Mr Cowan: It is your interpretation.

Ms McHALE: The Deputy Premier should read the statement. It says that some agencies have made little or no progress. I will find other examples if the Deputy Premier needs convincing of the argument. It reads that management funds are out of date or have not been monitored for progress. In some cases integration has resulted in specific equal employment opportunity and diversity strategies becoming invisible. Those are not my words but the words of the agency. I repeat: Diversity strategies are becoming invisible. It also says that chief executives need to assign responsibility to managers for the achievement of equal employment opportunity and diversity initiatives. In too many cases the culture of the organisation has failed to promote the recruitment, retention and promotion of women, Aboriginal people, people with disabilities and people from culturally diverse backgrounds. The Minister must take heed of that because he will be asked questions about it. Reviews continue to highlight the problem of barriers to promotion for women, Aboriginal people and people with disabilities. These barriers are often subtle - lack of career development, lack of access to mentor opportunities, and inaccessible networks. This may not make sense to the Deputy Premier because he is not thinking on the same wavelength. However, I assure him that the problem is well and truly alive. Whether 15 years on or not, we are still having to argue the point. Until government and community leaders accept that, we will continue to argue the point. Many organisations have not updated equal employment opportunity policies.

Unless we can make that cultural shift, and it is quite disturbing and clear to me that the Deputy Premier cannot, we will not be delivering the agenda wanted by the community. From the comments I have heard this afternoon, I would have to reaffirm what I said in my press release: It is clear that under the backward looking and visionless Government, women are once again becoming invisible. The Deputy Premier does not like to hear it. I am surprised he has not walked out to go to the toilet, because that is what they used to do 15 years ago when they were not prepared to listen to the arguments. He is quite outrageous in the things he is saying. The lack of government commitment to women in the public sector is evidenced by this report and is completely out of step with modern management practices. If the Deputy Premier does not want to face the truth of modern management practices, he is doomed. I have referred to the Karpin report and the fact that equality is vital for good management. However, unless the Deputy Premier is prepared to be open minded he will not deliver.

Trying to wind the clock back will not do anything. The Deputy Premier is turning his back on progress and equity. I am quite concerned to have heard such remarks this afternoon. I did not expect it. I urge him to take heed of this report and start looking much more effectively and strategically at what is happening in the public sector, not only to women but to other stakeholders, such as Aboriginal people and people from ethnically diverse backgrounds.

MS WARNOCK (Perth) [5.27 pm]: I will comment on a matter that has preoccupied my attention for some time while I have been a member of Parliament. Together with my federal colleague, Stephen Smith, I have pursued a course of trying to keep the State Government to its obligations set out in a document signed with the previous federal Labor Government which referred to a certain amount of affordable housing being made available in the East Perth Redevelopment Authority area. The matter has interested me a great deal and I have spoken about it before. I am keen to say a few things about it today.

I saw a newspaper advertisement the other day for the East Perth Redevelopment Authority area. I found myself agreeing with the sentiment in the first words of the advertisement which read -

The redevelopment of East Perth is one of the most important urban renewal projects ever undertaken in Australia. From an industrialised suburb the area has been transformed into a charming inner-city address. The inspired vision is now a well-advanced reality which has more than fulfilled the dream.

Because we are great supporters of this Labor Government inspired and initiated project, we went to the auction of land which was held on 4 October. We went also because we believe that the present Government should honour its pledge and indeed its contract with the previous federal Labor Government to provide a reasonable amount of affordable housing as part of the project. I will refer to a press release which we put out on that auction. It referred to an auction of prime riverfront land - indeed, it certainly was prime riverfront land - in the \$100m taxpayer funded East Perth, Better Cities program redevelopment. The press release spoke of it as being another example of the need for an inner city affordable housing policy. It referred to the fact that there is a great deal of concern among the local Perth community that the mix of inner city housing is rapidly deteriorating. The recent Terrace Road and Burt Way

proposed development is the most recent example. It refers to a controversy that erupted locally a few weeks ago when the Perth City Council was about to discuss a development in that area in which the old buildings, dating from about 50 years ago, were to be demolished for a high rise block.

The press release also referred to the fact that the East Perth redevelopment was becoming an exclusive development with many ordinary and low income inner city dwellers being unable to afford housing in that area. It is our belief, and it is the belief that was stated in the press release, that the inner city must retain a healthy and balanced mix of housing to ensure it does not become an exclusive enclave for a particular group of people. We reminded the public that the East Perth redevelopment went ahead only because of \$100m funding which was received from commonwealth and state taxpayers under the Better Cities program. It was an excellent program which existed under the previous federal Labor Government and was responsible for a number of excellent industrial redevelopments throughout Australia. A lot of Better Cities money went into the excellent inner city free transport system which is presently operating in Perth and which I, as the representative of Perth, am always very glad to support. The Better Cities money has been well spent on projects throughout Australia and I have been happy to support it. I have been obliged, as has my federal colleague, Stephen Smith, to remind the present Government on a number of occasions that the contract for that excellent redevelopment also said that a certain amount of affordable housing should be made available.

I went to that land sale on a beautiful October morning. The auction attracted a certain amount of attention, firstly, from the public and, secondly, from the media. As I sat at that auction on that beautiful morning I saw someone spend \$1.3m in 20 minutes on blocks that were averaging \$2 000 per square metre. It was nice to see the inner city real estate market bouncing along in a very healthy manner. However, it somewhat starkly points up the fact that this Government and the City of Perth needs an affordable housing policy.

I mentioned there was an issue over a couple of blocks in Terrace Road and Burt Way and this occasioned an exchange of correspondence between me and the Lord Mayor of Perth, Peter Natrass. He indicated that he had often heard me talking about this matter and if that was the case why did I not let him know exactly what I meant by an affordable housing policy. My colleague and I decided to develop a policy and we spoke to a number of people, including Allan Rodd from that excellent organisation, the Perth Inner City Housing Association. We developed a brief document which we described as "City of Perth - Affordable Housing". It asks why the City of Perth needed an affordable housing policy. It then outlines a number of reasons why that should be so. It says -

1. Cities need a diverse inner city population to keep the city vital and alive.
2. Cities should have a social mix of people from all income groups and backgrounds.
3. Leaving all housing issues to the 'market' will result in all low to moderate income people being compelled to live further and further away from work and services in the city.
4. Historically, a large amount of Perth's low income housing has disappeared because of commercialisation (office blocks) and gentrification (high rise expensive flats).

I have lived in the inner city since 1963 and I have seen this taking place. I have seen lots of low to moderate cost flats which were at one stage all the way along St Georges Terrace disappear under office buildings, which is an inevitable fact of development. I have also seen lots of other buildings, which might well have been retained as low to moderate income dwellings, disappear in various different ways. This has been a cause of concern for bodies like the Perth Inner City Housing Association. The people who want this accommodation do not disappear simply because the accommodation disappears. The Perth Inner City Housing Association and others form the view that there should be a deliberate policy to seek out dwellings of various kinds - units, hostels and so forth - to accommodate people who need this kind of accommodation.

The policy my colleague and I drew up pointed to another fact that to not have a housing policy of this kind would also mean that private interests would maintain and provide substandard housing in marginal and transitional areas and at sites held for speculative purposes. By that we mean that people would be accommodated perhaps in rundown housing that would not be done up and was being held merely until it would be sold for an office block at a later date. Therefore, we felt that the city and the State Government should have an affordable housing policy so that there was a deliberate policy to retain a certain amount of housing of this kind, particularly near the inner city. There will always be a certain number of low to moderate income earners who need to live near the city; for example, people who work in city hotels, restaurants or hospitals or who may be pensioners who might have moved out of their larger houses in the suburbs and who are living by themselves and need to live near the services which are available near the inner city. These people should be accommodated there. The City of Perth should assist in encouraging the retention of this population by having an affordable housing policy and by actively seeking to retain this low to moderate income group near the centre of the city.

I have a document which points out that the City of Subiaco is moving towards an affordable housing policy. Like 56 other local government authorities in this State, the City of Subiaco provides some form of community housing. The objectives of Subiaco's housing strategy, as I understand it from reading the document the city produced earlier this year, are to promote a greater mix of housing in Subiaco by encouraging a range of medium density development options; to increase the supply of housing for older people and people with special needs; to promote the development of affordable housing in Subiaco; and to improve the planning framework to meet both the demands for the preservation of the character of the neighbourhood and increasing demands for inner city housing. The City of Subiaco's policy is to keep the character of the older buildings which are a particular feature of Subiaco's quality and to combine that with meeting the demands for inner city housing.

The Upham Street redevelopment in the City of Subiaco is being considered for a community housing project and the development option that is discussed in the document I have been reading is called a tripartite joint venture option. It means that the council provides the land to a community housing organisation - for example, something like the Perth Inner Housing Association - on variable leasing arrangements and the organisation enters into a joint venture with Homeswest. A number of developments have been done in this way in recent years in the East Perth area of the City of Perth. This option has been recommended because it enables the council to develop housing for low income and special needs residents, but they still retain the land title and the long term benefit of the increased value of the land. The management of the asset will not be an expense to the council because it will be carried out by a community housing provider like the Perth Inner City Housing Association.

Around the world a number of similar ventures have been undertaken by local government authorities and by community or residents' groups. I give the example of the famous Oxo Tower development in London in which an old industrial building near Waterloo Station was converted by a group of community builders into 78 low rent flats. On the top of the tower is a fashionable restaurant, rent from which is helping to pay off the cost of the flats. The tower was redeveloped as low rent flats with a loan from the former Greater London Council. This has been paid off both by the trendy, expensive restaurant and rent from an adjoining car park. This innovative community development is not entirely reliant on taxpayers' and ratepayers' money. It is producing its own income by a very imaginative development. At the same time this group has managed to retain a historic building, to accommodate people who otherwise would not be able to live in an excellent part of a great city like London, and to keep that part of London, which has been redeveloped, open and alive on weekends as well as during the working day.

Municipalities in Canada and the United States have similar housing schemes near the inner city, which I read about when I was doing some research for this policy. In the municipalities in Canada and the United States - I am putting these ideas to the Lord Mayor; he may not feel they fit the bill for what he wants, but I thought it was worth while passing them on - demolition and conversion controls and developer levies are imposed to preserve lower income housing; density bonuses and special zoning for affordable housing projects are offered; special conditions are imposed on developers; and in some places developers are asked to provide new or rehabilitative housing for every 1 000 square feet of office space or to pay into a trust fund.

It seems to me that the key - this is the message that I sought to get across to the Lord Mayor - is to establish an affordable housing policy with the express aim of providing modestly priced accommodation for lower income people so that the city retains and expands its resident population diversity and mix. I believe the best cities over the world are making efforts to retain these things with a well thought out policy. This is what I believe the City of Perth should do. That is part of the reason I have been talking to the Lord Mayor about it. It is also part of the reason that my federal colleague, Stephen Smith, and I have been persistent in our efforts to persuade the State Government and the present Minister for Planning to look at the contract, which was signed some years ago with another Federal Government, to see what can be done about providing, under contract, many more affordable housing units in that wonderful development in East Perth.

Debate adjourned, on motion by Mrs Roberts.

GRAIN MARKETING AMENDMENT BILL

Returned

Bill returned from the Council with amendments.

House adjourned at 5.44 pm

QUESTIONS ON NOTICE

Answers to questions are as supplied by the relevant Minister's office.

GOVERNMENT INSTRUMENTALITIES - INDEMNITIES

Nature and Extent of Liability

2038. Mr KOBELKE to the Minister for Labour Relations; Planning; Heritage:

- (1) Have any agencies or departments for which the Minister is responsible offered any form of indemnity or remain liable under any indemnity?
- (2) If any such indemnity has been offered then -
 - (a) to whom has it been extended;
 - (b) what is the reason for the indemnity;
 - (c) what is the maximum potential liability that could be called on through this indemnity?

Mr KIERATH replied:

- (1) There are two sources of power for the Government to offer a guarantee or indemnity. They are either:
 - (a) offered pursuant to a specific statutory power to do so, in which case they are characterised as a Statutory Guarantee or Indemnity or,
 - (b) if there is no specific statutory provision, the guarantee or indemnity is referred to as a Surety.

Some common guarantees and indemnities, generally those which are not offered pursuant to a statute, referred to above as "sureties", are:

- (c) incidental to another function, such as the purchase of a good or service (for example a contract where the purchaser indemnifies the supplier of software against any unauthorised use of that software or a contract for advertising where the advertiser indemnifies the publisher against legal action arising out of the publication of the advertisement) or,
- (d) granted to persons or officers in the performance of their duties for the State or for any public authority or public body of the State (some of which are statutory).

All Statutory Indemnities, Guarantees and Sureties which are either (c) or (d) are excluded from the operation of Treasurer's Instruction 821 (TI 821).

TI 821 requires all indemnities and guarantees which are not of the excluded types, statutory and otherwise, to be entered in a register. They are then included in the Treasurer's Annual Statements which are tabled in Parliament. For details of all such guarantees and indemnities as at 30 June 1996 see the Treasurer's Annual Statements 1995-96. TI 821 does not apply to indemnities falling within (c) and (d). This is appropriate as the nature of these indemnities means that they arise as part of the everyday affairs of government.

- (2) Researching contracts entered into in order to ascertain whether there is an incidental indemnity in each contract would be an unreasonable diversion of resources. It would also not be a particularly useful exercise because:
 - (a) in many instances the contract has already been successfully completed;
 - (b) circumstances surrounding a contract and an arising claim may give rise to an implied obligation to indemnify even where there is no express obligation; and
 - (c) it would be impossible to state any maximum potential liability.

Parliament has previously been advised of the indemnity offered by the Department of Productivity and Labour Relations by letter dated 29 April 1997.

INDUSTRIAL RELATIONS - WORKPLACE CONDITIONS

Changes

2356. Mr BROWN to the Minister for Labour Relations:

- (1) Is the Minister aware of an article that appeared in the 4 to 17 September 1997 edition of *Business News* under the heading "The New Workplace Controls"?
- (2) Is the Minister aware the article noted that in Western Australia, the industrial week - especially part timers in retail with no experience negotiating with management - have complained of falling incomes and bemoaned the trend towards individual contracts?
- (3) Does the article properly reflect changes brought about in the workplace by the changes made by the Government in the last few years?
- (4) If not, why not?

Mr KIERATH replied:

- (1)-(2) Yes.
- (3) The article makes a number of generalisations in respect to Western Australia and should be considered in that context.
- (4) See above.

OCCUPATIONAL HEALTH AND SAFETY - REGULATIONS

Amendment

2357. Mr BROWN to the Minister for Labour Relations:

- (1) Further to question on notice 1787 of 1997, what was the reason for the Government changing the Occupational Health and Safety Regulations as they relate to residual current devices?
- (2) Exactly how have the Regulations been changed?
- (3) What will be the impact of the change to the Regulations?

Mr KIERATH replied:

- (1)-(3) Regulation 3.60 of the *Occupational Safety and Health Regulations 1996* was amended to clarify the duties of employers, self employed persons and persons having control of a workplace in the provision of residual current devices and the equipment to which the regulation applies. The time for compliance has been extended from 1 September 1997 to 31 March 1998.

INDUSTRIAL RELATIONS - UNFAIR DISMISSAL LAWS

Amendment

2362. Mr BROWN to the Minister for Labour Relations:

- (1) Has the Premier requested the Minister to give some priority to changing the unfair dismissal laws for small business as proposed by the Federal Coalition Government?
- (2) Has the Minister and/or the Department of Productivity and Labour Relations examined the Federal Government's unfair dismissal laws as they relate to small business?
- (3) Has the Minister given authorisation for legislation to be drawn up which complements the Federal Government's unfair dismissal provisions?
- (4) If so -
 - (a) why;
 - (b) why not?

Mr KIERATH replied:

- (1) No.
- (2) Yes.

- (3) No.
- (4) (a) Not applicable;
(b) This issue is still under consideration.

INDUSTRIAL RELATIONS - UNFAIR DISMISSAL LAWS

Amendment

2363. Mr BROWN to the Minister for Labour Relations:

- (1) Is the Minister aware of correspondence from the Prime Minister dated 25 March 1997 in which the Prime Minister indicated the Federal Government's intention to legislate so that businesses with fifteen or fewer employees would be exempt from the Federal unfair dismissal provisions in respect of new employees until they had been continuously employed for twelve months?
- (2) Is the Minister aware of the Premier's response to the Prime Minister of 14 May 1997 in which the Premier explains a Government Bill then before the Parliament which, in relation to unfair dismissal, 'contained a shift in the onus of proof and a restriction of compensation to situations where the employer refuses to reinstate the employee'?
- (3) Has the change referred to by the Premier obviated the need for further changes to the unfair dismissal laws as advocated by the Prime Minister?
- (4) If not, why not?

Mr KIERATH replied:

- (1)-(2) Yes.
- (3) Not necessarily.
- (4) The changes advocated by the Prime Minister are still under consideration.

OCCUPATIONAL HEALTH AND SAFETY - LEAD POISONING

Mr Andrew Hobday - Release of Records

2374. Ms MacTIERNAN to the Minister for Labour Relations:

- (1) Does the Department of Occupational Health and Safety have any record of the consultation made by Andrew Hobday with Dr K C Wan of the Occupational Health Division of the Department of Health in the last quarter of 1981 concerning lead poisoning?
- (2) Does the Department have any records of the advice given by Dr Fred Heyworth to Dr Watson concerning lead levels and possible treatment of Andrew Hobday?
- (3) If yes, is the Minister prepared to release those records to Mr Hobday?

Mr KIERATH replied:

- (1)-(2) WorkSafe Western Australia has no record of the consultation made by Andrew Hobday with Dr K C Wan. However, advice concerning lead levels given by Dr Fred Heyworth on 22 March 1982 to Dr Watson refers to a consultation by Andrew Hobday with Dr K C Wan on 21 September 1981.
- (3) Yes.

OCCUPATIONAL HEALTH AND SAFETY - LEAD POISONING

Levels and Use of Chelation

2376. Ms MacTIERNAN to the Minister for Labour Relations:

- (1) What are the highest levels of lead poisoning resulting from occupational exposure to lead recorded in Western Australia since 1980?
- (2) Does the Department of Occupational Safety and Health endorse the use of chelation treatment in the case of lead poisoning and, if so, in what circumstances is it recommended?

Mr KIERATH replied:

- (1) The highest level of occupational exposure to lead since 1980 in records held by WorkSafe Western Australia is a level of 268.1 micrograms of lead per decilitre of whole blood, recorded in 1983.
- (2) WorkSafe Western Australia recognises that chelation agents may be used in the treatment of inorganic lead poisoning to mobilize and enhance the excretion of the metal. However, the choice of treatment and the circumstances for using chelation therapy rests on the clinical judgment of the treating medical practitioner who is familiar with the use of such therapeutic agents.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - MINISTER FOR LABOUR RELATIONS

Liaison with Chamber of Commerce and Industry of WA

2396. Mr BROWN to the Minister for Labour Relations:

- (1) Further to question on notice 1789 of 1997, has the Minister resisted disclosing the representations made to him by the Chamber of Commerce and Industry on the Labour Relations Legislation Bill 1997?
- (2) Did the Chamber of Commerce and Industry oppose the provisions of the Bill dealing with pre-strike secret ballots?

Mr KIERATH replied:

- (1) Representations made to me by any particular person or body with respect to the Labour Relations Legislation Bill 1997 remain confidential.
- (2) I refer the member to my answer to question on notice 1789 of 1997.

PUBLIC SERVICE - EMPLOYEES

Government's Wages Policy

2397. Mr BROWN to the Minister for Labour Relations:

- (1) Further to question on notice 1797 of 1997, did the Minister say that Government Wages Policy allows for agencies to negotiate wage increases based on agency level productivity improvements?
- (2) If so, will the Government agree to appropriate increases where productivity gains can be obtained without any trade offs or reductions in employment conditions?
- (3) What measures does the Government use to determine agency productivity at a given time and over a given time?

Mr KIERATH replied:

- (1)-(2) Yes.
- (3) Government Wages Policy does not apply a single methodology of productivity measurement across Government. Agencies are able to adopt methodologies appropriate to their needs.

QUESTIONS WITHOUT NOTICE

PORTS AND HARBOURS - GERALDTON

Improvement of Access

711. **Dr GALLOP to the Premier and Treasurer:**

I refer the Premier to the comments in *The West Australian* of 13 October 1997 by the member for Geraldton to the effect that the decision to spend \$70m to improve access to the Port of Geraldton was a duplication of resources which should not be pursued because of the prospect of a new port at Oakajee and ask -

- (1) Was the decision to spend \$70m on improved access to the Geraldton port a Cabinet decision?
- (2) Will that decision be reconsidered as the member for Geraldton said it should?

Mr COURT replied:

- (1)-(2) The Leader of the Opposition answered the question himself when he referred to the prospect that a new port will be built. We are working through the proposals to build a new port at Oakajee and, as was discussed yesterday, different options will be considered for the funding of that project if it does go ahead. There are also questions about access to the Port of Geraldton. I thought the Leader of the Opposition would understand that the decisions will differ according to whether a new port does go ahead. No budget has been prepared with regard to expenditure on the different proposals, because, as the Leader of the Opposition knows, studies are still being done on those proposals.

JOONDALUP AQUATIC CENTRE - PROGRESS REPORT

712. Mr BAKER to the Parliamentary Secretary representing the Minister for Sport and Recreation:

Can the Parliamentary Secretary provide this House with a progress report about the proposed development of an Olympic size swimming pool and a recreational swimming pool within the Joondalup Arena complex?

Mr MARSHALL replied:

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

The current status of the proposed development of the aquatic facilities at the Arena Joondalup is as follows:

- (1) The Minister for Sport and Recreation has approved the application to Treasury for concept approval for the project and for the provision of capital works funding for the financial years 1998-99 and 1999-2000.
- (2) The City of Wanneroo has agreed to contribute \$3m towards the project over the financial years 1998-99 and 1999-2000.
- (3) The Western Australian Sports Centre Trust has, through the Department of Contract and Management Services, called for proposals to appoint a consultant to the project. Tenders close on 10 October, and the consultant should be appointed by the end of this month.
- (4) Subject to approval of funding, the timetable for the project would see construction commence in mid-1998, with completion towards the end of 1999.

INDUSTRIAL DEVELOPMENT - MID WEST IRON AND STEEL PROJECT

*Oakajee - Change of Location***713. Dr GALLOP to the Deputy Premier:**

I refer the Deputy Premier to the second reading speech of the Minister for Resources Development on the Iron and Steel (Mid West) Agreement Bill in which it is indicated that the proponents sought environmental approval for the expanded 2.4 million tonne plant in the Narngulu industrial estate, and further that -

Based on the information before it, Cabinet's view was that the Narngulu industrial estate was not the most appropriate site for a project of this size, and it was decided that every endeavour should be used to find a more appropriate site for the project.

I ask -

- (1) Does the Deputy Premier still maintain that the shift to Oakajee was at the instigation of Kingstream Resources NL and not the Government?
- (2) If yes, how does he explain the comments by the Minister for Resources Development?

Mr COWAN replied:

- (1)-(2) The answer is yes, for the simple reason that Kingstream Resources indicated that when it moved to an expanded volume of production, it would in its view be more appropriate that it be located adjacent to the water.

Dr Gallop: That is not what the Minister said in his second reading speech. Are you saying that he misled the House?

Mr COWAN: I am saying that the Leader of the Opposition has, as usual, exercised a great deal of imagination in interpreting the words that were used by another Minister.

Mr Ripper: You have tried to rewrite history in this matter.

Mr COWAN: We have not sought to rewrite history. All we have sought to do is accommodate a company that wants to establish a steel slab making plant in the mid west region. That is an appropriate thing for the Government to do.

FISHERIES - FISHING PLATFORMS, DAWESVILLE CHANNEL

714. Mr MARSHALL to the Minister representing the Minister for Transport:

Six months ago the suggestion that fishing platforms be placed on the groynes of the Dawesville Channel was agreed to in principle. It was recommended that the design for such platforms be commenced and options for the position of the ramps be investigated. Can the Minister inform the House of the status of this project?

Mr OMODEI replied:

I thank the member for the question. The need for fishing platforms in Mandurah was first recognised when some pensioners who wanted to go fishing but who did not have enough money to buy a boat or a four wheel drive raised the matter with the member for Dawesville. The only way that they can enjoy any recreational fishing is from the groynes and rocks around the Dawesville Cut. However, the local member raised the point that it can be dangerous for elderly people to fish from those rocks because the variations in the tide may cause them to become quite slippery. Investigations have been taking place for some time about the design of the fishing platforms, about whether they should have rails, about whether they should be located adjacent to parking areas, and so on. Liaison has also had to take place with Mandurah City Council for various reasons.

Mr Marlborough: Is it a case of more ramping in Mandurah?

Mr OMODEI: No. It is a case of looking after elderly people in Mandurah who want to be involved in recreational fishing. I am sure the member for Peel would understand the value of recreational fishing to the general economy of Mandurah, let alone to those elderly people who enjoy fishing. I am very pleased that all of the reports have been completed. The tenders for the construction of fishing platforms for the disabled and the elderly close today. The construction will commence in early November, and it will be completed prior to December.

PORTS AND HARBOURS - OAKAJEE

Funding - Approach to Federal Government

715. Mr GRILL to the Premier:

Was the approach by the Minister for Resources Development to the Federal Government for funding assistance for the proposed port at Oakajee made as the result of a Cabinet decision or on the initiative of the Minister himself?

Mr COURT replied:

I am not aware of whether the approach was a result of a Cabinet decision. I can find out for the member.

Several members interjected.

Mr COURT: Not on that issue. I thought it would be more likely as a part of the proposals we have put forward for infrastructure projects on a number of different funds that the Federal Government is running. One is the Jervoise Bay facility for which we are trying to get some funding through the federation fund which has been put aside. Most people have been applying to build statues but we want to build some infrastructure which will provide some long term benefit.

Mr Grill: Cabinet would have approved that!

Mr COURT: In relation to Jervoise Bay we have put forward a number of proposals -

Mr Grill: It must have received some priority.

Mr COURT: It would have some priority in relation to the federation fund. The Minister for Resources Development would always be trying to get support from the Federal Government for infrastructure development.

INDUSTRIAL DEVELOPMENT - MID WEST IRON AND STEEL PROJECT

Oakajee - Cabinet Consideration

716. Mr GRILL to the Premier:

What matters that relate to the Kingstream project have been considered by Cabinet since the state agreement Bill passed through Parliament earlier this year?

Mr COURT replied:

To my knowledge, since the agreement legislation was passed, I do not think anything has been discussed. Again, I will check the records and find out for the member.

NATIVE TITLE - LEGISLATION

Impact on Residential Land Availability

717. Mr SWEETMAN to the Premier:

The Premier is no doubt well aware of the problems posed for economic development in Western Australia under current federal native title legislation. Can the Premier inform the House of the impact this unworkable legislation is having on the availability of residential land, particularly in regional areas?

Mr COURT replied:

Yesterday I raised some of the problems associated with that legislation. I mentioned one project on which 27 claims had been made. Last week I received a letter from the Shire of Roebourne which, I believe, the local member also received, which reinforces the difficulties being encountered in regional centres. Karratha is subject to two native title claims which cover crown reserves, pastoral and mining leases, and infrastructure. One claim is affecting the development of the Baynton area, which contains one of the proposed residential subdivisions. The shire has informed us that the number of residential lots for sale in Karratha is down to four, and the total stock of vacant land is 70 lots. The shire estimates that residential land prices in Karratha have increased between 200 and 300 per cent. The shire claims that the lack of available land is having serious social and economic impacts. In Port Hedland 10 claims have been made, and are affecting the release of five residential super lots, and land for light industrial purposes. I used those two examples. I could refer to the problems in Broome and Kalgoorlie. However, the ones causing the most concern are in Port Hedland and Karratha. Currently, legislation is promoting ambit claims over land. In support of the State, the Federal Government is trying to do something about correcting the situation. These problems are in Labor held seats, and those members remain silent about these issues.

Several members interjected.

Mr COURT: I do not include the member for Eyre in this criticism - but the Leader of the Opposition says that he has carried out an audit of problems in regional areas, and I assume that the problems associated with land release should be first on the list.

INDUSTRIAL DEVELOPMENT - MID WEST IRON AND STEEL PROJECT

Oakajee - Change of Location

718. Dr GALLOP to the Deputy Premier:

I refer to comments by the Deputy Premier in this Parliament on 13 November 1996 - "The position at Oakajee is that Kingstream Resources has agreed that it will permit the Government to examine the capacity for the project to be relocated at Oakajee." Does the Deputy Premier still maintain his position that the move to Oakajee was at the instigation of the company and not the Government?

Mr COWAN replied:

Yes.

CYCLONES - NORTH WEST

Precautionary Measures

719. Mr SWEETMAN to the Minister for Emergency Services:

We are currently in the middle of a severe fire season in the Pilbara and Kimberley regions, and the cyclone season is fast approaching. Can the Minister advise what is being done by government agencies to raise the awareness level of people living in these areas to prepare and take precautions before the onset of the first cyclone?

Mr DAY replied:

I take this opportunity to place on the record the appreciation of the Government and the entire Western Australian community to the staff and volunteers of the fire and emergency service agencies, local government authorities, pastoralists, and other government agencies that have worked tirelessly throughout the past few weeks to control the large number of wildfires in the Pilbara and Kimberley. The cyclone season is fast approaching, and I am pleased to advise that the Western Australian State Emergency Service and the Bureau of Meteorology commenced their annual pre-cyclone season briefing and visitation program throughout the Pilbara and Kimberley on Monday, 13 October. All briefings are structured to include a comprehensive information and awareness package on tropical cyclones, storm surge and floods in the area. The Bureau of Meteorology also provides information on the frequency and likely severity of cyclones for the coming season, based on climatological predictions.

Public meetings are being held in all major centres of population in those regions. Major industries have held briefings for their work forces in many mining centres in the north west. Remote Aboriginal communities are visited by SES staff and are briefed on cyclone preparedness. This is reinforced through a program of joint cooperation with ATSIC regional staff. Another aspect of the program is the partnership in preseason community cleanups between local government and the volunteer emergency service units of the SES. This program is aimed at the reduction of potential airborne missiles, and it is considered vital to public safety in cyclonic events.

This Government has made more funding available to emergency service agencies than has ever been the case in the past. The local and regional cyclone tropical emergency management plans are undergoing the final stages of review, and will be completed and disseminated prior to the official commencement of the cyclone season on 1 November.

YOUTH - SUICIDES

*Submission by Youth Affairs Council of WA***720. Ms ANWYL to the Minister for Youth:**

I refer to the serious youth suicide problem in this State and the Minister's claim that youth suicide is one of the three main focuses of the Office of Youth.

- (1) Is the Minister aware of the submission that the Youth Affairs Council of WA made to his department in October 1996 to provide street based youth workers across the State?
- (2) Why has no response been provided to date to YACWA?

Mr BOARD replied:

- (1)-(2) The youth suicide prevention committee falls within the jurisdiction of the Minister for Health. However, the Office of Youth Affairs plays a significant role -

Several members interjected.

The SPEAKER: Order! Relevant interjections are allowed, but several from both sides of the Chamber are irrelevant. The next irrelevant interjection will see someone being called to order.

Mr BOARD: The Office of Youth Affairs conducts the Youth Advisory Council, and has a particular interest as youth suicide is raised through youth forums around Western Australia.

Ms Anwyl interjected.

Mr BOARD: I am trying to give a specific answer to the member's question. The issue of youth suicide has been raised by young people around Western Australia, as one in which they want to play a role. They feel that they have a position within the community by which they can help with this very difficult issue, which concerns young people throughout the State.

Mr Thomas: What is your answer?

Mr BOARD: Hang on. As I have said to the member for Kalgoorlie on a number of occasions, we want to give the opportunity for young people to contribute to trying to solve that situation. Dr Sven Silburn, who heads the Youth Suicide Prevention Committee, sits with the Youth Advisory Council and is working closely on an operation in which young people can play a productive role in helping to resolve this difficult issue.

The Office of Youth Affairs was established in the middle of 1996, and I am not aware of the submission to which the member for Kalgoorlie referred. However, as of tomorrow, I will ensure that I have a copy of the submission, and I will inform the member of what the Office of Youth Affairs is specifically doing in relation to it.

This issue is important, and tragic circumstances are occurring around Western Australia at the present time with youth suicide. It is an issue which the Office of Youth Affairs, the ministerial office and young people take exceptionally seriously. It is not an issue on which we play politics. We are trying to do as much we can in this area in cooperation with the Ministers for Health and Family and Children's Services, and we are playing a constructive role.

INDUSTRIAL RELATIONS - WORKPLACE AGREEMENTS

Impact on Job Market - Opposition's Predictions

721. Mr MASTERS to the Minister for Labour Relations:

Given the gloomy predictions of the Labor Opposition regarding the impact of workplace agreements on the job market, will the Minister inform the House of any figures which prove or disprove those gloomy predictions?

Mr KIERATH replied:

Some of us in this House can remember the dire predictions of those opposite when workplace agreements were introduced. To remind members, those opposite said that wages would be cut and that unemployment would increase. I am proud to tell the House that nothing could be further from the truth. In 1993 the Premier promised more jobs, and the Government has delivered more jobs. When we came into office, this State consistently was among the States with the highest unemployment in the country -

Mr Graham: Rubbish!

Mr KIERATH: It is interesting that the member should say that. I show members a graph which indicates that during Labor's terms in Government, Western Australia's unemployment rate was consistently higher than the national unemployment average, and it has been consistently below the national average under this Government.

Several members interjected.

The SPEAKER: Order!

Mr Grill interjected.

The SPEAKER: Order! The very experienced member for Eyre, who is normally well behaved, will come to order. Members cannot speak when the Speaker is on his feet. Too many interjections are being made at the one time; it is not acceptable.

Mr KIERATH: Members opposite do not like the truth. They do not like to know that when they were in government, unemployment in WA was above the national average, and since 1993 it has consistently had unemployment figures below the national average. The figure for last month indicates that with workplace agreements in operation for nearly four years, unemployment has fallen to 7 per cent.

Mr Thomas interjected.

The SPEAKER: Order! I caution the member for Cockburn.

Mr KIERATH: It is well below the national average. Also, Western Australia has the highest participation rate. The Labor Party would have loved to have had these figures when it was in office. It is not often that I quote one Paul Keating, but this is a "beautiful set of numbers".

As we have a theme of youth today, members opposite also said that youth would suffer under our policy. Do members remember an article in January 1993 quoting the then Minister for Industrial Relations, and member for Thornlie? She referred to the "scrapheap threat to the young". As with the last five months running, Western Australia has the lowest youth unemployment rate in the country.

Mr Thomas: It has nothing to do with you!

Mr KIERATH: This is the part which hurts members opposite because in government they could not deliver on those youth unemployment figures.

Mr Thomas interjected.

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

Mr KIERATH: The coalition Government has done more for the working men, women and young people of this State than members opposite could do in their 10 years in government.

FAIR TRADING - MINISTRY

*Real Estate Business Unit***722. Ms MacTIERNAN to the Minister for Fair Trading:**

I can guarantee that no notice has been given of this question!

Mr Shave: Do you have the right question?

Ms MacTIERNAN: I certainly have the right question, but I am confident the Minister will be unable to answer it adequately.

The Les Smith inquiry into the adequacy of complaints handling of the Ministry of Fair Trading's real estate business unit was initiated by the former Minister in October 1996 when the Chan scandal erupted. The Minister acknowledged on 12 June 1997 that the completed report had been handed to his executive director. Given that it is almost a year since the report was commissioned, what is the Minister's latest excuse for not presenting this report to Parliament?

Mr SHAVE replied:

I am not sure whether the member has her dates and times correct and in proper sequence; however, I will look into the issue and let her know.

FAIR TRADING - MINISTRY

*Real Estate Business Unit***723. Ms MacTIERNAN to the Minister for Fair Trading:**

As a supplementary question, is the Minister aware that the report is highly critical of his ministry's performance?

Mr SHAVE replied:

I am sure that some issues in the report concern Mr Smith, but it is nothing that the ministry cannot overcome.

DRUGS - DEALERS

*Number Charged with Offences***724. Mr BRADSHAW to the Minister for Police:**

Some notice of this question has been given. In view of the public perception that few drug dealers are arrested and charged with an offence, how many drug dealers have been charged with an offence in the past 12 months?

Mr DAY replied:

I thank the member for some notice of this question. I can assure the member that the perception referred to in the question is not the case as the Police Service is making significant inroads into the drug problem facing Western Australia. In the 1996-97 financial year, 511 people were arrested for offences relating to the sale or supply of drugs, and a further 121 people were summonsed for similar offences. One of the difficult aspects we need to realise about the war on drugs is that many arrests take time to achieve: Intelligence needs to be gathered and analysed, and operations need to be conducted involving surveillance. Therefore, it takes a great deal of time in many cases to demonstrate a proper result.

The Police Service is leading the current fight against drugs with phase three of its Operation Final Dose. This part of the operation is concentrating on the mid and lower level drug dealers. Police are maintaining a high profile in well-known drug related areas, and have conducted searches of suspect vehicles and persons with great success. After nine weeks, the results have been impressive with 319 people arrested, and 344 summonses issued. A further 107 incidents have resulted in cautions being issued or the matter being referred to juvenile justice teams. A total of almost \$500 000 worth of drugs has been seized. I assure members that the Police Service's fight against drugs and those who deal in death is showing positive results, and we hope this will turn our mean streets into clean streets.

POLICE - FRAUD SQUAD

*Lyn Gerovich School of Hair Design - Investigation***725. Ms MacTIERNAN to the Minister for Police:**

I understand that notice was given of this question at 10.30 am today.

The fraud squad recently concluded an investigation into complaints made by former students of the Lyn Gerovich School of Hair Design that deeds of acknowledgement purportedly signed by them were forged.

- (1) Has the fraud squad passed on the results of that investigation to the Ministry of Fair Trading or the Hairdressers Registration Board?
- (2) Will the Minister instruct the Commissioner of Police to release to those students all information and advice released to those agencies so the students can determine whether those agencies are properly dealing with their complaints against the school?
- (3) If not, why not?

Mr DAY replied:

I thank the member for some notice of this question.

- (1) Yes, the Hairdressers Registration Board has been advised of the results of the investigation undertaken by the major fraud squad.
- (2)-(3) The major fraud squad has advised that all parties contacted by police during the inquiry were properly advised of the result by the inquiring officer. The inquiring officer remains available to speak to any further parties aggrieved in this matter or requiring further attention.

ROADS - BUNBURY

Old Coast Road - Dual Carriageway

726. Mr BARRON-SULLIVAN to the Minister representing the Minister for Transport:

I refer to the roadworks on the Bunbury highway, parochially known as the Old Coast Road -

- (1) What is the distance along the Bunbury highway between the Bunbury city boundary and the proposed future link with the Kwinana Freeway near Lake Clifton?
- (2) How many kilometres have been upgraded to dual carriageway, including the works presently under construction?
- (3) What is the total value of all these roadworks, including associated capital works such as bridge construction and landscaping?

Mr OMODEI replied:

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

- (1) The distance is 55 kilometres.
- (2) Forty kilometres.
- (3) The cost is \$37.9m.

ROADS - BUNBURY

Old Coast Road - Dual Carriageway

727. Mr BARRON-SULLIVAN to the Minister representing the Minister for Transport:

Considering that Labor promised a dual carriageway back in 1982, how much of this length of road was upgraded to dual carriageway under the Labor Government between 1983 and 1993?

Mr OMODEI replied:

I understand that for the 11 years between 1982 and 1993 no works were completed by the then Government - zero works. The \$37.9m that the Government has spent since 1993 clearly demonstrates that this Government has a major commitment to the region. During the time of the current Government the remaining 15 kilometres will be upgraded to a dual carriageway at an estimated cost of a further \$12m.

HEALTH - BREAST CANCER

*Screening Service - Breastscreen WA***728. Mr McGINTY to the Minister for Health:**

- (1) Is the Minister sitting on a report which recommends disbanding Breastscreen WA and contracting out its services, despite its great success and popularity with women?
- (2) Will the Minister guarantee that no fees will be introduced for mammography screening services?
- (3) Why are the employment contracts of radiographers with Breastscreen WA being renewed for only a maximum of two months and leases on breast screen centres allowed to expire?

Mr PRINCE replied:

I thank the member for some notice of this question.

- (1) I am not sitting on the report but it is being considered and will be the subject of a matter to be brought before Cabinet, I have no doubt in the fairly near future. As the member and I are aware, and perhaps many people are not, the difficulty with the breast screen operation in this State is that it is not accredited nationally. Without that national accreditation there is a problem; perhaps it is a problem of perception, but there is certainly a significant problem. What may happen is being considered at the moment. When there is some final view on the matter and I have taken it to Cabinet, obviously the member and the rest of the population will be informed.
- (2) I can give that guarantee - there will be no fees. There is a clear commitment - as there should be - to mammography screening being free of charge because it is one of the most effective methods of preventing breast cancer taking hold of any particular individual or group and progressing through to causing serious illness or death.

Mr McGinty: What about the assessment, which is currently free?

Mr PRINCE: I do not understand how the assessment could possibly be anything other than free as well. That is a logical consequence of the screening. The screening involves a huge number of people and the assessment involves a small number. It is obviously good preventive medicine and good public health for the service to be there and to be offered free of charge.

- (3) Employment contracts and leases are part and parcel of whether we will have a national accredited centre or whether it will be based at a number of sites.

Mr McGinty: You are scaling it down.

Mr PRINCE: A number of different options are available in order to obtain national accreditation. The mammography screening is not the problem; it is the assessment, which has not received national accreditation. I want to have an assessment system - and I am sure the member will back this - that receives national accreditation. How it is done and whether it is done at one or more centres is being discussed and debated at the moment.

Mr Graham: What is the effect of what you are proposing and discussing on the mobile unit in the north west of the State?

Mr PRINCE: I doubt that there would be any change to the mobile units which operate throughout the whole of the State because they are screening units. We are talking about the assessment. Screening is extremely effective. It involves the large pink trucks - I think three from memory - that go around the State. The assessment has never received national accreditation, and that is what we want to happen. That mostly takes place in the metropolitan area for women who as a result of the screening must come to the Perth metropolitan area for assessment. That is probably as it should be, at least into the near future. How the assessment side of things is run is being debated and considered at present.
