



Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
THIRD SESSION
1999

LEGISLATIVE ASSEMBLY

Wednesday, 27 October 1999

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 12 noon, and read prayers.

PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

Leave to Sit when House is Sitting

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

That leave be given for the Public Accounts and Expenditure Review Committee to meet when the House is sitting on Wednesday, 27 October 1999.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL (No. 3) 1999

Second Reading

Resumed from 26 October.

MR KOBELKE (Nollamara) [12.05 pm]: The Opposition will be supporting this Bill and has given an undertaking to assist with whatever motions may be required to expedite its passage through this Chamber and through the upper House. Before I address the specific details of this short Bill, I need to put into context the changes that have taken place to workers compensation. The Government's mismanagement of workers compensation reflects why it is necessary to deal with this Bill and why it is being given special treatment to expedite its passage through the Parliament. The Government made major changes to workers compensation legislation in 1993, which changes were largely opposed by the Opposition. However, one of those changes has been the root of the cause of the problems that now exist; that is, the removal of lump sum redemptions. The Government was aware that by removing the insurers' ability to give lump sum redemptions to injured workers, it would cause a cost blow-out in the system, not only because people found the second gateway access to common law as a backdoor means of giving those redemptions, but also because people were held in the system longer. Therefore, the weekly payments grew by a very large amount as did medical costs from those people having to go to the doctor continually. It is not appropriate to go into great length on the causes of those problems because they are only, in a very small part, reflected in this Bill.

This Bill reflects the Government's tardiness in addressing the problem which it created in 1993. It drafted legislation in 1995 to return those lump sum redemptions. However, it failed in 1996, 1997 and 1998 to pass that legislation and return lump sum redemptions to the system, which would have been a safety valve and reduced some of the pressures which were driving the unacceptable increase in costs for workers compensation premiums. It got caught up with other measures to which the Opposition objected. However, the first Bill and the return of redemptions was always supported by the Opposition.

Early this year, the Government established a review headed by the Auditor General, Mr Pearson. The report of that review is generally referred to as the Pearson report. As a result of that, the Government earlier this year brought further changes into the Parliament to that original Bill which has become the Workers' Compensation and Rehabilitation Amendment Act 1997. The Government then introduced some of the Pearson recommendations as amendments in that 1997 amending Bill. The Opposition had always committed itself to working with the Government, although it was with a considerable amount of distaste because the Government was addressing only one part of the recommendations of the report. The Pearson report made recommendations on medical costs, on the oversight of the insurers, on the openness and accountability of the insurers, and on a range of other matters as well as changes to the statutory benefits and access to common law by injured workers. The Government, in its amendments, returned the lump sum redemptions as it had been promising, and also made changes to the statutory benefits and to the means by which workers could have access to common law. Those changes in large part reduced the benefits available to injured workers. They were quite restrictive in what they made available to injured workers and as a result many injured workers are now far worse off than they were prior to the passage of that legislation, and that causes me great concern.

This Bill has come about because in those negotiations with the Government, we were having major differences of opinion as to the provisions being moved to amend the legislation. Given the nature of those discussions and the very short time available for them - we accepted that it had to be done quickly - I believe the Government hoped that by backing us up to the wall, we would have to give in on more of the provisions. People can make an independent judgment as to whether we gave in to more of those issues than we should have. In that atmosphere of negotiation over the key issues that would or would not go into the amendments, there was not much time to double-check the drafting of various parts of the legislation. Amendments went backwards and forwards: On our part some were to see how far we could get the Government to move; others were on core matters on which we were not prepared to give any ground. In all the negotiation a lot of attention was not given to the fine detail of the provisions in the amending Bill. On more than one occasion, I drew the attention of the minister and her staff to the fact that in handling the Bill in that way, we were likely to get something wrong. This Bill is recognising and fixing up one thing we got wrong. Later I will give details of technicalities of the drafting and how this amendment is fixing them.

I will now make a few general remarks about the changes to the Workers' Compensation and Rehabilitation Act, to which these amendments will apply, when passed. The negotiations were about trying to ensure that our workers compensation system would work, that it provided support for injured workers in a sustainable way. There were two opposing sides: The

employers, who must pay the premiums, and injured workers, the other players involved in the workers compensation system. Both sides have criticised not only the Government, but also the Opposition. Some people, either injured workers or those representing them, quite rightly feel that the changes went too far. Employers have had to pay the increased premiums and this has resulted in their facing huge pressures, as a result of which the potential viability of their enterprises has been under threat. Many more enterprises faced the potential of having to lay people off because those organisations could not cover the cost of increased workers compensation premiums. There was conflict with people at both ends of the spectrum, and the Government and the Opposition were stuck at different places in the middle.

I will address briefly those two sides from the point of view of the Labor Party. Not all employers are necessarily running profit making enterprises; not-for-profit organisations which run community services were having difficulty finding the money to meet the higher workers compensation premiums and the other costs of running their service. The potential loss of jobs and, in some cases, the actual loss of jobs due to the very large increase in workers compensation premiums was something that worried Opposition. I must make it very clear that that was not the primary issue in our being willing to give ground and go as far as we had to go to meet the Government's position to enable legislation to go through. The bottom line for the Opposition was that the viability of the workers compensation system was being threatened. One cannot make a judgment, in the hypothetical case of nothing having been done, as to what might have been the results of the pressures on the workers compensation system.

Already there were examples of insurers splitting premiums; that is, they were offering a premium which covered the employer for only the statutory benefits under the workers compensation scheme. Prior to this happening, I was not aware that employers could opt out of coverage for common law damages; however, that is legally possible. Workers compensation premiums were offered and taken up by employers where, if a worker was injured, the statutory benefits would be paid out by the insurer for the worker. If the worker made a common law claim, there was no insurance coverage for that. That meant that the employer would have to fund whatever damages might be awarded through a successful workers compensation common law case. If the employer was operating through a \$2-company and could walk away from it, an injured worker would have no ability to gain financial redress for being injured at work through the negligence, which had been established in court, of the employer. That was a real threat to the workability of the workers compensation system. Large, reputable employers would not wish to go down that road, or be able to go down it. They would want to continue their business and could not set up a front which they could collapse if there was a successful common law action because of the negligence of the employer.

We live in a very competitive environment. If companies are looking after their employees and paying the workers compensation premiums, that is a cost to those enterprises or businesses. They would have to match another company, which might be a fly-by-night operation that did not take out full and proper workers compensation premiums. There appears to be no legal redress for the Government or WorkCover Western Australia to enforce a requirement for total coverage for workers compensation by such an employer. In that situation, as I suggested, in a very competitive market if good employers wanted to stay in business, more and more they would be driven to take up premium splitting, and that would undermine the workers compensation system. For the preservation of workers compensation and to ensure that the common law claims mechanism was available to as many workers as possible, we moved much further than we wished in accepting the changes made by the Government to the workers compensation legislation.

I now address those on the other side - the employers, who, knowing the legislation has gone through, are concerned that the premiums are not falling sufficiently or quickly enough and believe that somehow there should have been an even greater cut in the benefits available to injured workers to reduce the level of premiums. I must say to those in that situation that it is not only unfair, but also simply not workable. We will not have sustainable low premium rates in the workers compensation system if the system is basically unfair. If workers are injured at work through the clear negligence of an employer and are denied their rights at common law to try to gain some compensation, they will find other ways of trying to obtain justice in the system. That is a lesson we have had in the blow-outs in premiums since 1993. Some people might say that the changes in 1993 created a technical difficulty and that we got it a little wrong. In part, that is true. It also reflects that, because workers had their rights reduced or, in some cases, withdrawn totally as a result of the changes in 1993, they found a backdoor legal means of trying to gain those rights out of the system. That is the same at any time: If a just, workable system is not provided, people will find some other way of addressing that injustice in trying to uphold their rights.

If the Government really wants to maintain workers compensation premiums at a reasonable to low level, it must have a just, workable system. The current system is neither just nor workable. The minister is in part recognising that by saying that we need a more thorough review of the workers compensation and rehabilitation system. The Opposition sees the need for a much more thorough review to rework a range of aspects to try to bring in a system that is stable and fair. Those people who have little or no understanding of the workers compensation system and who think a simple solution is to reduce what is paid to injured workers to somehow get the system into a more efficient running mode, do not understand the system and they are leaving out of the equation the fact that they are dealing with people, and those people have rights and they will seek, quite correctly, to uphold those rights. Our system must allow that to happen in a way that is efficient and cost effective. We need to monitor and manage the system to ensure that we do not have a blow-out in costs, whether medical or legal, or the administrative costs of insurers. We must manage all those matters closely to keep costs down. We cannot have a workable workers compensation and rehabilitation system by simply reducing the benefits that are available to injured workers.

The first signs I had that people were unhappy with the Workers' Compensation and Rehabilitation Amendment Act was a few weeks ago when lawyers started to contact me and ask me whether I was aware that section 32(8) of the Act precluded workers, who have less than a 30 per cent body disability and were injured six months ago, from taking up their cases at common law. I said that it was never the intention of the Opposition, nor did I believe it was the Government's intention

to do that, and I did not believe that the legislation said that. It turned out that I was wrong. Section 32(8) of the Workers' Compensation and Rehabilitation Amendment Act reads -

If weekly payments of compensation in respect of a disability -

- (a) commenced before the assent day; or
- (b) were ordered by a dispute resolution body to commence before the assent day, and

the termination day referred to in section 93E of the amended provisions would be within 3 months after the assent day, the termination day is postponed by this subsection so that it is the day that is 3 months after the assent day.

My understanding, and that of the Government, which has proved to be incorrect, was that if a worker had an accident and had less than 30 per cent body disability he had to elect whether he wished to take action at common law or to remain in the statutory benefits scheme. At that point an injured worker had to opt for one or the other. The transitional arrangements were to be that if injured workers started to receive compensation after the assent day for these provisions - that is, 5 October of this year - they would be part of the new system and had to make the election. If the accident was before the assent day and they had leave of the court to take common law action under the old provisions in the Act, they would continue under the old system. However, those people whose accidents happened prior to 5 October and who had started legal proceedings to gain the leave of the court to take common law actions, but had not obtained leave of the court to proceed, would come under the new system. The crucial aspect was how we set the six-month period for the election. The Opposition understood that injured workers would have at least three months in which to decide. If their accident was eight or nine months before the assent date of 5 October, they would have only three months from the assent day. The key wording is that part of section 32(8) that said the amended provisions would come within three months after the assent day. I took "within" to mean from the start of benefits up to the final day they had to elect, which is the termination date. However, the more correct legal reading appears to be that "within" meant from the assent date to the three-month period afterwards. That meant that anyone who had his accident and received compensation more than six months or more before 5 October now had no right at common law if his body disability was less than 30 per cent. Therefore, possibly hundreds of injured workers would be totally excluded from the system because they may have been injured up to two, three or more years ago and had been waiting to see whether they would take common law cases on the basis that their disabilities or injuries had not stabilised and they were still not well, and they wanted to know their final degree of disability before deciding to take a common law case. That would be a totally unjust outcome.

This fact was picked up by groups of lawyers who are seeking, quite properly, to advise their clients and was news to me and to the minister. That meant that some people thought there was a scheme going on in which the Government and/or the Opposition had sought to mislead people and had implemented changes which would take away a common law right from many hundreds of injured workers without telling them about it. As I said to the people who contacted me, that was never the Opposition's intention, nor was it the intention of the Government. There were allegations of deceit against the Government and the Opposition. I mention that because it reflects the level of emotion and concern among injured workers. They feel that they have been treated shabbily and there is a basis for people feeling that way. In that atmosphere, to suddenly find that a large number of workers have had their common law rights taken away, it is understandable that people will jump to conspiracy theories and feel there has been a deliberate program of deceit. The actions taken by the Government in bringing forward this legislation establishes that that was never the case, and it was always simply a small drafting error, the consequences of which had serious repercussions for many injured workers who would not be able to take common law action.

The minister was hopeful that the problem did not exist, because she made a statement to this Chamber last week on Wednesday, 20 October that indicated it was not the Government's understanding that these people were precluded from electing to take common law action.

Mrs Edwardes: It was not only my understanding but the fact that if there was a problem of interpretation, the insurance industry would support the intent of the legislation. It was only because two insurance companies decided, irrespective of all the intentions of other companies involved in workers compensation, that they would not abide by the intent and commitment of the Insurance Council of Australia. Not only was that disappointing but also their decision not to pass on that 10 per cent premium reduction was disappointing. The insurance review will pick up on both of those issues and, more importantly, on a couple of the other matters that the minister has raised whereby the insurance industry must decide whether it will be a key stakeholder and play the game and work towards the benefit of reducing costs to employers for the needs of injured workers.

Mr KOBELKE: I thank the minister for the interjection. She has moved into another area that is important, but it is not the point I have raised.

While the minister sought to explain her position she did not counter the point that I made: She hoped that the letter of the law would stand as it was, but that the intent would be that which had always been intended. The point I am making, and the minister is a lawyer and I am not, is that the law does not work in that way, and certainly not in such a contentious area in which many lawyers are representing their clients in court on both sides. The minister said that the intention was that the law should allow people who were injured more than six months ago to elect to go to common law. That is clearly established. I have tried to put that view to the Chamber today, and to indicate that allegations to the contrary were baseless.

The next intention was to have insurers agree that they would treat the law as the Government envisaged, rather than follow

the wording in the statute. The latter proposition was not sustainable in this area of such legal activity. Although the minister sought rightly to obtain agreement from the insurers to implement this provision of the Act in the manner intended, the unanimous position in legal circles was that the words did not support that view. A difficulty was involved. The minister made a statement through the proper proceedings of this House to be used by the court to add colour to the interpretation. However, that could only add colour to interpretation and not change the meaning of the words. Lawyers to whom I spoke were unanimous that the wording would exclude people from taking common law action. Although I acknowledge that the minister's attempt was made in a genuine spirit of working with insurers to fix the problem, the minister had no choice in such a crucial area, with large amounts of money and many lawyers involved, other than to bring in legislation to change the words to put the matter beyond doubt.

I accept that the minister's intentions were honourable. In trying to make the system work, it was not possible to make lawyers on both sides accept the spirit and intention of the legislation, rather than apply the technical interpretation. The Bill will restructure the wording of section 32(8) of the Workers' Compensation and Rehabilitation Amendment Act 1999 to provide for the original intent; that is, if an injured worker has less than 30 per cent bodily disability, and had the injury occurred any time prior to the assent date of the principal Act, and the worker has not gained access through the old system, he or she has at least three months in which to elect; namely, either to go through the statutory benefits system and, therefore, forgo the right to take common law action, or elect to take common law action to sue the employer for negligence, and forgo the statutory benefit to which he or she would otherwise have been entitled. The proviso is in the Act, and not covered in the amending Bill. Somebody with less than a 30 per cent bodily disability who finds that the situation deteriorates, and he or she has a greater than 30 per cent bodily disability, can resume the right to statutory benefit and still have access to common law. Such a person would move out of the below-30-per-cent-injury classification for which an election is required.

The Opposition supports the Bill and will do what it can to pass it through Parliament in quick time. A range of matters relating to the Act passed need to be raised. Representations have been made to me and to the minister about other problems which need to be fixed. People asked whether we could fix them through this Bill. I raise those problems and ask the minister to seriously address these issues, which will not go away. The Opposition will not amend the legislation before us to deal with these matters, as much as it would like to do so, as such amendment would delay the legislation. Also, the Government is unlikely to give ground on the things the Opposition wants to do, as the Government was willing to move on only a limited number of areas on previous Bills. As it is unlikely the Government will be willing to agree to such amendment, and, more importantly, because any such debate will delay the passage of this Bill and create major problems, the Opposition will not move amendments.

I emphasise what the problems will be: The clock is ticking down for injured workers caught in the category of not being able to elect to take common law action. They have only three months from the assent of the principal Act to decide whether to go to common law or remain under statutory benefits. Each day that we delay this Bill will whittle away at that three months. This is an urgent Bill.

Parliament needs to address the step down in weekly payments for workers injured well before the assent date of 5 October for the principal Act. The attack on the statutory benefits of the injured worker is causing great concern. Hundreds, maybe thousands, of workers will receive letters about this time indicating that their weekly benefits will reduce, even though their accident occurred well before 5 October. Those workers had insurance premiums paid under the old system, which was supposed to cover them. However, they find that they will lose part of their benefits because the legislation will have retrospective application. The impact on those injured workers is a great concern.

Another matter raised with the minister, and not taken up in the legislation, is that the Bill should restart the clock. The three months on that clock continues to tick with the starting date of 5 October. One cannot judge when this Bill will pass both Houses and receive royal assent. If it is at the end of this week, or early next week, 24 to 30 days of the three months will have gone. What could that mean for the hundreds of injured workers who had their accidents six to 12 months ago or two or three years ago? These people are trying to decide with legal advice whether to elect to access common law. That election is a horrendous decision for many. If they go off statutory benefits, they will move off weekly payments and sickness benefits and no longer have medical costs paid. They will forgo a great deal in order to pursue the right to access common law. That decision must be made before the three months is up on 5 January. Therefore, the period will be shortened.

For some injured workers it may be possible to undertake the preparatory work even with the uncertainty involved. Some lawyers to whom I have spoken put it to me that, in providing professional legal advice, they must be cautious with their clients. Knowing that the provision to be amended by this Bill is at best dubious, and was likely to remove the right to common law totally, lawyers could not advise clients to incur the extra cost of obtaining medical certificates and taking legal action to obtain the evidence needed to pursue their case. Therefore, it has simply not been possible, on the proper legal advice that they have received, for some injured workers to get that preliminary information on which to make a decision about their election. Those workers will now have even less time in which to gather that information and make their decision. I raised that matter with the minister, but she was not willing to take it up. That might have been because the Law Society of Western Australia does not believe this is a major issue. The advice that I received from the Law Society was that it did not believe that the fact that the clock was continuing to tick meant that injured workers could show sufficient prejudice to make out a case for two separate postponement dates, and that there was the potential for great confusion because of the 5 October start date for some cases and the new start date upon the passage of this amending Bill. I accept the Law Society's advice and will not take a hard line with the minister in trying to get that through. I still believe it will be better to have two start up dates, but given that eminent advice from the President of the Law Society, I am willing to step back from that proposal and request which I made to the minister.

However, the problem remains that that three-month period is very short. Workers who need to get advice from a specialist in order to decide whether to make an election may need to wait for an appointment. I hope that a worker who has been an ongoing patient of a specialist will be able to get that advice within a matter of days. However, an injured worker who needs to see a different specialist for some reason in order to get the letter that is required to make an election may need to wait for two or three months to get an appointment with that specialist. The problem is that an injured worker will have only three months from 5 October, and the injured worker will then lose his or her right.

The amending Act which has gone through the Parliament allows the director to grant an extension of time. The regulations under that Act were published in the *Government Gazette* of 15 October and were tabled in the Parliament this week. However, the regulations fall far short of what we sought with the previous amending Bills and of our understanding of the way in which the Government would deal with this matter. We accepted that the power to grant an extension of time would be limited, but we did not believe it would be as limited as this. Regulation 19N(1) states -

The Director may grant an extension of time under section 93E(7) of the Act if the director is satisfied that the worker's disability is of such seriousness that the worker is likely to require major surgery within the next 6 months.

Some workers may need that extension because they have a serious injury, but because their doctor has not been able to make a decision about whether they will need surgery, there is a probability of surgery but not a likelihood, and, therefore, the director cannot grant an extension; and there may be some legal argument about that. The second type of case is the one to which I referred earlier, in which it may not be possible within the three-month period for a worker to get the medical certificates that are required to make an election. I had hoped that regulation 19N would give the director some leeway to grant an extension. On my reading, regulation 19N does not give the director the flexibility to grant an extension of time to those types of workers, and that may create a problem. I ask the minister to look carefully at that matter and see what is the correct reading of that regulation. If the director will treat regulation 19N in a fairly loose way and will accept an injured worker who still needs to obtain the medical advice that is required to make an election, that will overcome the problem, but if it will be necessary for that worker to have a medical certificate saying that he is likely to require major surgery, that worker will have his rights taken away totally by these very restrictive regulations. I thought we would have a better set of regulations than this.

The problem with the termination date is that it is retrospective. In the debate that took place on these Bills a month or two ago, we took the position that we would not accept the retrospective application of this legislation. We regret that we could not get the Government to move on that matter. We held out until the very last stage, but it came down to either not having the legislation go through, or giving ground on the retrospectivity of these Bills. I will quote from a letter that the minister received from the President of the Law Society of Western Australia, which outlines much better than I can some of the problems with regard to the retrospective nature of the Government's Bills. It states -

While the Society maintains its vigorous opposition to inter alia those provisions of the Amendment Act which make it retrospective, it supports the current Bill solely for the purpose of correcting the anomaly and partially relieving the injustice done to those workers who were denied access to common law by the Amendment Act.

While I am discussing the evils of the retrospective operation of the Amendment Act, you should be aware that the introduction of those provisions has imposed and will impose an enormous burden on the profession and is leading to a huge number of notifications to Law Mutual of circumstances which could give rise to negligence claims. There can be no doubt that every worker who has not obtained leave under section 93D and who now has no right to claim damages at common law or vastly reduced rights will examine very closely the possibility of recovering damages from his or her solicitor for that loss. If claims are made and some succeed that will have a seriously detrimental effect on professional indemnity premiums and the general cost of legal practice. This will inevitably flow on to the whole community.

That letter outlines some of the problems that are created when a Government legislates retrospectively. The difficulty is that this Government has made a practice of legislating retrospectively. I asked a question on notice several years ago about how many Court Government Bills had retrospective application. The Government was not able to answer that question, because there were so many of them, and we have had more since. We have had to agree to retrospective legislation on a number of occasions in order to fix a range of problems. If retrospective legislation does not have an adverse impact on anyone, I do not have a problem with it, but if retrospective legislation has an adverse impact on people, as is the situation in this case, it is very poor legislation. The letter from the President of the Law Society sets out some of the key arguments that need to be made.

Another problem that the Government should address is the time period under the statute of limitations. People currently have six years in which to initiate a common law action with regard to workers compensation. People who are getting close to the end of that six-year period - and there are a small number of cases - knew that under the old system, the starting point for legal action was that they had to get leave of the court within six years; and the minister can correct me if I have that technically wrong. People might have been preparing their case for months, if not years, but they had not obtained leave of the court prior to 5 October. Those injured workers will now come into the new system, getting close to the six-year period when they will lose the right to take any common law action. If they have less than a 30 per cent disability and they must make an election, they now have this three-month period. Quite a number of cases might be coming through to the director at WorkCover. Those cases must go through the procedures laid out in the regulations. When injured workers have approval to elect, they must get back into the court. They no longer need the leave of the court, but they must still get the process initiated within the six-year period. I know of a small number of cases in which people are very concerned that, by having to go through this process, they might miss out on the six-year statute of limitations. They would be denied access

to common law action, not through the provisions of a Bill that was set up to restrict access to common law but simply because further administrative procedures are laid down, which could take some time, and, therefore, this could move their entry into the court system beyond six years. They would then lose their right to any common law action.

The matters that need to be addressed are: The retrospective application to the statutory benefits and step downs; the problem of not restarting the clock; the problems arising from the amendments of getting the medical advice and so on that is required; the fact that the regulations which allow the termination date to be extended seem to be far too restrictive and do not provide a solution; and if the regulations do not work effectively hold-ups may occur which could mean that a person who had an accident five years and nine months ago would not get his case into the courts within the six-year statute of limitations. We think those matters need to be addressed urgently. We cannot pursue them under this Bill because we feel this Bill is a matter of urgency. It must not be delayed, even by a day, because many hundreds of injured workers, through a technical deficiency in the previous Bill, have been denied the right to elect to take common law action. They must have that right clearly established in the statutes of this State at the earliest possible date, so that they can deliberate on the decision, gather the information they need to make an informed decision and then enter into the process of making that election.

I appreciate that the minister has made the decision to fix up the problem to ensure there is no longer any doubt as to the rights of those people to elect for common law. Our support, encouragement and thanks to the minister are tinged with our regret that there are so many problems and that the overall impact is very negative on so many injured workers. Unfortunately, we are not able to address those issues in this Bill because we will work to have this Bill through the Parliament in the shortest possible time.

MS ANWYL (Kalgoorlie) [12.53 pm]: Difficulties are already being experienced by a number of workers who are extremely confused by the changes which have been enacted through the Parliament. It is an absolute testament to the incompetence of the drafting of the legislation that we find, less than a month after the legislation was proclaimed, we are debating an amendment to it. I have not taken the time to speak to legal practitioners in Perth but a number of my constituents have approached me for some assistance. Almost weekly I have calls about this matter, one of which I will mention shortly.

As legislators we know that we have an obligation to pass clear laws. Even with the clarification which this amendment Bill will provide, many people will remain confused and quite likely some will miss out, notwithstanding that the three-month period is to run from 5 October. It is quite clear that courts will close down during the looming Christmas period. Legal practitioners often close their businesses between Christmas and February. In country areas such as Kalgoorlie-Boulder, it is extremely common for it to be very difficult to get legal assistance for the whole of January. The lead up to Christmas and the Christmas period will impact harshly. I have not had the opportunity to check the dates on which the District Court registry will be closed over the Christmas period, but that is the time when judicial officers take their holidays and things grind to a halt. The three-month period post 5 October will take in that period to 5 January, so effectively at least a fortnight of it is dead time. However, I see no attempt with this amendment to take account of that.

Members might find this amazing because we have spent so much time debating this legislation; but I can say from first-hand experience that many injured workers in my electorate do not have a clue about these changes. I will give an example. A man approached me for some assistance. He previously had worked underground. He received quite a serious leg injury, serious enough to prevent him from continuing his highly paid occupation but not serious enough to get him over the new threshold that has been set out retrospectively in the new legislation. He obtained legal advice quite independently of me from a Perth solicitor. In my rough and humble estimate he would have lost something approaching \$300 000 to \$400 000 as a result of the changes to the legislation. He had no idea what was going on. Obviously he had not been reading the newspapers. We must remember that a lot of people do not read newspapers. Some people cannot afford newspapers, particularly in the remote areas of Western Australia where to buy *The West Australian* each day can cost up to \$3. That cost is about to rise with the goods and services tax.

Although I regretted having to say to him that he no longer had the opportunity to pursue the claim he might have had, he ended up reaching some sort of settlement. However, he told me he has difficulties now with his consent judgment being approved through the District Court registry. I attempted to contact his solicitor but the phone call has not been returned. I have not yet got to the bottom of that question. Suffice to say that he was confused before the changes to the law, but now he is completely confused and very resentful of the fact that his consent judgment cannot be followed through. He would like to obtain his compensation and get on with his life. That involves his moving interstate because he can no longer afford to continue to reside in Kalgoorlie-Boulder, as the cost of living is very high there. For that person there has already been a disastrous consequence, with the loss of potentially hundreds of thousands of dollars in compensation, and also, even though he has reached a settlement of a much lesser amount, he is unable to finalise it due to a hold-up with the legislation, he tells me. I will continue to assist him to get to the bottom of the cause of the delay.

I am particularly concerned about workers in remote places, some of whom work shifts of six weeks on and one week off. Members might say that they might not be too badly injured if they are working in remote areas. However, the fact is that many of them are very young. It may well be that they will have significant degenerative changes down the track and for all sorts of other reasons may still have massive economic loss. If their claims have not been wiped out retrospectively, it may be these are the very sorts of people who need urgent advice. By the time they come off their six-week break and try to see a lawyer, it will be close to the shutdown period for the legal profession across this State. I am sure the insurance companies are rubbing their hands together with glee at the prospect that yet more people will miss out because of an already harsh legal change.

As I said, the need for the clarification suggests incompetent drafting. I am sure that, given the complexity of the legislation, we will find many more anomalies.

The Opposition was pushed towards supporting this legislation with some modifications because it was mindful that the businesses paying increased premiums were hurting. Of course, many companies and businesses and, indeed, non-profit organisations, were feeling a great deal of economic pressure. That is the only reason members on this side have supported the legislation. I am happy to say for the record that I have grave concerns about the Opposition's support for some of the changes, especially those involving retrospectivity. That creates problems for me because I do not believe that people's rights should be wiped out retrospectively. However, that has occurred.

It is therefore with some interest that I read an article in today's *The West Australian* by Wendy Pryer in which the minister is quoted as saying -

. . . the insurance industry would be responsible for job losses if they did not comply.

I presume the minister is referring to the failure of many, if not all, insurance companies to pass on the reduction recommended by the premium rates committee. I support the minister's view that the reduced rates should be passed on; in fact, I am scandalised that they will not be. It is interesting that the minister is now shifting the blame to the insurance companies. She has said that if there are job losses it will be the fault of the insurance companies. Only a few weeks ago she said it would be the Opposition's fault.

Mrs Edwardes: You have done your bit and I expect them to do theirs.

Ms ANWYL: I see. That highlights the fundamental flaw in the minister's approach; that is, it is never the Government's fault or something for which it must take responsibility. The issue of insurance companies and the Insurance Council of Australia Ltd not honouring an undertaking was allowed to pass. Not only are workers and employers continuing to be disadvantaged, but there is also no accountability on the part of insurance companies. I am keen to know what the minister will do if the insurance companies do not heed her advice. It certainly does not seem that they will change their position.

I would like to be able to look far beyond the next 12 months. We are dealing with workers compensation and common law payments in this State into the next millennium. I would like to know that the Court Government is taking action to ensure that we will have a viable system. I am sure the minister has been watching with interest the developments following the election of the Bracks Labor Government in Victoria. One of the first promises to be honoured is the re-establishment of common law compensation for seriously injured workers. It may be worth looking at how the new Victorian Government plans to achieve that.

Mrs Edwardes: Victoria has a different system. I am sure the member knows that that State has a single insurer. At the moment, we pay the highest premiums. The Victorian premiums will increase.

Ms ANWYL: Is that clear or will other efficiencies be implemented in the administration of that system? I am always fond of talking about the State Government Insurance Commission and the Government is fond of reminding members that this State's third party motor vehicle registration premiums are the lowest in Australia. That is because we had a very functional and effective single insurer dealing with that issue.

There is a complete lack of accountability on the part of the insurance industry. It was all very well to blame the Opposition a month ago, but the Government now intends to blame the insurance industry if there are job losses. Workers, average voters and employers are not interested in who is to blame. Perhaps they worry about that at the ballot box, but most of the time they simply want the issues resolved. I remember the minister's talking about having her foot on the garden hose. What will happen to ensure that we have some accountability and viability for claims and that premiums will be reduced?

I have had many representations, particularly from very small businesses in Kalgoorlie-Boulder. I have had fewer representations from the larger businesses, although I attended some meetings involving larger employers arranged by the Chamber of Commerce and Industry in Perth. I have also had many contacts with non-profit organisations about their concerns. It is fair to say that the Chamber of Commerce and Industry and employers generally expect an immediate flow-on of benefits. I accept the argument that rates have not gone up, which in itself represents a benefit. However, I want specifics, because I believe employers expect a reduction in rates. If there is to be no reduction, I am even more horrified at the changes that have occurred, particularly those relating to retrospectivity. I hope the minister will address that issue.

What was the purpose of the three-month extension? Was it to enable people already in the system to have their legal rights properly explained and to access the court system? If so, how can we argue there is equity between people living in metropolitan Perth and people living in far-flung areas of the State, many of which do not have legal practitioners? Many remote towns do not have legal practitioners, and by the time people go through the legal aid process on the telephone they can write off three months. Is it the Minister's intention that the three months' provision will allow people time to gain access? If so, how does she respond to the matters I have raised?

MRS EDWARDES (Kingsley - Minister for Labour Relations) [1.08 pm]: I thank the two members opposite who have commented on this Bill, which is designed to correct an anomaly. I can assure this House that the legislation previously passed was drafted by the best draftsman in this State - the parliamentary counsel.

I make no apology for introducing this legislation to correct an anomaly because two insurance companies did not abide by a commitment. I acknowledge that different interpretations can be placed on the section, but it was a short-term issue. The anomaly was in the transitional provisions and it could have been easily worked through. The majority of the insurance industry and the Insurance Council of Australia Ltd were prepared to abide by the clear understanding and commitment.

However, because it was possible that two insurance companies would not abide by that commitment, it was necessary to move immediately to introduce this amendment. That is what this Bill is designed to do.

I thank members opposite for their strong support of this Bill and its quick passage through the Parliament.

Ms Anwyl: When you say two insurance companies were not prepared to abide by the spirit of earlier negotiations, does that mean that all of the others were prepared to honour the agreement?

Mrs EDWARDES: Yes, all the others were prepared to honour the agreement; only two were not prepared to do so.

Ms Anwyl: Can you name those insurance companies?

Mrs EDWARDES: AMP and GIO Australia. I named them in the Parliament last Thursday.

In respect of a couple of other comments made by the member for Kalgoorlie, I made a ministerial statement yesterday about the insurance industry, premium rates and what I would include in the review that we will conduct shortly into the insurance industry following upon the Pearson recommendation. I will refer to the review panel some of the Opposition's comments, particularly the comment of the member for Nollamara about the ability to split premiums by excluding the common law aspect. Currently, the recommended premium rate incorporates the common law component. The Government does not accept the notion of being able to split workers compensation premiums to exclude common law; there could be a disadvantage to workers if that were to become a common occurrence. We do not know of any insurance company offering that split; however, we will incorporate that aspect also into the review. In respect of some of the other comments made about the regulations, I will provide information to the member for Nollamara for further clarification. I thank members opposite for their support.

Question put and passed.

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

TRANS-TASMAN MUTUAL RECOGNITION (WESTERN AUSTRALIA) BILL 1999

Second Reading

Resumed from 14 October.

DR GALLOP (Victoria Park - Leader of the Opposition) [1.15 pm]: The Opposition supports this Bill. The Bill seeks to implement the Trans-Tasman Mutual Recognition Arrangement in Western Australia. The aim of the arrangement is to remove impediments to trans-Tasman trade in goods and the mobility of labour caused by regulatory differences between Australian jurisdictions and New Zealand. The existing Australian Mutual Recognition Agreement is the basis on which the Trans-Tasman Mutual Recognition Arrangement has been developed. Part 9 of the Australian Mutual Recognition Agreement signed in May 1992 by Heads of Government agreed -

to review in due course with New Zealand the potential benefits consistent with the Australian New Zealand Closer Economic Relations Trade Agreement, of participation by New Zealand in a scheme implementing mutual agreement recognition principles.

The Australian New Zealand Closer Economic Relations Trade Agreement represents the integration of the trans-Tasman economies. In October 1992, after announcing the review of the closer economic relations agreement, the Australian Minister for Trade and the New Zealand Minister for International Trade agreed to commence a review of the potential benefits of introducing a Trans-Tasman Mutual Recognition Arrangement. This review was later endorsed by Prime Ministers Keating and Bolger in May 1993. In August 1993, Australia's Minister for Trade and New Zealand's Minister for International Trade called for a report on the format and principles of a possible Trans-Tasman Mutual Recognition Arrangement. The report was finalised in December 1992 and on 30 March 1994 the Australian Prime Minister wrote to the Premiers and Chief Ministers seeking a mandate for officials to proceed with the negotiation of a draft Trans-Tasman Mutual Recognition Arrangement for consideration by heads of government. A discussion paper was prepared on the proposal for the Trans-Tasman Mutual Recognition Arrangement of standards for goods and occupations and released in April 1993. The paper considered, among other things, the framework of the AMRA as a good basis for the trans-Tasman scheme; it proposed that the Trans-Tasman Mutual Recognition Arrangement be signed in late 1995, with legislation to implement the scheme introduced in 1996; and that a Trans-Tasman Mutual Recognition Arrangement should include a four year review mechanism.

On 14 June 1996 the Commonwealth and all the States and Territories signed the Trans-Tasman Mutual Recognition Arrangement. The Premier reported to the Parliament on 18 June 1996 as follows -

. . . it was agreed that an arrangement would be entered into for the mutual recognition regime to include New Zealand.

The Prime Minister of New Zealand signed the agreement on 9 July 1996. The legislative scheme involves the States and Territories, the Commonwealth and New Zealand. Each of those jurisdictions will have enacted already their respective legislation to introduce the scheme to their jurisdiction. In New South Wales the Trans-Tasman Mutual Recognition (New South Wales) Act was assented to on 25 November 1997. The Commonwealth soon followed with its legislation, the Trans-Tasman Mutual Recognition (Commonwealth) Act 1998. Victoria introduced its Bill into the Parliament on 26 February 1998, while the Tasmanian Act was assented to on 22 May 1998 and the South Australian Act on 1 April 1999. Western Australia is lagging behind again in this regard. It is surprising that the Government has demanded that this Bill be treated

with urgency in the Parliament, even though it has dragged its feet in presenting it to the Parliament. It seems to be more a case of the coalition Government failing to manage its House business rather than it being a matter of urgency.

Before I move on to specific parts of the Bill, I believe we must have a general discussion of the operation of the existing mutual recognition arrangements in Western Australia. The proposed trans-Tasman scheme is based on the framework of the existing Australian Mutual Recognition Agreement signed by the Australian Heads of Government in May 1992.

The Mutual Recognition (Western Australia) Act has been in operation since 1995. The federal affairs branch of the Ministry of the Premier and Cabinet undertook a review of the mutual recognition arrangements. That review was tabled in both Houses of Parliament on 28 August 1997. The data from the review showed that on average, 10 per cent of registrations in each occupational group were made using mutual recognition principles. The percentage of registrations in different occupations under mutual recognition ranged from no registrations in the area of business agents and business settlement agents to over 45 per cent of registrations for chiropractors and nurses. The review recognised that mutual recognition has encouraged the development of national standards for registration in some occupations. However, the review also highlighted a number of concerns about the application of mutual recognition arrangements in Western Australia. I have previously raised these in Parliament and reiterate some of the concerns about the application of mutual recognition.

Firstly, a number of agencies expressed concern that mutual recognition could lower registration standards to a level below acceptable minimum standards. These agencies included the Psychologists Board of Western Australia, the Nurses Board of Western Australia and the Real Estate & Business Agents Supervisory Board. Secondly, a number of submissions from industry boards commented on the operation of sections of the Act. Industry boards were confused about whether they could legally force an applicant requesting information to supply necessary information. The Dental Board of WA and the Land Valuers Licensing Board also believe that the requirement for registrations to be granted within one month after the notice is lodged with the local registration authority creates a number of difficulties, especially when boards meet only on a monthly basis. The Minister for Fair Trading submitted that no system was in place to determine an equivalent activity. Thirdly, a number of submissions highlighted the need for further education and coordination. The Premier wrote to me on 2 December 1998 after I raised these issues in the Parliament and indicated -

State Government action may be required to further educate the community about the scheme, improve policy coordination and address the concerns of some organisations regarding a lowering of standards in goods or occupations.

I seek the Premier's comments about whether the State Government has taken any action. In addition to the concerns raised in the review, I have received correspondence from a member of the public who is engaged in a legal battle with a government agency about the recognition of his qualifications. In this instance, it appears the department was not fully aware of the mutual recognition principles and, therefore, was not working within the spirit of the mutual recognition agreement. The Premier also noted in his correspondence that a national review of mutual recognition was being undertaken at the commonwealth level. That review was released by the Department of the Prime Minister and Cabinet earlier this year. It built upon an information paper developed in 1997 by the Office of Regulation Review, which is part of the Productivity Commission. The paper provided an initial exploration of the impact of mutual recognition on industries. The commonwealth review indicated that the mutual recognition scheme impacted on industries across Australia by increasing competition and consumer choice and decreasing business costs, including compliance costs; accelerating the development of national standards in areas with significant implications for public health, safety and the environment; increasing discipline on the introduction of standards and regulations; enhancing the mobility of people registered in occupations; and increasing cooperation between regulatory agencies in harmonising regulatory requirements and exchanging information.

Similar to the Western Australian review, the report raised a number of serious issues and made a number of recommendations. The recommendations were about the goods and the occupation models. When the review studied the goods model, it found it was difficult to monitor the impact of mutual recognition on goods because of a lack of submissions from industry groups. However, many of the groups that did respond supported the mutual recognition arrangements and believed they worked effectively and met objectives for goods. The environment protection group, Environment Australia, wrote that the mutual recognition arrangement principles -

"have made a significant contribution to promoting the goal of freedom of movement of goods and service providers in a national market in Australia"

The Western Australian Water Corporation claimed that -

"Mutual recognition has assisted with the ongoing implementation of a scheme for the national certification of the plumbing and drainage product.

The Minister for Fair Trading concluded that -

"Overall the effective Mutual Recognition has been very positive in the Product Safety area. It is leading to greater uniformity between the States and Territories."

However, while the ministry claimed mutual recognition helped improve product safety, the Electrical Regulatory Authorities Coordinating Committee (WA) commented that -

"The legislation of the various States and Territories does not allow a uniform and efficient system for the recall of defective electrical equipment and sale prohibition notices to apply."

The report noted that developing a uniform approach to product recalls is an important issue. This issue arose late in the

passage of the Trans-Tasman Mutual Recognition Act 1997 through the Commonwealth Parliament. Another issue raised in the review, which often arises when discussing mutual recognition, is that it leads to the lowest common denominator being the standard. The Citrus Council of Western Australia wrote -

"The development of the Mutual Recognition Regulations has, by removing recognition of State requirements for labelling and standards, impacted quite severely on some aspects of the Western Australian Citrus industry.

Since the implementation of mutual recognition, the quality of some citrus produce being imported from the eastern states, in particular those with no grade standards, has dropped significantly."

The review also received a large number of submissions from professional associations and registration boards. In general, it appears that the objective of the mutual recognition agreement is being realised. The Australian Nursing Council Inc stated -

"mutual recognition has enabled a more simplified approach for the member of a registered occupation to gain registration in another State or Territory."

"the system of registration using mutual recognition has become easier for nurses in that the documentation required when applying for registration under mutual recognition is less, and, the process . . . is more speedy."

Again, a key issue was the so-called lowest common denominator issue. The Physiotherapist Registration Board of WA stated -

"Nurses registered in NSW are not required to [have] practiced as a nurse within the past 5 years in order to remain on the NSW register, raising the possibility that a nurse, registered in NSW but not having practiced as a nurse for say 10 years, could apply for registration in WA under mutual recognition and the Nurses Board would be obliged to register that nurse because he/she was registered in NSW."

Some submissions indicate that a lack of knowledge about local law and conditions could also lead to a lowering of standards. The Real Estate & Business Agents Supervisory Board and the Settlement Agents Supervisory Board in Western Australia submitted that -

"All real estate agents and settlement agents registered in Western Australia are required to know local law and systems so it should not be considered onerous to expect the same standard for mutual recognition applicants. The public expects the boards to allow only competent participants in the marketplace so they are not placed at risk. An agent who is unfamiliar with our titles, contracts and local requirements could not be considered competent."

The report raised a number of other issues. It made 30 recommendations in response to the issues raised by industries across Australia. Recommendation three states -

That the Ministerial Council on Consumer Affairs develop national arrangements for product recalls and product safety bans to ensure consistent approaches between jurisdictions to banning and/or recall of dangerous products.

Recommendation four -

Where jurisdictions are concerned about variations in the standards or other regulatory requirements relating to goods, these issues should be resolved by the relevant Ministerial Council, through the use of the Temporary Exemption or referral mechanism.

Recommendation five -

That the Industry Ministers' Council consider carrying out an awareness campaign aimed at raising the awareness among manufacturers and retailers of mutual recognition.

Recommendation eight -

That jurisdictions make greater use of the referral mechanism contained in the MRA where concerns exist as to the competency of persons registered in other jurisdictions.

I seek the Premier's response to the recommendations. In particular, what action has Western Australia undertaken to address the issues and recommendations raised in the national review?

This leads me now to the Western Australian Bill. The Bill adopts the commonwealth Act as at the time of the enactment of the Bill. Any subsequent amendments to the commonwealth Act will need to be specifically incorporated into the state legislation. The commonwealth Act will be adopted for a period of five years. The Bill as we understand it is based on two key principles in relation to goods and occupations: First, if goods may be legally sold in New Zealand they may be sold in any Australian jurisdiction and vice versa; and, secondly, if a person is registered to practise an occupation in New Zealand he or she will be entitled to practise an equivalent occupation in an Australian jurisdiction.

We understand, however, that mutual recognition does not affect the ability of jurisdictions to regulate the operation of business or the conduct of persons registered in the occupation. It does not affect laws that regulate the manner in which goods are sold such as laws restricting the sale of certain goods to minors or the manner in which sellers conduct their business. It does not affect laws relating to the transport, handling and storage of goods or the inspection of those goods. It does not affect laws relating to quarantine, endangered species, firearms and so on. We note that the scheme incorporates a temporary exemption mechanism which gives Western Australia the right to ban unilaterally for a period of 12 months the

sale of goods in its jurisdiction in the interests of protecting the health and safety of persons or preventing, minimising or regulating environmental pollution. I would like to ask specific questions on the exemption mechanism. How can a State such as Western Australia make these exemptions permanent? Can any changes to the permanent exemptions category, schedule 2 and section 46, be achieved by Western Australia? For example, since the federal Act was enacted Western Australia has passed its Weapons Act 1999 which prohibited certain weapons from Western Australia. How do we now add these to the permanent exemptions list? We have adopted the commonwealth Act which was passed in 1997 and since then we have passed state laws prohibiting certain weapons, which is not part of the commonwealth law. How do we then get it into the permanent exemptions list? What other state legislation, if any, has the Government identified as needing to be included in the permanent exemptions list?

Before I move to my concluding comments I ask the Premier if he would respond to his own Government's report on the functioning of mutual recognition and if he would comment on the Federal Government's review of mutual recognition and the various recommendations that follow from that. I would like a response on the question of permanent exemptions and how we would include in the legislation reference to new legislation that might be introduced into the Parliament.

Like any government policy mutual recognition is one where it is not simply enough to get the principles and policy direction right. Mutual recognition is a creative way to expand the Western Australian market to the rest of Australia and to New Zealand. While the principles underlying the policy may be right, the implementation is just as important. Problems with implementing the scheme must be identified and corrected in the best possible manner. The Opposition supports the Bill, but as I have clearly stated there are a number of issues that need to be addressed by the State Government to ensure that the policy aims are met effectively. I would appreciate the Premier's comments in response to some of the questions I have raised today.

MR COURT (Nedlands - Premier) [1.34 pm]: I appreciate the support of the Leader of the Opposition. He has raised a number of questions in relation to some cases. I have just spoken to the officers and they will have to get a written response to those specific matters. If that is acceptable I will prepare the response for the Leader of the Opposition so that he has it before the matter is debated in the other House. Regarding permanent exemptions, one must go to the relevant ministerial council in order to go through that process and get approval. Whether it is Australian or trans-Tasman mutual recognition, problems and issues will arise. Even within Australia we have problems with different standards, different qualification levels and the like. I think there has been broad acceptance that it has worked nationally and I think that the trans-Tasman agreement will work because of the similarities between the two countries. I will provide the answers to the questions raised before the debate commences in the Legislative Council.

Question put and passed.

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

APPROPRIATION (CONSOLIDATED FUND) BILL (No. 3) 1999

Second Reading - Cognate Debate

Resumed from 26 October.

MS WARNOCK (Perth) [1.37 pm]: I am deeply grateful for your company, Mr Deputy Speaker, and that of the few other members of the House who are here. Wednesday lunchtimes have a way of being under-attended.

Mr Barnett: A small but quality audience.

Ms WARNOCK: Exactly. I am pleased to have a small but quality audience. I will continue with a subject that I have discussed on another occasion. My brief 90-second statement on the lack of women's loos has flushed out a positive flood of information on this vexed but vital topic. I have had letters from sympathetic architects offering assistance if I want to deal with the Standards Association of Australia or the building codes. I have had comments from women also waiting in the many queues that I have waited in over the past few weeks. I have had a series of missives from an older woman who seems to have had a concern with public toilets on her mind for some very long time. She reflects on all kinds of matters dealing with the subject going back over a number of years. I am grateful for all the information and I thank my informants. I am grateful to know that I was not barking up the wrong tree, but rather offering some welcome relief to those who had been discomfited by the apparent lack of public toilets. Not one to shirk a taboo subject I return to the matter of public toilets, particularly in relation to my own area of Perth but perhaps with some reflections on other areas.

Intrigued to find that *The West Australian's* "Inside Cover" team had the bit between its teeth, I pursued the issue of replacement public toilets in Northbridge. As a child I was frequently told by my mother - you may remember a similar piece of advice, Mr Deputy Speaker - to avoid public toilets in the streets and to use toilets in cinemas and department stores. You may also remember, Mr Deputy Speaker, that public toilets in the streets were few and far between. Those rather old fashioned walk-down street toilets have been replaced by toilets, although by no means enough, in various public places such as railway and bus stations.

As readers of "Inside Cover" will know, the paucity of public toilets in the Northbridge area, particularly since those in the newly gentrified Russell Square were removed earlier this year, has annoyed restaurant and cafe owners in the area. They are suffering the stressed out overflow from people seeking to find relief in Northbridge and failing to do so.

You may not know, Mr Deputy Speaker - I am always happy to be the one to bring you some new and interesting information - that the City of Perth has a toilet task force. A member of this hard working group and I had an intimate discussion this morning. He told me about the city's imminent plans for a whole new approach. The solo, walk in, unisex,

upright street toilet, unlike similar inferior brands in Europe, will meet tougher Australian design and hygiene standards. Those keen to check out this model street loo - a hot topic in local government circles I discovered from discussions this morning - should dash off to Broome, a pleasant place at this time of the year, where, according to my toilet task force informant, one of these new objects has been installed. He described it as a "fantastic" success locally.

More seriously, women do not feel safe in some of the older, more hidden, public toilets, such as those in the Supreme Court Gardens. There is something sinister about the way we hid public toilets in the past. As one of my informants pointed out, this was once a taboo subject. Perhaps in those times there was a reason to hide toilets from public view. However, as my local government correspondent said, the new idea is to have public toilet buildings well placed in public view to increase safety and convenience. I cannot help but agree with that.

When will all this occur? It will be soon, is all my informant could say, although he was clearly excited at being able to pass on this useful information to me. He said the much heralded new loos are not cheap and the council would like them to be of a high standard and Australian made rather than imported. Of course, due to our high standards they must be disabled accessible, a criterion I applaud. I will continue to pursue this important matter on behalf of discomforted constituents in Perth, including those who run restaurants in Northbridge.

I was interested in the letter I received from the older woman, who reminded me it was the year of the older person and when discussion occurred among architects as a result of the speech I made about the design of toilets, she reminded them that they should bear in mind that older people are sometimes a bit stiff in the pins and it might be as well to bear in mind the difficulties they have when arising. I pass this information on to any architects who might be regular readers of *Hansard* or anyone else who might wish to pursue this issue themselves.

I intend to write back to my correspondent. She is not a constituent of mine, although she is a regular visitor to Perth. She reminisced rather touchingly about Boans department store. Many years ago as the mother of young boys, she always wondered whether it was appropriate to take young boys to a women's or a men's toilet. I am sure we all agree that is a difficult issue. She also said that her favourite spot in town is the Wesley Centre where she likes to go for a cup of tea as well as to use the toilet. I am sure those who run the centre will be pleased to have the seal of approval from my correspondent. I will write to her and thank her for thanking me for raising a subject which in times past others have thought of as too difficult to cover in these hallowed halls.

I refer now to a subject I touched on during debate on the heritage Bill. A constituent of mine called Jim Richards was among those who demonstrated outside a block of 1930s flats in Adelaide Terrace on Sunday. His concerns were related to heritage, which is something I will return to in a moment, although my concerns about the same block of flats relate to lack of affordable housing in the seat of Perth.

The concern about affordable housing has been a theme dear to my heart since I first came to this place in 1993. I have believed for some time that a good city should have a good social mix of people and that people of modest means as well as wealthy people should be able to live near the centre of the city with the many services it offers, such as public hospitals, public service offices and the excitement and pleasantness of the city centre. I regard myself as something of an expert on the matter having lived near the city for more than 30 years.

However, this affordable living in the centre of the city is becoming less and less possible. Thanks to the demolition of residences for the Northbridge tunnel and the high quality redevelopment in East Perth, which I applaud, fewer and fewer affordable units are available for the people who lived in the centre of cities.

The organisation that used to be called the Perth Inner City Housing Association, now known as City Housing, an excellent organisation about which I have spoken previously in this place, has been running units and lodgings successfully in the City of Perth for some time, largely for single people and people who, for various reasons, gravitate to the centre of cities.

There are also Homeswest developments in the centre of the city, West Perth and East Perth. However, there is a definite threat to the cheaper flats in Adelaide Terrace and in Terrace Road. I would like to see flats such as those for city workers, retirees and young people before they get married and go to the suburbs, available in Perth. It would be a great pity to banish everyone who was not wealthy from the charms and convenience of inner city life. I share the concerns of my constituent and I repeat a message that I have often given to this House that a city and a State Government need an affordable housing policy.

My constituent invited me to a public meeting on Sunday outside the Berkeley Flats in Adelaide Terrace. When I first came to live in the city many moons ago many more flats of that nature were available to young people, older people and single people in the centre of the city. In the natural course of events with the redevelopment of the city and the growth of office buildings, a great many of them have been demolished. In the light of my concerns about cheaper inner city accommodation I believe that is a great pity.

As I say, my constituent, Mr Richards, was very concerned about the demolition of these art deco Berkeley Flats at 190 Adelaide Terrace. He believed that it was looking increasingly likely to happen, and he urged a group of people to join him, which they did on Sunday. He believed that it would be a disaster for heritage in our city and he wanted to demonstrate his concerns.

One of his major concerns, which I mentioned briefly in a heritage speech the other day, is the City of Perth's failure to complete its compilation of a municipal heritage inventory. Members of this place will recall that section 45 of the Heritage of Western Australia Act 1990 states that local government authorities such as the City of Perth and many others in Western Australia must draw up a municipal heritage inventory. Some local councils have done that - I cannot remember the exact

number - and the Town of Vincent prides itself on having some 1 100 buildings listed on its municipal heritage inventory. Geraldton is also a local government area which has drawn up its municipal heritage inventory - a most impressive local council. This unfortunate situation in the City of Perth - I have written to the lord mayor about it - has led to the demolition of heritage buildings within the City of Perth, and this is particularly common around East Perth and in Mount Street. I recall that some time ago Mount Street was to become a heritage precinct. That seems to have gone by the board and very few heritage buildings are left in that street. As a realist, one would have to say that that is largely because of rising property values.

My constituent, Mr Richards, has drawn my attention to the fact that he finds the latest proposed demolition of the art deco Berkeley flats in Adelaide Terrace totally unacceptable. He regards it as a fine heritage building, which certainly would be listed on the municipal heritage inventory if the City of Perth were obeying the law and had a municipal heritage inventory. Mr Richards talks a little about the history of those flats, describing them as an outstanding example of the art deco period, built in the international functionalist style, often referred to as "streamline nautical" - it resembles a ship in some ways - or "streamline moderne". He goes on to describe the charm of this particularly modest but attractive block of flats. He believes that they are an outstanding example of the type of design of flats at that time and speaks of their aesthetic, historic and social value and their high level of authenticity. He believes, therefore, that they are of vital heritage significance to the City of Perth. He also reflects on some of the history of the land, which was originally vested in the Salvation Army and bought by a private person in 1939, and that is about the time the flats were developed. He says that the City of Perth must comply with section 45, subsections (1), (2), (3) and (4) of the Heritage of Western Australia Act. He believes that the City of Perth should simply stop any further demolitions, including these flats, until this law has been complied with. He says that the city certainly should also assess the Berkeley flats for inclusion on the City of Perth's future municipal heritage register. It has a draft register, but that does not satisfy the letter of the law as I understand it. He wants to make sure that no further demolitions of possible heritage buildings take place in the meantime. He also calls on the Minister for Heritage and the Minister for Local Government to immediately issue a writ mandamus on the City of Perth to ensure compliance with the Heritage of Western Australia Act and to ensure that the City of Perth does not issue any further demolition licences until the law has been complied with. I bring that to the attention of the House on behalf of one of my more active constituents, who is frequently drawing matters of heritage concern to my attention.

I will address another matter, about which I have spoken in this House before. As the representative of the city, I share the concerns of most Western Australians about crime and antisocial behaviour on our streets. That is one of the reasons that I have been a member of a community policing committee called Citysafe for about eight years. I believe it is now called Safer WA City Safe, or words to that effect. It is part of the Safer WA plan which the Government has put forward and which seems to be an excellent idea. As a member of the committee, I am aware of the concerns of traders and visitors to the city, and I regularly attend meetings with police to discuss how to make our city a safer and more pleasant place in which to live, work and play. Recently I heard of a group made up of four charitable organisations which had opened a safe haven or call-in centre for at-risk young people in Aberdeen Street, Northbridge, and I applaud that. I had not heard about it until it was mentioned in a conversation with some other people concerned about safety in the city. I spoke to members of that organisation and asked them to provide me with some information about the organisation, which they did. They say that they have a vision to assist, support and encourage people to find an alternative, safer lifestyle. Their mission is to provide a service in the inner city offering information and support within a friendly, positive and safe environment. They have a house in Northbridge which provides all sorts of services to young people. Their goals are to establish mechanisms to coordinate and refer people to other organisations and to assist, as appropriate, to meet their needs. They want to develop programs through a community development process to address issues in the community caused by alcohol and drug abuse. That organisation is among a number of groups which address those issues in the area, because, as is well known to every member of this House, the community has a largish problem with alcohol and drug abuse. Their further goals are to establish a presence among the street-present young people - in other words, those young people who are frequently on the streets - in the inner City of Perth and to engage them in a process to identify and respond to their needs. They also say that their goals are to increase the self worth and decrease the feelings of isolation felt by young people at risk. I certainly applaud these goals and I wish this group of people well in the work they are doing in the inner city.

Other groups are active in the area. There are groups which are concerned particularly with looking after people who have a drug problem, as well as groups which are looking after young people who are on the streets at inappropriate hours. A Noongar patrol takes care of particularly Aboriginal youth in the inner city. A number of these groups are forming all the time. A couple of other groups were named recently in a public discussion about the best way to solve the problem of antisocial behaviour in the inner city. One group is a private foundation called Magic Koala, which comprises well-meaning people who are trying to set up a drop-in centre, which they wish to call Danny's Cafe. They have been trying in vain for some time to get some government assistance to acquire the use of a property in the city centre for a place for young people similar to the one I mentioned earlier. They believed they had a spot on a Westrail property on the western end of the city station, but they seem to have been pipped at the post for that property by another group which also works very hard in the inner city.

It used to be called Perth City Mission, but I understand it is now called Mission Australia. It will operate a different kind of facility on the same site. I understand Mission Australia will operate a holding centre for young people found on the streets late at night and who are considered to be at risk and perhaps inappropriately out and about at night. I shall develop this argument further.

[Questions without notice taken.]

Ms WARNOCK: I was discussing the issue of work for young people in the City of Perth. I mentioned a number of organisations whose work is concerned with looking after young people who find themselves in the City of Perth at unsocial

hours, as it were, and those young people considered at risk and in need of our concern. I mentioned Magic Koala and the place that it hoped to open for young people as a drop-in cafe underneath Perth railway station. The site which the group had been given to understand by the Government was to be available to it has now been made available for a holding centre for young people considered to be at risk on the streets, to be run by Mission Australia or Perth City Mission. There certainly needs to be a centre like that. Too many young people - sometimes extremely young people - are on the streets at night. Some of them have a serious drug problem; I do not think there is much doubt about that.

The Magic Koala group, however, is very disappointed not to be able to use what it considered to be a very good site, particularly since it believed that it was given to understand that it would have the use of that site. I have seen considerable correspondence on the subject from the Ministers for Youth, Transport and Family and Children's Services. The group, Magic Koala, which plans to be self-funding as far as ongoing costs go, is disappointed to have received what it considers to be a brush-off from the Government, while what it sees as some kind of detention centre will be going into this very accessible and suitable youth centre site under Perth railway station. I share their disappointment. I would like to see a casual drop-in centre near the inner city for young people who obviously need something to catch their attention and occupy their time.

It is obvious that a lot of the young people who are wandering around the city are causing problems not only to themselves but also to traders in the city and some of the other people who happen to be in the city at the same time. It is obvious those young people do not have enough to do. Some of them have no money to spend. They probably need somewhere to go which is sympathetic, and to be among a group of people who understand their concerns, and to have some things to do which will keep them out of trouble. I believe those young people have had a pretty raw deal from the Government. Some effort should be made on behalf of the Government to reopen negotiations on an appropriate inner city site. I emphasised that today when speaking about the many other facilities which are available to young people in the inner city, all of which I applaud. I applaud the good work that they are doing but I believe that something like Danny's Cafe would be a good idea. I urge the Government to reconsider its brush-off to the Magic Koala group and to have further discussions with it about the allocation of an appropriate site near the inner city.

MR CARPENTER (Willagee) [2.40 pm]: I take this opportunity in this debate to raise a few points on issues that have come to my attention in the past few days. On Monday and Tuesday of this week I had an opportunity to spend some time in Derby and then in Broome.

Mr Marlborough interjected.

Mr CARPENTER: I tried to get to Fitzroy Crossing but could not, and to Gascoyne Junction - my most favourite place - and I could not get there either. However, I did spend some time in Derby and Broome and I gave a guarantee to some people there that as soon as I possibly could I would raise some issues in the Parliament. I did not anticipate that I would be raising these issues quite so soon.

Mr Shave: For how long were you in Broome?

Mr CARPENTER: Half a day. I was there long enough to see the stairway to heaven.

Mr Shave: You didn't go out to Cable Beach?

Mr CARPENTER: No.

Mr Court: What night were you there?

Mr CARPENTER: Monday.

Mr Court: Was there a photographer at the stairway to heaven site?

Mr CARPENTER: There were thousands of people there.

Mr Court: A photographer is there waiting specifically for the tide, the moon, etc. He will be taking a shot for one of the magazines of one of the major Japanese airlines.

Mr CARPENTER: On Monday night?

Mr Court: Yes, that was his task; he was sent up there to do it on that night.

Mr CARPENTER: He may have been there as I saw TV crews there. It is a long time since I have been to Broome, not that the moon rising in Broome is a recent phenomenon, but I was overwhelmed by the number of people who were there to experience that sight; it was incredible. There would have been several thousand people at the location where I was. A Japanese photographer may have been among them. However, on Monday I went to Derby. Coalition members will find out at first hand about a major issue in Derby when they travel up there this coming weekend for, I believe, a Cabinet meeting on Monday, 1 November to discuss the tidal power station issue.

Mr Marlborough: On the coast?

Mr CARPENTER: On the coast. I have never seen a community as united with one voice over a project as I experienced in Derby, where every single person with whom I came into contact raised as an issue the desirability of having the tidal power station project go ahead. They were also concerned about the Government's apparent opposition to that development. I am interested to see what happens when the Cabinet meets in Derby on Monday, as I understand that a large expression of public support for the project is being planned and some concern is already being expressed about the potential outcomes

of that protest meeting. I just want to put on the record, as I promised the people in Derby, their very strong support for the Derby tidal power station project. I urge the Government, particularly the Minister for Energy, to look upon it favourably.

Mr Barnett: Are you going to share with us the Labor Party policy?

Mr CARPENTER: I told the people in Derby that I would raise the matter in Parliament. I am happy to say that I believe it is a great project. I have heard the Minister for Energy interviewed on radio expressing concern about the potential cost and so on and saying that other options are preferable. However, on the information that I have been able to read and the comments that were made to me by members of the Shire of Derby-West Kimberley on Monday, it looks to me to be a great project and one that this Government, in concert with the Federal Government, should do everything possible to advance. It will be a great opportunity lost if the project is not advanced. I have met the commitment that I gave to people in Derby; I have raised the matter in the Parliament; and I have urged the minister and the Government to take a favourable approach to that project. I wish the Government well with its visit on Monday, if it should announce something adverse to the Derby community's desires.

Another issue raised with me in Broome was an education matter. Broome has the only schools which are not classified as a hard-to-staff schools. I can understand at a superficial level why that would be the case because, obviously, people believe that Broome is a very attractive place in which to live and the Education Department would have no problem in attracting staff to work there. The problem is revealed when one delves a bit further than that and considers the conditions experienced by and the expectations placed upon teachers working in Broome schools. The teachers that I spoke to in Broome voiced their unanimous opinion that they have very difficult and trying conditions in the classrooms. In fact, teachers I spoke to, who have taught all over the Kimberley and in other outback areas, said that the working conditions and the difficulties with which they have to deal in the classrooms in Broome are greater than in any other location in the Kimberley. Because the schools in Broome are not classified as hard to staff, the teachers are significantly worse off financially than teachers in other schools in the north west and the Kimberley. The point that was made most strongly to me was that the work the teachers do in the schools and the problems with which they have to deal - a combination of the social difficulties that are compounded in Broome by high Aboriginality and a range of other issues that bring themselves into Broome classrooms - make the work there extremely difficult. Only during a relatively short time in the year are the actual living experiences very enjoyable. Teachers there wanted me to raise with the minister, the Labor Party and any other forum that I could find, the relative disadvantage that they suffer financially in the accumulation of transfer points by teaching in Broome.

Another issue, in tandem with that issue, is the very high transient student population in Broome - an issue also raised in Derby - where school classroom numbers fluctuate greatly during the year. I was told that in Broome High School the turnover rate among students is about 30 per cent; in some schools it is much higher than that. Effectively, teachers have to deal with a large number of students in one year, many of whom have a range of difficulties with their education, which difficulties teachers must deal with. I understand the financial constraints on the Government. The minister recently cut \$10m from Education spending, which is an obvious financial constraint. However, teachers in Broome have a genuine case when they say they are relatively disadvantaged compared with other teachers all across the north west and in the Kimberley. As I said, the information provided to me indicated that schools in Broome are the only schools in the northern half of the State which are not considered to be hard to staff and which, therefore, do not attract the financial advantages and incentive packages that the Education Department provides for other schools in the State.

Another issue related to education that was brought to my attention was the extremely low retention rates of students in Broome, setting aside the issue of extremely low retention rates of Aborigines in schools in the Kimberley, Derby and Broome. I was surprised to learn that Broome High School has a very small population of - off the top of my head - about 330 students, whereas in the catchment primary schools the number is around 1 000. A large number of students - the majority from the primary schools in Broome - do not proceed to the high school but, rather, take their education elsewhere. That is an unsatisfactory situation, when one considers that Broome is a major regional centre. Obviously, many of the students who move on to secondary schools, particularly upper secondary schools, transfer to the metropolitan area. However, they will do that only if they consider that the educational experience they are likely to receive in Broome is not as good as they will receive elsewhere. Now that Broome has reached the size and significance that it has in Western Australia, it is unacceptable that this situation should exist in the educational structure in that town.

Another aspect of the educational infrastructure which is glaringly absent - the minister may have raised this a couple of years ago but I am not sure - is the absence of a boarding hostel in Broome. I may be doing the minister a disservice but there was speculation at some time about an aboriginal boarding centre.

Mr Barnett: We are building an aboriginal hostel in Kununurra. I agree with the general premise that is being made; that is, that we need to have superb secondary education facilities in each of the major regional centres. The Government is doing that. It has been done in Esperance, we are doing it in Kalgoorlie and I am looking currently at Karratha. Also a major upgrade at Albany is under way.

Mr CARPENTER: As far as I am aware Albany has had several boarding facilities for a very long time, certainly when I was at school there and right back to the 1950's. Broome is now bigger than Albany was when I was growing up in Albany and there is no boarding facility in Broome. This has particular relevance to aboriginal children in the west Kimberley. So few aboriginal students proceed to upper secondary school at the moment because of a range of factors. I believe, and my belief was shared with the majority of people I spoke to, is that if there were a boarding facility for aboriginal students from around the Kimberley in Broome, many more of them would stay in the education system because they would not have to leave the district. They would not have to move to Perth or Darwin to pursue their education. The construction of a boarding facility for students is a costly exercise and not something easily committed to by the stroke of a pen. Social

problems ensue from the lack of educational facilities. They affect employment, general quality of life and the kind of activities that young people get involved when they do not attend school.

Mr Barnett: Let us see how the one in Kununurra goes and if that is successful we are planning to have one in Carnarvon and possibly Broome. There are mixed views about it both within the Aboriginal and the wider community.

Mr CARPENTER: I am not disputing that. There are mixed views about everything that one does. I am glad that there is some concurrence that it is a desirable development, regardless of what happens in Kununurra or Carnarvon. Given the burgeoning population in Broome and its significance in Western Australia, it is very unsatisfactory that it has such a tiny high school in comparison with the primary catchment and such a small number of students, particularly Aboriginal students, going on to upper secondary studies.

The retention rates in upper secondary schools in Western Australia are appalling. I have brought this to the minister's attention once or twice before and it disturbs and saddens me that it is not recognised as more of an issue than it is in Western Australia. There have been a few articles recently in the national press. There have been one or two articles recently in *The Australian* about the potential Australia-wide cost of the poor retention rates in upper secondary schools. As the minister knows, retention rates in Western Australia's upper secondary schools declined post-1993 to 1996-1997 when they levelled out. They may have picked up a percentage point or two in the past year. For an advanced country like Australia and a State like ours, it is scandalous for our secondary schools in some areas to have retention rates of less than 40 per cent. I do not lay the blame at the feet of any one person as this is a national issue. Schools in France, Germany, Japan, South Korea, America and Canada all have secondary school retention rates of 90 per cent or greater. The national average in Australia is below 70 per cent and in Western Australia it is approximately 60 per cent. The retention rate for boys to year 12 in country schools in Western Australia is less than 40 per cent, and this is consistent in the Kimberley and in the south west and goldfields areas. That is an amazingly bad figure. It is almost a third world figure - it is certainly the figure one would expect to find in a developing country. As a former teacher, the Speaker would know the importance of a child obtaining an education to further his or her life skills, employment opportunities and so on. I am staggered when I ask what country boys do once they leave school? Sixty per cent of country boys leave school before they finish year 12 and a large percentage of those leave school at the end of year 10 as 15 year olds. What potential is being wasted when these young boys leave school at such an early age? The retention rate for girls in country Western Australia is around 48 per cent, which is scandalous. The girls' retention rate in government schools in the metropolitan area is around 72 per cent. The disadvantage confronting students from non-metropolitan schools is huge. The figure for boys in country school is around 38 to 39 per cent. I thought that the days when there were such abysmally low retention rates in Australia and Western Australia were well and truly behind us. Only when I started to analyse the figures produced in a series of reports by the Education Department and others did I begin to understand that there are very high retention rates in certain metropolitan high schools and that has been masking the very poor performance of students in other metropolitan high schools and country schools. At the dawn of the information age we are consigning people to a very bleak future if we allow them to drift out of schools at the age of 15.

A week or so ago, the minister released a Curriculum Council discussion paper. It is a good paper and it addresses these points in some detail and displays an understanding of the issues that are at hand. I urge all political parties in Western Australia to get an understanding of the seriousness of the education issue that is facing us, to look at the propositions put forward in the discussion paper and to act with a sense of urgency and to not allow this matter to drift on for another decade or so. There is no future in the new millennium for students who leave school at the age of 15 with only a basic education. More than ever before, access to education means access to employment and other opportunities in life. Denying students that access will deny them those opportunities.

The Aboriginal student issue is a complex one and one which is difficult to deal with. However, we cannot allow to continue circumstances in which less than 20 per cent, and for aboriginal boys 12-13 per cent, of students go on to year 12. This will create massive social problems which will cost millions and millions of dollars to solve.

I wanted to bring these matters to the attention of the Parliament, specifically in relation to the commitments I gave to the people in Derby and Broome. Education is one of my shadow portfolios and I have grave concerns about what is happening in education. My other shadow responsibility is Family and Children's Services. Not surprisingly, I found that in the Kimberley area those two areas of government responsibility go very much hand in glove because Family and Children's Services often works with families, the children of which do not attend school.

Family and Children's Services staff I met in Derby and Broome appear to be doing an incredibly good job dealing with the many, multi-faceted social issues in that area. Some local initiatives have been taken for the delivery of services by Family and Children's Services in the Kimberley area, bearing in mind that 80 per cent of the people its officers deal with are Aboriginal, many of whom live in fairly isolated Aboriginal communities. The old approach of attempting to deliver services from the Family and Children's Services or "the Welfare" as it used to be known, from towns such as Derby, Broome and Kununurra has been replaced by a much more appropriate system, which I understand is an initiative of the regional manager, in which Family and Children's Services contract members of the Aboriginal communities to implement programs that will help their people. People in the communities are developing their own priorities and lists of projects. A community member liaises with the regional officers in places such as Broome and Derby. A funding arrangement has been established between the department and the communities. I understand that is working exceedingly well. It is an initiative for which the staff should be congratulated. I hope it continues to succeed as well as it has to date.

More broadly in relation to Family and Children's Services, I am surprised at the lack of headway that appears to be made with many of the social issues in the metropolitan area. A most unfortunate signal was sent to the people who rely on the

department when the story broke about the minister's Wedgewood tea set and the follow up story about the lack of funding for Christmas presents for wards of the State.

As a result of the furore over those two issues, I had cause to look at the *Budget Statements* this year concerning Family and Children's Services. When the estimates committee was examining the department's figures my attention was principally focused on an apparent budget blow-out of approximately \$10m for the last financial year. As I suggested, that was indicative of some problems with the department's budget management.

I re-examined the figures in the light of the controversy over the minister's tea set, art collection and furniture and lack of finance available to buy Christmas presents for wards of the State. From memory, page 507 of the *Budget Statements* indicates significant cutbacks in almost every area concerning children at risk and their families for this year. When I tallied the six or seven line items that dealt specifically with service delivery to young children in Western Australia I calculated roughly that the amount of money cut out of the budget available for young children was in the vicinity of \$6m. Again off the top of my head - I am stretching my memory - I think the figures are as follows: Spending on children's services was cut in this financial year by \$900 000 - almost \$1m. The allocation for parent services was cut by \$700 000. Already that indicates a \$1.6m cut in children's services and services for parents.

Services to parents are important because they are supposed to be provided for the most needy people in the State. The denial of any service to the parents will obviously have a flow-on effect to the children. This is experienced powerfully in Coolbellup, Willagee, Hamilton Hill and Hilton where many people receive assistance from Family and Children's Services. Any reduction in that service will have very undesirable ramifications for those children and their families.

Expenditure on family, youth and individual services was cut by \$170 000; family and safety services, \$400 000 this year; crisis support, \$2m, which is a tragedy; and child protection services, \$400 000. Child protection services exist for children who are being abused and are at risk of being abused; that is, the most vulnerable people in the community. That is unforgivable. Expenditure on care for children, which is the more general spending on children who are wards of the State and who need assistance from the State, was cut by \$200 000. Domestic violence protection was cut by \$80 000 which was perhaps one of the cruellest cuts we can imagine. People who deal with domestic violence in Western Australia, the women who work in the refuges and the social workers who try to assist the victims of domestic violence, are dedicated. They work for almost a pittance to help people in grave need, who are often in fear of their safety, who are brutalised and, on tragic occasions, even murdered by their partners. Cutting money from the domestic violence budget is unforgivable. Everybody to whom I have spoken in this field has expressed contempt for the Government's attitude to this critical area of activity and grave concern about the ramifications.

Cutting the budget in this area to minimise spending is false economics. It is easy to cut into budgets in these areas. The total cuts to which I have referred are in the vicinity of \$6m. It is easy to do that. Any fool can change numbers on a piece of paper and reduce expenditure in a department. However, inevitably, as occurs when we deny people access to good education or provide insufficient funding and resources to ensure they get a good education, costs balloon somewhere else. Sooner or later, these cutbacks will emerge as far greater costs and far more complicated problems will surface than those which would have existed if the money had been spent on them in the first place. Vladimir Illyich Lenin said that everything is connected to everything else. It might be the only thing he got right, but it is true. If we cut the funding available to a desperate family in need, all sorts of problems will emerge from that family. People under intense pressure, living in that environment will react in unhealthy and unfortunate ways.

Health problems, ongoing marital problems, marital breakups, drug dependence, alcohol abuse and domestic violence will increase. It will ultimately cost the State or the community tens of millions of dollars. The cuts to the Family and Children's Services' budget that occurred this financial year will ensure that sooner or later we will have a social disaster on our hands. We will need to spend far more money to come to terms with the problems we have helped create.

In relation to Family and Children's Services, it was an absolute disgrace that the minister should try to justify her expenditure of \$3 500 on a tea set for herself while her department has been slashing into its budget. She also spent \$5 000 on an art collection for her office and \$17 000 on office furniture. It reached the point at which, because of the budget cuts, the discretionary amount of money used by regional managers of the department for Christmas presents for wards of the State was not available. I have raised those matters and I have fulfilled the commitment I gave to raise them.

MR MARLBOROUGH (Peel) [3.10 pm]: My colleague, the member for Willagee, has gone extensively into the major and harmful cutbacks that have been initiated by this Government when it comes to looking after the needs of families and the community. Recently we have seen exposed in this Parliament a Government which seems to be committed to spending money excessively on all of the baubles of life, while at the same time ignoring the needs of the community that are required to be met to achieve a successful community. When I look at the list of cutbacks that the member for Willagee has gone through, it brings me to the starting point of my speech; that is, the effects of these cutbacks on my community.

Last week I received a telephone call from each of two mothers in Kwinana, one a school teacher at the local high school and the other a grieving parent. One mother rang me on Monday and the other on Wednesday. However, they both rang about the same matter; that is, since Christmas of last year, eight young men from the Town of Kwinana have committed suicide. It is a staggering figure when one looks at the population of Kwinana, which is 22 000. The eight young men who committed suicide were aged from 18 to 22 years. I was not aware of the figure. I was aware of two of the individuals and I knew the circumstances of their deaths. However, as the local member - I have been there for 13 years - I was confronted by two mothers, one of whom rang to tell me that I should be aware of this issue. I am aware of it because my son has been to all of the funerals. My son went to school with most of these boys and grew up in Kwinana with them. It is not a matter of laying blame as to the causes of those deaths, other than to say that it is fairly obvious when one looks at a town like

Kwinana, which has low-income families, many of which are single-parent families and obviously rely on government services and funding. Many of the problems associated with low income, single-parent families are highlighted as youngsters go through the school system. Unfortunately, when they come out at the end of that school system, many of them do not have the skills to cope with everyday life, the pressure of trying to find a job, the pressure of competing with other people who may be better educated and the general pressure that society brings to bear on young people these days. It is an area that needs some urgent attention.

I know in the past six months there have been headlines about suicide generally in Western Australia, but I am talking specifically about the Town of Kwinana. I have heard a lot in the media about Esperance, and Kwinana has a similar population and similar sorts of figures. There is an urgent need for the Government to start getting its priorities right. It is no longer appropriate, nor will the people of Western Australia accept, that a Premier can, without a great deal of cabinet support, make up his mind to build a belltower to house a gift of 16 bells which we received from England some years ago. Although the Government is committed to spending millions on that facility, which we now understand the public will be charged to enter, families in my electorate are crying out desperately for infrastructure that will help them manage each day of their lives; particularly they need help in the management and care of their children. I have said previously that not enough of the health dollar is spent in the south metropolitan region of this State, and the figures demonstrate that.

Mr Court: What do you call south metropolitan?

Mr MARLBOROUGH: Everything from Fremantle down to and including Rockingham.

Mr Court: Do you include Mandurah?

Mr MARLBOROUGH: No. Mandurah is not in the metropolitan area. The Government has the benefit of Mandurah being a country seat so it gets two members of Parliament for the price of one city member. That is why the boundary is there.

The truth of the matter is that 68¢ of every dollar spent on health - by "health" I do not mean only the major hospitals, but also areas of community and child health - in the metropolitan area in this State is spent in the northern part of the metropolitan area; that is from Perth to Joondalup. The other 32¢ in the dollar is spent in the south metropolitan region. The real impact of that imbalance of expenditure means that when it comes to providing appropriate psychiatric services, hospital beds and respite care in the south metropolitan region, we are lacking in comparison to what is available to the rest of the metropolitan area. Respite care, for example, does not exist south of Fremantle as a service provided by government. There is no respite care. Living in my electorate is an aged couple in their 70s who must travel as far as Midland to see their 45-year-old disabled son who has been institutionalised for many years. That is the closest respite care centre they can find for him. They live in Rockingham and are incapable of finding any respite care service in that region.

The psychiatric services being provided in Kwinana and Rockingham are second to none. The expertise and the caring nature of those people is to be admired. As a member I deal with them on a regular basis. There simply is not enough of those services. I ring them seeking help for families who come to me, and they must wait weeks before they can get an appointment to see an appropriately qualified person.

It is becoming increasingly clear that while that lack of services impacts on the community, the community becomes increasingly disgruntled with the present Government's lack of priorities. We have seen in this morning's *The West Australian* another miscalculation of the priorities of this State. This morning's announcement of the refurbishment of the Treasury building and the square which abuts it is inappropriate at this point. If we cannot build enough classrooms for children and cannot provide enough health services for the needy and are cutting back in all sectors of community care, what the hell are we doing, 12 months from an election, prioritising the refurbishment of a Treasury building that has been empty for a number of years? The argument about the future of that building is a separate issue. I say, on behalf of the people I represent, that it should stay empty for a little longer. The Government should recognise that not one dollar spent on the old Treasury building or the hotel facility will assist the families I am talking about in the metropolitan area.

Mr Court: No government money goes into it.

Mr MARLBOROUGH: I did not say it was government money.

Mr Court: To the contrary, the Government will get cash flow from the development. As an empty building it costs the Government money, but once it is operating as a hotel the Government will get payroll tax, land tax etc. It will help fund some of the facilities you want. We will earmark some of it for you.

Mr MARLBOROUGH: I am telling the Treasurer now that people are not reading the fine print. They see edifice after edifice going up under this Government and priorities not being met.

Mr Court: Do you call the new Peel hospital an edifice?

Mr MARLBOROUGH: I call the Peel hospital the worst form of political pork-barrelling I have ever seen.

Mr Court: Why is that?

Mr MARLBOROUGH: Because it is underpinned by the demise of services from the Rockingham and Fremantle hospitals. To meet the Government's criteria and to provide a private health system - which the Treasurer says is better run and managed but the Auditor General does not agree with him - the Government has taken services from state government instrumentalities. That is particularly the case in my area where services and doctors have been taken from Rockingham and Fremantle. I have received a letter this week from Dr Walker who is concerned that the options available do not allow him to provide neurology services to his clients in Rockingham and Kwinana. The Government has made cutbacks in the

Rockingham hospital and switched resources to the Peel campus. The Government has met the commitment it has to private health, as a Liberal Party, and in doing that it has stolen resources, money and budgets from other hospitals. When those private facilities cannot meet their obligations, the Government gives them more money.

Mr Court: I heard that when you go crabbing at Mandurah and are injured, you use the Peel hospital.

Mr MARLBOROUGH: I do not know who told the Treasurer that story, but I have never been crabbing at Mandurah. It is apparent from the nervousness of many government backbenchers that the community is waking up to the fact that the priorities of the Government are not meeting the community's demands. The Government has allocated \$450m for the Northbridge Tunnel, and funds for a belltower and refurbishment of the Treasury building.

Mr Court: And rail to Rockingham.

Mr MARLBOROUGH: Under this Government, I will not see the rail service extended to Rockingham in my political lifetime.

Mr Court: You are not planning to go next year.

Mr MARLBOROUGH: Is the Treasurer promising to establish it next year?

Mr Court: We hope to start building it next year.

Mr MARLBOROUGH: When does the Premier hope to get it to Rockingham?

Mr Court: I have given you the figures, but the fastest time is by 2005. It will fit into your political time frame.

Mr MARLBOROUGH: The Government will start building next year?

Mr Court: I said we have given you all the timetables for it.

Mr MARLBOROUGH: Has the Government made up its mind whether the rail service will go into the Rockingham city centre?

Mr Court: No.

Mr MARLBOROUGH: Will the Government make up its mind before it starts to build the railway?

Mr Court: Yes. What do you think should be done?

Mr MARLBOROUGH: Whatever furthers the interests of the people of Rockingham.

Mr Court: That is a political answer.

Mr MARLBOROUGH: It is an excellent answer. I will be right behind whatever meets the needs of the people of Rockingham. I would like the Treasurer to advise the people of Rockingham exactly what the Government is doing with the railway.

Mr Court: Then you will accuse us of pork-barrelling Rockingham.

Mr MARLBOROUGH: It would be only a small part - probably the hindquarter of the pig because the rest will go to Mandurah. It might be the pig's trotter, because the rest is already in Mandurah. There will be nothing left but a sniff of it in the air and a bit of bacon.

I have spoken about the health services, specifically the psychiatric services, that are so desperately needed in the Rockingham-Kwinana area. I now refer to respite care. It is now well beyond the time when this Government should do something for the 80 families in that area who spend most of their lives looking after their severely handicapped children in a home environment, which costs the Government very little money and very few resources. In many instances these days they cannot get the equipment they need to look after these young people.

I give an example of a family I am dealing with in my electorate at the moment. I have raised this matter before. My constituent has a severely disabled child who is 12 years old. The mother has a holding frame which she puts him into so that she can shower him without his falling or injuring himself. She has had the same holding frame since her child was two and a half years old. She has asked the department to upgrade the frame and has been told that no money is available for that purpose. The child requires a bed that is no different from those provided in hospitals. It must have sides that can be raised so that the child is safe during the night and does not roll out of bed and injure himself. The child has the fully developed body of a 12 year old and is incapable of looking after himself. He is cared for by his parents, primarily his mother. He has had the same bed since he was two-and-a-half years old, and it is now falling apart. When the mother applied to the appropriate authority for a new bed, she was told that no money was available for it. This is a real case, happening right now. We had to go outside the government system to Catholic Care, which has provided assistance for this family. I pay particular tribute to Catholic Care for what it did. The Government says it does not have the money, yet it continues to find money for belltowers and Treasury buildings that could be put in mothballs for the next 10 years - until we get our priorities right.

Mr Court: You would leave something gifted to your Government in mothballs.

Mr MARLBOROUGH: The Premier is the only member on the Treasury bench to articulate that argument. I have not heard the Leader of the National Party, the Deputy Leader of the Liberal Party or any other member opposite mention that the bells were gifted and, therefore, we should provide a building.

Mr Court: Ring Ron Davies!

Mr MARLBOROUGH: I know him very well and I know what he would say. He is not only a gentlemen but also one of the most caring people one could wish to meet. He would say what I am saying; he would say, "Norm, it is not appropriate to worry about housing these bells other than in wooden cases at this time."

Mr Court: The problem is that he has already said the opposite.

Mr MARLBOROUGH: It suits the Premier to continue on with his belltower and to stay in a time warp.

Mr Court: He has written to the newspaper about it.

Mr MARLBOROUGH: Everyone else is moving forward. Every day brings greater need, and every day we see further cutbacks in government spending. People's priorities are constantly changing. The Premier is trying to convince everyone that our priority should be some bells from England that are safely stored in wooden boxes. When it is built, the belltower may well be the finest building in the world, but now is not the time to build it. The Premier's priorities are wrong. The community is screaming out for money to be spent to improve health care, child care, education and so on.

Members opposite came to office telling everyone that not only would they deliver a balanced budget but also that we would all benefit as a result. The Premier is falling into the same trap his mate in Victoria fell into. Not everyone is benefiting; in fact, very few are enjoying any benefits. Those living in the Perth CBD are likely to be the major benefactors of government expenditure of taxpayers' dollars. Those living in the outer suburbs of Kwinana and Rockingham will have to wait.

Mr Riebeling: It took six years to build a railway.

Mr MARLBOROUGH: It will take another six years to build it. That is after seven years in government. It is simply more evidence of the Premier's misplaced priorities.

Schools in my electorate have very professional teachers who work all the hours that God sends to maintain appropriate standards. They work during their lunch breaks, at home and out of school hours to assist children. In the face of that, they see a lack of resources for key positions in many schools. Schools in my area that previously had a music teacher no longer have one. Schools that had a psychiatric service for four or five days a week now share a service between six or seven schools. Schools that had specialist drama teachers now have to decide whether they will have someone with drama skills or someone with a general classroom background. The education system has been run down. That is particularly evident in my electorate with the provision of school facilities, particularly in the primary school system. Four of the eight most crowded primary schools in Western Australia are in Rockingham. We urgently need -

Mr Court: What is your electorate?

Mr MARLBOROUGH: I have two-thirds of Rockingham in my electorate. The member for Rockingham has a pocket handkerchief area in which there is no growth because the land was built out years ago. I have the growth area in my electorate. Over the past eight years approximately 35 to 40 houses have been built each week in the Warnbro-Port Kennedy area. In the past eight years the number of constituents in my electorate has increased from 20 000 to 40 000. It is a massive growth area. The next budget must include funding for the construction of a new school in the east Waikiki area. The schools surrounding it have 1 100 or 1 200 students.

Mr Court: Where do the Port Kennedy kids go?

Mr MARLBOROUGH: They go to a new primary school. The Waikiki school is closer to Rockingham. That area is served by Charthouse Primary School, which has over 1 100 students, CooLoongup Primary School and the Waikiki school. It is interesting to note that there are 38 purpose-built classrooms and 42 demountable classrooms in the area. There are more temporary structures than permanent structures! At least one of the schools was built in the 1960s. It is totally inadequate; it has asbestos roofing and weatherboard classrooms. We urgently need a new school. The member for Rockingham and I took the Minister for Education to the area 18 months ago to try to convince him of the need for a school. The parents are crying out for a new school, and that need cannot be ignored while the Government spends money on belltowers in the Perth CBD.

Approximately 40 000 people live in Mandurah, and it is served by about 74 police officers. Rockingham has a population of 66 000 people, and it is served by 52 police officers. Kwinana has a population of 22 000, and as of last Monday its complement of police officers was 19. The number of police officers in Kwinana has been reduced by seven in the past 18 months. Those figures illustrate that a population of approximately 88 000 people - more than double that of Mandurah - in Rockingham and Kwinana is served by 71 police officers compared to 73 in Mandurah, which has a population of 40 000. It is no use arguing that those police officers cross boundaries and that they will help out if they are called. The complaints from the local community suggest that that does not happen. We have fine police officers who are doing a tremendous job throughout the State. Those in my electorate are over-worked and under-resourced.

A complement of 19 police officers means that there is no proactive policing in Kwinana. Officers cannot be proactive when they are battling to cover all the shifts. Police officers on sick leave are not replaced because there is insufficient staff to fill the gaps. How can the Police Force be proactive? It cannot be proactive when officers must close the police station at five o'clock in the afternoon. Officers are simply not available for the community. It is not a matter of officers being in a police station; I want to see police officers on the streets, knowing all the families and getting to know the kids who can be part of the problems we face. Unfortunately, we do not have enough police officers to do that. The last statistic I mention

on the Police Force is that the average police officer to population ratio in the Perth metropolitan area is one police officer for every 625 people. In the Rockingham-Kwinana area there is one police officer for every 1 400 people. That is how ridiculous the situation is. The problem must be fixed immediately. If it is not fixed, we will continue to have problems where communities are unable to cope with law and order issues.

MR RIEBELING (Burrup) [3.40 pm]: I wish to contribute to the debate about the Government's request through this legislation for an additional staggering sum of \$348m. This Government was elected on the basis that it was a better economic manager than the Labor Party. One of the interesting lines used during the campaign that saw the coalition win government was that the nasty old Labor Government was using a Bankcard and was not actually controlling the budget and debt was building up. This Government said it would balance the budget and reduce debt.

Mr Court: We have done that.

Mr RIEBELING: Debt has been reduced only by the Government's selling everything it can lay its hands on. It sells every saleable asset. Debt has been reduced by about the same amount - I understand it is slightly less - as the cost of assets that have been sold.

Mr Court: The Labor Government used to sell assets and then spend the money.

Mr RIEBELING: No, the Labor Government bought assets.

Mr Court: No, it did not.

Mr RIEBELING: What about the northern rail link? Is that not a fine asset?

Mr Court: It was bought with borrowed money.

Mr RIEBELING: It is borrowed money. Anyone can repay a debt if he sells assets. The Government's answer to the debt level is to reduce it not by managing the budget but by selling assets to the highest bidder in private industry and then renting them back. Somehow that is good economic management. Somehow, the sale of assets, the reduction of the State's capacity to deliver services, and renting them from the private sector is good economic management. The legislation before the House has been presented by those brilliant economic managers. The last paragraph of the Bill states -

The sum of \$348 154 996 being payments of an extraordinary or unforeseen nature . . .

This Government is telling this Parliament that this group of good managers has allowed \$350m of unforeseen expenditure. My reading of the Bill indicates that the figure last year was a paltry \$250m. The Government has exceeded last year's incompetence by about \$100m. This piece of legislation - which will no doubt go through this House - indicates that the system of selling assets and renting them back is costing more. People in country Western Australia do not wish to see the continued selling off of Western Australia's asset base so that the Government can pay for a short-term gain in debt levels. Our resources should be properly managed and budget expenditure should be curtailed so that debt levels do not blow out.

Items of expenditure for various departments are included in the second schedule of the Bill. I put it on record that there are major concerns in my electorate about these areas. They have not been addressed and do not look like being addressed, yet substantial amounts of money are being allocated to those departments far above what was allowed for in the budget. Despite this, there is still no action about the major concerns for infrastructure and services in country Western Australia.

The member for Peel indicated that the Premier might think the people of Western Australia are behind the building of the belltower, the construction of the Northbridge Tunnel and the various other projects he favours. However, in country Western Australia - especially in my electorate - there is no great desire to see the belltower. The Premier may be shocked to hear that, but it is the case. There is no great desire for \$400m to be spent on the Northbridge Tunnel. There is a great desire to have the Tom Price-Karratha road constructed. This Government promised to construct that road within four years of re-election. It now tells the people of Tom Price and Paraburdoo that there is no money and the priority of the road is such that construction will not commence until 2009. I think members opposite will re-adjust that commitment just before the next election and promise to build the road within the next four years if they are re-elected.

Mr Bloffwitch: Is the member still talking about that road?

Mr RIEBELING: I will keep talking about it until black tar is on the ground and it is finished. That will not be as long as the member thinks because the Labor Party will be on that side of the House in the next 18 months.

Mr Sweetman: The Opposition will need to do better than it did in question time.

Mr RIEBELING: Construction of the road will commence and it will be finished in four years when we are in government. This Government's true commitment to the people of the Pilbara is starting to show as more people hear about the Government's lack of sincerity. The member for Ningaloo should be concerned about the Government's lack of commitment to country Western Australia. I am sure he knows what I am talking about. This legislation commits \$60.5m to the Education Department. In the inland Pilbara region, the town of Tom Price sticks out as an example of the Government's total neglect of facilities. I have given the Minister for Education a video of what happens to the kids at the north Tom Price Primary School when it rains. The walkways at the north Tom Price Primary School do not have a roof but have wooden slats. The kids get absolutely soaked when it rains. That problem could be solved permanently for a small amount of money. A more expensive item in the legislation is the embarrassment this Government should feel that in 1999 a senior high school in the hottest part of this State does not have a gymnasium. I am told that apart from the Margaret River Senior High School, it is the only senior high school in the State without a gymnasium. It also does not have a canteen. Presumably when a

gymnasium is constructed, if it ever is, a canteen will also be attached. It is not because the Minister for Sport and Recreation does not know about the problems. In Hon Norman Moore, we have the previous Minister for Education -

Mr Johnson: He is an excellent minister.

Mr RIEBELING: Yes, he was. He is also the Minister for Sport and Recreation - he has been responsible for the two funding bodies for gymnasiums. This same person was a deputy principal of the Tom Price Senior High School many years ago. He cannot argue that he did not know it is the only school in the State without a gymnasium. He was actively involved in the school. He has been the minister with responsibility for the two departments that could have solved the problem, but he has totally ignored the needs of the people of Tom Price. The current minister, at least, has taken the time to look at the problems in north Tom Price and at the Tom Price Senior High School, and said that, as soon as possible, there will be a response in the budget. I hope that, if the Minister for Education has an opportunity to speak in this debate - perhaps the Treasurer will do so - he will tell us that the problems in Tom Price will be solved by the \$60m allocation. Somehow I doubt that will be the case.

An additional \$32.2m is being allocated to the Department of Transport. One would hope that the Government will have a sense of decency and commit at least a portion of that money to start the road to Tom Price. We have been advised in this place that work on one of the problem areas of the road from Point Samson to Karratha, which floods on a regular basis, will be included in the upcoming budget. I have urged the Minister for Transport to bring that forward as a response so that when there are heavy rains in the Pilbara region, which usually accompany the cyclone season, the kids who go to school in Karratha do not get trapped there and have to stay overnight away from their families, as happened last year. I doubt that will be the case, but we will see the outcome when the Treasurer justifies this huge amount of unexpected expenditure.

The Bill then refers to an area which has caused many problems in the north of State and regional Western Australia in general. One thing members on the other side must appreciate is that people leave the Pilbara region because their positions become redundant or because of the provision of inadequate health and education services, both of which are provided by the State. So bad and so substandard is the Government's delivery of those key services that people are leaving the Pilbara region. Sometime in September, the Minister for Health announced that a review of the patient assisted travel scheme would be released in early October. I am glad the minister has come into the Chamber. My recollection is that on 1 October, or thereabouts, the new guidelines were to be released to the public. It is now 27 October, and we are yet to see the new guidelines. I hope the Minister for Health is able to supply us with a copy of the new guidelines today so that we can see what is included in them. The proud announcement of an increase of 2¢ in the mileage allowance, which was supposed to solve many problems, does not appear in the pamphlets handed out by the hospitals. There are no new pamphlets to tell us of the benefits of the new improved patient assisted travel scheme or of what services will be included in the scheme.

The people of the Pilbara get very disappointed by the delayed release of these sorts of reports. Once again, we have to guess what is in the guidelines until such time as that information is given. A week and a half ago, a commitment was made to my office that we would get a copy of the new guidelines. Perhaps the minister, through interjection, can advise whether they are available.

Mr Day: My understanding is that they were being done. I will investigate why they have not been made available. That is all I can say.

Mr RIEBELING: If they have been made available, I also would not mind being told where, so that people in the country can know what is in them.

Mr Day: I'll find out for the member.

Mr RIEBELING: That would be very good. As the minister does not intend to speak in this debate, perhaps through interjection he could tell me whether there has been a major increase in the provision of orthodontic services, hearing aids and things of that nature.

Mr Day: Orthodontic treatment is not generally covered by the patient assisted travel scheme.

Mr RIEBELING: I hope the minister will say that it will be under the new guidelines.

Mr Day: I have never indicated previously that it was likely that it would be covered by the patient assisted travel scheme. As to the need for hearing aids or treatment for hearing problems, I assume in some cases that funding would be available through the scheme, but I will need to check the detail of that.

Mr RIEBELING: For the information of the minister, I conducted a health survey in my electorate about the problems people are experiencing in the system. There were two major health concerns. There was general universal approval of the services provided. All people are appreciative of the services that are available there. There is no mass criticism of that; however, there is a criticism of the operation of the patient assisted travel scheme which I have told the minister about, not once but 10 times. There is also a major concern over the lack of specialists available. An issue raised with me recently is that sufficient work is available to base a surgeon in the Karratha area. I am told by medical people that it would be cost efficient to do that, but I do not know whether that is right. I presume the Health Department of Western Australia would be able to say whether there is sufficient work to justify that allocation.

Another area of concern is disability services. Some months ago we were told by the Minister for Disability Services that an announcement would be made which somehow would balance the problems of subsidies given to parents or carers of kids with disabilities. A certain amount of money is allocated for therapy and access to specialists, which is uniform across the State. One might think that is fair because everyone will get the same. However, the people in Karratha must use that

allocation of money not only to access the specialists but also for the travel component of the specialists. The amount that can be spent on accessing a service is reduced because there is no allowance or appreciation of the fact that that service must come 1 000 miles, or 1 600 kilometres, to access the client. It was indicated very strongly that there would be a positive announcement for country kids that would rectify that discrepancy so they could have access to a similar number of hours of service as do those in the metropolitan area.

People involved with disability services in my area are extremely disappointed that this commitment has not been met. It appears that the statements from an officer of the department - I do not know whether the minister knew the statement was to be made - quite strongly suggested that a positive announcement would be made and that the minister would rectify the problem.

[Leave granted for speech to be continued at a later stage.]

Debate thus adjourned.

SELECT COMMITTEE ON THE PERTH MARKET ACT 1926

Establishment - Motion

Resumed from 13 October on the following motion moved by Mr Brown -

- (1) That a Select Committee of the Legislative Assembly be established to investigate and make recommendations on a range of concerns raised by growers in relation to the marketing arrangements provided under the Perth Market Act 1926, including to -
 - (a) determine whether the Perth Market Act 1926 is being adequately enforced;
 - (b) specifically examine the degree to which S.27 and S.28 of the Perth Market by-laws 1990 are enforced and the degree to which those provisions are able to be subverted by "terms of trade" contracts;
 - (c) examine the implementation of trust fund arrangements, under which funds derived from the sale of produce and which is due to growers can be held in trust until paid, and further, whether the Perth Market Authority (PMA) ought be the trustee;
 - (d) investigate means by which greater transparency of transactions between growers and purchasers can be provided within the Perth Market system;
 - (e) determine whether there is a need for a permanently established audit system which is empowered to follow market transactions, from grower to consumer, in order to provide such transparency;
 - (f) examine the degree to which any conflict of interest exists between growers and agents who also operate as wholesalers, merchants and retailers;
 - (g) determine whether the levels of commission and fees such as the ripening fee for bananas are justified and are equitably applied;
 - (h) determine whether adequate feedback is provided by the system to growers from agents, retailers and consumers which allows for appropriate market signals to be provided to growers;
 - (i) determine whether practices employed at the markets, the retail sector, and all links of the market chain, including transport are of the same quality standard as those which producers are required to adhere;
 - (j) determine whether importers of produce are required to adhere to the same quality and quarantine requirements as apply to Western Australian producers;
 - (k) determine whether the Saturday cash market operates with integrity;
 - (l) investigate concerns that prime WA produce consigned to the markets finds its way interstate without going through the proper market transactions, fumigation and other requirements;
 - (m) determine whether the present regulations relating to market trading hours are adequate and able to promote efficiency and quality in fresh food markets;
 - (n) investigate whether the major retail chains are able to, or do in fact, manipulate market prices by any means including the interstate movement of produce;
 - (o) investigate claims that rebating arrangements exist between the major retail chains and their suppliers, and specifically whether the chains charge agents and persons who deal directly with them a "rebate" in order to ensure prompt payment by the chain;
 - (p) determine if a conflict exists between the PMA's commercial interest in Market City and its role of market regulator, and to determine whether the Market Trust is the best and most appropriate body to administer operations at Market City;

- (q) determine if a need exists for an independent appeal process to resolve disputes between stakeholders in Market City;
- (r) examine any potential conflict between the PMA's strategic plan and the State Government's policies and objectives for rural and regional WA;
- (s) investigate claims of collusion between market agents and the PMA Board, and to refer any such claims to other authorities as the committee considers necessary; and
- (t) examine the review of the Perth Market Act 1926 which was conducted as a response to national competition policy.

(2) That the committee present its final report by 16 March 2000.

MR BROWN (Bassendean) [4.03 pm]: On the last occasion this motion was before Parliament, I outlined a number of reasons for government support for the establishment of the proposed select committee. I turn to a number of the proposed terms of reference to explain further. Proposed term of reference (c) reads that the committee will -

examine the implementation of trust fund arrangements, under which funds derived from the sale of produce and which is due to growers can be held in trust until paid, and further, whether the Perth Market Authority (PMA) ought be the trustee;

Growers have lost considerable sums of money as a result of agents going bankrupt. Proposed term of reference (d) outlines that the committee will -

investigate means by which greater transparency of transactions between growers and purchasers can be provided within the Perth Market system;

That is, the committee will look at the transparency at the point of sale of produce. Growers currently enter an arrangement with an agent to sell produce. Growers in country areas do not have the opportunity of day-to-day visits to the market; therefore, an element of trust must exist between the agent and the grower. The agent has what should be a strong fiduciary duty to represent the grower and achieve the best price possible for him depending on the market conditions. The agent should disclose to the growers the amount that was received for the produce. Commission should be deducted from the amount received, the rest of which is remitted to the grower. That does not happen on every occasion. There is concern among growers, in a variety of areas, that a high level of transparency should be evident to see exactly what the produce sold for and the amount of commission deducted.

The other concern of growers is that some agents also act as wholesalers who purchase from the agent. That can be a difficult position for a grower. He entrusts an agent to sell his produce. Encompassed with that trust, the agent can operate as a wholesaler. Does that mean that as an agent he is trying to sell produce for the maximum possible price for the client - the grower - or is he trying to buy it at the cheapest price possible as a wholesaler? It raises conflict of interest concerns by growers. Proposed term of reference (g) states that the committee will -

determine whether the levels of commission and fees such as the ripening fee for bananas are justified and are equitably applied;

Growers have drawn to my attention that the fee has been applied in areas where bananas have not been through the ripening room, and not applied where bananas have been brought in from interstate and have used those ripening facilities. The concern is that the fee has been applied when it should not have been applied. Proposed term of reference (k) reads -

determine whether the Saturday cash market operates with integrity;

This is a key issue. The committee will consider the integrity of the Saturday cash market and whether produce is held back to satisfy that market to be sold at a price lower than that ordinarily achieved.

One could go through each of the proposed terms of reference to outline the nature of the concerns felt by growers. I now briefly refer to some letters I received from growers concerning recommendations to this proposed select committee. The first letter, dated 20 September 1999, reads -

Many thanks for your interest in the Carnarvon Horticulture Industry and our concerns regarding the "proper" sale of produce at the Canning Vale market.

I agree with Mr Sweetman's comments on radio and also endorse your draft terms of reference. I think is complete and should give us some answers.

One of my many concerns is the fact agents can act as commission agents and merchants at the same time.

I also disagree completely with the agents nett price policy.

Your proposal for trust accounts and some other form of ensuring the safety of growers' funds after the sale of produce is very important. Growers should not have to insure against agents becoming insolvent, as the trust wants.

Mr House: Who was that from?

Mr BROWN: It was from a Carnarvon grower. Another letter reads -

Dear Mr Brown

Regarding your letter concerning the markets, we fully support the inquiry.

After dealing with the markets for 12 years we have had a very good working relationship with all agents that we have dealt with, but since the "Gate Price" system has started we are very confused and disappointed with the result.

We are totally against the Saturday market. We feel that it encourages the agents to hold on to the produce and it also encourages some growers to market inferior fruit knowing that they can make a couple of dollars for a box.

Mr House: Who was that from?

Mr BROWN: Another grower in Carnarvon. Another letter from a grower in Carnarvon reads -

I wish to thank you for the efforts that you have undertaken thus far on behalf of growers. You will find that other growers in other areas too have the same problems with the market system.

I received a very long letter, with a memo, from which I will quote in part. It is headed "Market Inquiry Memo", and the paragraph titled "Background" reads -

The Chairman of the Perth Market Authority, Graeme Anderson, recently said on ABC's Country Hour that some horticulturists in the Gascoyne Region are unprofessional and behind the times. This blasting comes after the Member for Ningaloo, Rod Sweetman, . . . called for a Parliamentary Select Committee to investigate Market City.

Chairman Anderson's comments are similar to Bertolt Brecht's famous joke about the East German Communist Party - "that the party had lost faith in the people and must therefore elect a new people." Chairman Anderson also said that all necessary changes have been put in place.

For example, on October 21 1996 a report from the committee established by the Perth Market Authority to identify issues which adversely impact on transactions between growers and agents at Market City was presented to Primary Industry Minister Monty House.

PMA Chairman Graham Anderson said the committee (GATT) report would introduce transparency in the system and promote more trust at all levels. "Recommendations in this report should reduce many of the preconceptions that agents are rorting the system by accounting for where produce is going to and coming from." Mr Anderson said that Perth Market City now had its finances in shape and this year (1996) record a surplus. This was attributed to the *privatisation* of site management bringing costs down and a three per cent reduction in interest rates.

The PMA is attempting to determine and implement the most suitable structure for it to operate in the context of a *deregulatory* environment. The 1982-2002 Corporate Plan of the PMA in objective 4: "*In the context of an emerging deregulatory environment to determine and implement the most suitable structure for the Perth Market Authority*" (PMA, 1998, pg 4).

In 1998, following concerns from growers regarding losing money with the folding of three major market agents which made up 33% of the trading floor at Market City, the PMA agreed to address two of the more than thirty issues identified by the Committee (GATT) report of 15/10/96. These two issues were:

1. Reform of By-laws - Control Of Trading - May 21 1998
2. Grower Protection for certainty of payment and insurance scheme-August 1998.

The PMA mailed out letters to industry grower groups and called for submissions on the proposed changes to the By-laws. The PMA established an Insurance Committee and held regional public meetings regarding grower protection and insurance scheme.

It is apparent that, in the course of the consultation process over the last two years, a majority of grower stakeholders have expressed great reservations regarding the two issues including:

- * From the start, growers supported the proposed central credit system put forward by the South West Zone of the Fruit Growers Association. Despite little support, the PMA continues, through the Insurance Committee, to promote their recommended insurance scheme which was a failure.
- * The PMA appears to be embracing the concept of *deregulation* in regards to their support for the terms of trade agreements written by the Market Agents which appear to allow the Agents to ignore the amended by-laws. This is contrary to the message from growers who are saying that, without them and the amended *statutory* by-laws, there will be few growers left to support Market City.

Further on, the writer canvasses the question of which direction to take next.

Correspondence has been received from the Rainbow Coast Commercial Horticulturalist Group in Albany expressing general support for the establishment of a select committee. This proposal has not been dreamt up by the Opposition in isolation from people in the industry. Its terms of reference have been distributed and the comments received from various parts of the State indicate support for it. On that basis, there are strong and cogent grounds for these matters to be investigated.

As I said when I wrote to the Minister for Primary Industry some time ago, if the terms of reference are not appropriate I will be happy to discuss more appropriate terms of reference with the minister. I would not like to hear any argument that

this select committee cannot be supported because the terms of reference are not properly crafted. That argument would hold no water because the letter seeking the minister's advice on suitable terms of reference has been with the minister for some weeks. As I have not heard anything, I assume that either the terms of reference are suitable and the Government will support the establishment of a select committee or that it will not support any select committee no matter what the terms of reference. This debate should not be spent raking over one item or another or debating the fact that a term of reference is inappropriate or wrongly worded.

In the time available I have provided good grounds for the establishment of this select committee. The issues are not new. As I indicated on the last occasion I spoke, they have been the subject of previous parliamentary inquiries. They remain at large and are the subject of discontent among growers, certainly in Carnarvon and in other parts of the State. A select committee will go no further than examining the issues. What might come out of the select committee remains to be seen. However, it will be an opportunity for all parties represented in this House to examine growers' concerns, and to make a clear set of recommendations for government to consider.

Nothing in the terms of reference suggest in any way that this is about government control of prices. Markets are markets. Prices increase and decrease. This committee will not examine control of prices. However, growers have argued that a coherent set of rules must be established which are fair to all of the players, and which recognise the market system. People must know what are the rules of the game and be satisfied that they are fair and equitable. Prices may increase or decrease depending on demand and supply and the levels of quality that the market has to offer.

If a select committee is established at least the growers who raised this matter with me in Carnarvon and elsewhere around the State will know that their issues of concern will be investigated in detail and that recommendations will be made to the Government on those matters. Whether they support the recommendations or whether they will be appropriate remains to be seen. The establishment of a select committee will create an opportunity to lay open the industry, examine it in detail and provide some workable proposals that will give growers, and perhaps other players in the market, greater confidence in the system and show that we can implement a system that will improve the integrity of the operation. I seek the support of Government members for this proposal.

MR MacLEAN (Wanneroo) [4.18 pm]: Members will appreciate that with an electorate that comprises half of the horticultural industry in the metropolitan area, I have an interest in this matter. The last investigation into the metropolitan markets was when they were located in West Perth. An upper House inquiry was held, one of the members of which was Hon Sam Piantadosi. The initial inquiry was into the fruit industry in Western Australia. During that investigation it became apparent that the major problem was not the quality of the fruit but the way the fruit was managed once it reached the metropolitan markets. The inquiry made some scathing comments on the market system. It also made some worthwhile recommendations, many of which were adopted, and as a result the metropolitan market system was established in Cannington.

When I first became a member of Parliament, I was very interested in the report on the fruit industry in Western Australia. I had some long chats with Hon Sam Piantadosi, who used to work at the markets. It became apparent that, while some surface changes had been made, the culture of the industry was still very much the same. After discussing this with the Minister for Primary Industry and some of my other colleagues, we were invited to the metropolitan market and we met with the market board. It highlighted a number of changes. Over the past four years, the metropolitan market management has endeavoured to address most of the issues that the market antagonists have raised.

One of the biggest problems with the market is that it is a cash industry. In a cash industry there is always the perception that someone is missing out. One of the biggest problems for growers in my area was the Saturday market, which was a cash disposal of unsold produce. During that time there were instances when people were informed that their produce was unfit for human consumption and would be disposed of. Then, when they went to the Saturday market, they would find that it was being disposed of to the public in a cash sale manner. It was not on the market gardener's books and it was not shown as having been sold. The management of the Perth Market Authority has endeavoured to rectify these issues, but more perceptions are still outstanding.

One perception that persists in the metropolitan market is that someone is being taken for a ride. It is very easy for a market gardener who is operating outside the metropolitan area or is not close enough to the market to see things, to have the feeling that if his produce has been declared unfit and has been disposed of, that is not what has actually happened. In the past, instances in which growers have found their produce on the sale floor on Saturdays has led to this aura building up around the markets. The aura that exists around the markets - I am one of the first to admit that it is mostly perception these days - is affecting the industry to the point at which it could become unviable. There have been instances in which agents have gone bankrupt because of gardeners' perceptions of their abilities to meet their commitments. That is just perception. If the market gardeners in my area have the perception that the market is no longer acting on their behalf, because we live in Wanneroo and it is 50-plus kilometres to Canning Vale, why should they travel that distance? Why should they not go direct to a lot of the shops? Many of my market gardeners go direct to the shops. The big shops come to them and they go to the big shops. They sell direct to the smaller shops. That is undermining the market system in Western Australia. It is very good for the market gardeners, especially the bigger ones.

We must address the perception that the metropolitan market system is flawed. We must address the perception that if a market gardener puts his produce into the markets, he runs the risk of being ripped off. The margins on market gardening are not so great that gardeners can afford to lose a crop. The margins are not so great that they can afford to lose a shipment to the markets. Because the request for the select committee will address these issues and perceptions, I feel bound to support my market gardeners by supporting an inquiry into the metropolitan market system.

MR SWEETMAN (Ningaloo) [4.24 pm]: I certainly support an inquiry into various activities of the marketing system as it operates currently. I am probably the reason this motion is before the Parliament today. Since I became a member of Parliament, I have tried to get some greater equity and transparency, particularly for the growers on the Gascoyne River in Carnarvon who feel as though they have been hard done by under the present system. My initial concerns were relayed via the rural affairs committee in the early days as a new member of Parliament. I was assured then that the review of the existing market by-laws that was taking place would overcome a lot of the problems and suspicions that I had and a lot of the suspicions the growers had and would give them greater protection and safeguards in the marketplace. It took nearly two years before those changes to the by-laws were gazetted. Seemingly, almost at the same time as those by-laws were changed, the agents sent out terms of trade agreements to growers, which, on analysis, seemed to set aside at least some of those changes to the market by-laws to which we had agreed. The current situation is untenable and unacceptable for the existing primary producers who go through the central marketing system. For that reason, there must be some sort of review.

I am disappointed that my early indication, which I gave my growers in various meetings, that a select committee was the most appropriate way to deal with this issue was then capitalised on by the Labor Party, which is keen to take my seat - the second most marginal seat in this State. Members of the Labor Party are paying me fairly close attention in most of the towns in my electorate. I would do the same thing if I were in their position. They did not invent the idea of a select committee. Two Labor members came to Carnarvon when my growers were fairly hot to trot on this issue. My growers asked the member for Bassendean and Hon Kim Chance whether they would give me bipartisan support in agreeing to set up an inquiry into the markets. They obliged and then went one step further. They then drafted their terms of reference, which they had the kindness to fax to me for my consideration. My response was that those terms of reference seemed to be adequate and I said to them that prior to my putting something before my primary industry committee, I wanted to speak to the Australian Competition and Consumer Commission, because if the ACCC can do the same job as a select committee, we probably do not need a select committee. When push comes to shove, sometimes the resolve of a parliamentary committee can be tested. However, if the ACCC is clinical in the way it assesses a matter, it takes on some legal or judicial significance. Coincidentally, I was speaking to officers from the ACCC on the very day that the motion to set up this select committee was moved in the House. I spent more than an hour with three officers from the ACCC who, in taking on the information and evidence I submitted to them, thought that it was a fairly interesting case. They have undertaken to visit Carnarvon at the end of the first week in November to gather evidence from individual growers and grower groups. From that, they will determine whether a prima facie case exists to take some sort of action on behalf of the growers. I have made it fairly clear that I am not altogether certain that legal breaches or corrupt practices are taking place in the market, but I would certainly like an inquiry to investigate whether that is the case. Whether a select committee or the ACCC carries out the inquiry is neither here nor there, as long as we get to the bottom of what is, at the very least, if not corrupt conduct, unconscionable conduct on behalf of some of the agents.

It is true that this year growers in the Gascoyne region have not had the prices for their tomatoes and various other produce that they enjoyed last year. It is a supply and demand situation in most marketplaces, and this year it is no secret that there has been an oversupply of tomatoes. Last year growers averaged \$32 a box over the entire season, which is almost unprecedented and the best they have done in over 20 years; it was almost unbelievable. This year the average is \$6 a box. The extraordinary thing is that the shop price, whether it is Coles Supermarkets or Woolworths (WA) Pty Ltd, is regularly around \$3 a kilogram, which equates to \$30 a box. Why is the grower getting only \$6 a box as an average? They are the questions that growers ask, and if they take their questions one step further some of the agents will quickly say that they do a lot of value adding once produce gets to Perth. Some of them take the produce out of one box and put it into another box; some of them take the produce out of the box and put it into little plastic bags. Often those 450 gram bags sell for \$4.50. One does not need to be too clever to work out that that equates to close to \$90 a box; a box for which an agent may have paid a grower \$6.

The growers in my electorate are in a difficult situation, because very few of them sell at the farm gate. I would not be speaking today or defending their position if they had forward contracts or farm gate sales in place. Most of my growers consign their product to an agent or broker to handle on their behalf. The growers have to buy seedlings, prepare the soil, buy insecticides and combat other problems before their product is delivered to the market. The growers grow the produce, pick it and grade it. Many of the grower operations in Carnarvon now exhibit a degree of sophistication, so that the product that is delivered to market is generally very good. I will touch on the issue of poor quality produce that a lot of agents seem to hang their hat on as a reason for Carnarvon growers not getting good prices.

The grower goes to a great deal of effort to produce a prime grade product, to put it through a grader, into a box and onto transport. The grower pays all of the costs involved in delivering it into the trust of an agent on the floor at Perth Market City, and the agent then sells it on behalf of the grower at the best price that he can get. That is what is supposed to happen. For his effort the agent takes approximately 15 per cent as commission. That is fair and reasonable. The problem arises under net pricing, because the agent is not obligated to tell the grower who bought his product. I have absolutely no doubt that in many situations the agent who has acted as a commissioned agent on behalf of the grower has then become the buyer. A fertile imagination can only guess what might happen from there. I can tell members that while growers get \$6 a box for tomatoes at Market City, they retail for effectively 500 per cent or 600 per cent more when they change hands finally. Members might say that the agent takes 100 per cent or 200 per cent, and then Coles or Woolworths will add on the same percentage again. However, if the agent acted as a commission agent there should be only one transaction. It should have been sold to one of the big chains or to whomever in one transaction. In that way the retailers would put on a 200 per cent or 300 per cent markup or whatever they need to put on, and the grower would accept that. However, when the growers see a disparity of somewhere around 500 per cent to 600 per cent they are not impressed. They need transparency.

The Chairman of the Perth Market Authority has said that what I am doing is what any member in a marginal seat would

do - that is, create a bit of hysteria to secure my position. That statement was made on ABC Radio Karratha. I disagree with that, simply because I have been on this case for a while. It is now inevitable that we have a thorough inquiry into what is happening at the markets. In that same broadcast on ABC Radio Karratha, the Chairman of the Perth Market Authority said that a lot of my growers were centuries behind the play. A couple of them still are, but it is people like me who try to bring them into the new millennium and get them to understand what is happening in world trade terms, natural business evolution, trends in the marketplace and everything else that is happening.

The transformation in that industry in the past couple of years has been extraordinary. That industry has been let down by members of Parliament on both sides previously. I have dared to go in there and challenge some of the long-held views and philosophical hangups of some of my growers. They are making that transition. It is true that some rubbish comes out of the Gascoyne horticultural precinct, and it finds its way onto the floor in the markets. Perth Market City is dependent on that rubbish, and if the growers did not send it there the markets would find a way to put it there anyway. That is because it is a price regulator; it helps set prices. In a visit that the rural affairs committee made to Perth Market City four months ago the Chairman of the Perth Market Authority made the comment that a lot of produce does not hit the floor and that the market is a redirection or redistribution point. That statement just hung there. The rubbish always hits the floor though. The industry in Carnarvon agrees that at any given time about 5 per cent of the product that comes out of that industry should not find its way to the market floor, but it does. The buyer has to come in and lift the lids on that produce to satisfy himself as to the quality of the product, because it does not come down with any certification. Various grower groups have got together and produce an A-1 premium product. The buyers do not have to lift the lid on those boxes any more. The produce has gone through a grading process, and has been delivered to the market as prime produce. A lot of that does not hit the floor. Unfortunately, some of the rubbish on the floor is determining what price that quality product gets. Many of the agents at the market might say that a lot of rubbish comes out of Carnarvon. If there is a redirection of product coming from Carnarvon it means that the rubbish to hit the floor appears to be greater in volume than it really is. It could be 30 or 40 per cent in the minds of agents and the buying public rather than 5 per cent. That is why it needs to be investigated.

In trumpeting the cause of agents on ABC Radio, the Chairman of the Perth Market Authority and one of the agents, John Mercer, took me on and said there was no need for an inquiry. Many of the growers' suspicions would be alleviated if only once an independent auditor could get a look at their books. If agents are so concerned that they are being maligned why does not one agent lay bare his books? I suspect that a lot of what they are doing is not corrupt. In my mind it is morally corrupt and unconscionable that they are using the system to enrich themselves.

My growers are not a hysterical group of people. To be unfairly isolated as the only grower industry that is upset about the current market practice is wrong. Since my interview went out over the ABC "Country Hour" I have had calls from people at Gidgegannup, the Swan Valley and Wanneroo. Concerns have also been relayed to me on behalf of growers in Gingin, Busselton and Manjimup. It is not just a hysterical group of growers in the Gascoyne. We have to take that on board as well.

By playing politics in what was supposed to be a bipartisan approach to a significant problem, and in its haste to rush into this place and perhaps undermine my position in the eyes of my growers, the Opposition has made a critical oversight. The terms of reference are, by and large, okay; however, the reporting period is not. If the Gascoyne growers have been the catalyst to set up this inquiry why conduct the inquiry when the industry is shut down? There will not be a tomato, capsicum, or cucumber coming out of that industry over the reporting period of this select committee. That is counterproductive in itself. I have had discussions with the Minister for Primary Industry, who is prepared to hold an inquiry to revisit and review some of the current practices if it makes me happy. That would make me very happy. Is the Opposition prepared to adjourn debate on this motion until next year? Another inquiry will have been held in the meantime and we can see what it unearths. This proposal can be a fall-back position. In any event, it does not make sense to run an inquiry during a period when my industry is closed down.

Mr Brown: You can amend the reporting date. It is done all the time. This is very tight, but the member can move an amendment so that the committee reports by 1 August next year.

Mr SWEETMAN: Again, my concern is that people will start to play politics with it even then. I agree with the sentiment expressed in the motion and I support it. I am a little miffed that politics has played a part and we are debating this motion before the Australian Competition and Consumer Commission has had an opportunity to review and report on its visit to the industry in Carnarvon. It may find there is a prima facie case to inquire into the markets on behalf of the consumer and growers. I hope it will. Whatever the Opposition's motives, in principle I support any inquiry that thoroughly investigates some of the conduct taking place in the central marketing system. I support the setting up of a select committee to inquire into the market.

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [4.42 pm]: I presented a petition to this Parliament on Wednesday, 10 March which was signed by 415 growers. The petition read -

We, the undersigned producers of horticultural prescribed produce, and those associated with them in the horticulture industry, wish to express our concern at the demise of the third market agent in twelve months at Market City central trading area . . .

When agents go out of business, it is at the expense of growers. I arranged for some of the growers in my area to meet the Minister for Primary Industry to discuss the fact that over the years some of the agents in the market have gone to the wall and taken many growers with them. Many of the growers who were taken down for several thousand dollars were small growers. The bigger growers can handle losses of that nature. Small growers have worked day and night in their orchards without getting a return because an agent has closed down. I am very concerned about this.

I have been a fruit grower for 30 years and I know what it is like to not receive any return, for one reason or another, after growing, fertilising, picking, packing and sending fruit to the market. It may be that the market has changed the rules about the size of the fruit and so on and growers lose their money! There is concern among growers in the community that all is not well at the market. At the meeting I arranged the growers had a long session with the minister in which they put forward some of their concerns. That included the fact that the market is becoming less regulated and there is less accountability. It seems the market is no longer there for the growers, but is there for the operators of the market. The market people explained that there must be a balance between the growers and the operators, and that without that balance we shall lose the market altogether. Following our meeting the minister said early this year that he would look into some of the by-laws and produce new by-laws at Market City, which could then be assessed. I believe the minister has been looking into this matter. He has not got back to me or any of the growers to indicate how that has progressed. However, since that meeting I have not had any more complaints from my growers. Even though I know something must be done and that an inquiry is necessary, I ask the minister to tell members what happened with the investigation. He suggested five months ago that we should allow some time to see the results of the actions he has taken. I need to know what the minister did, what new by-laws are in place, how they are working and whether any complaints have been received. No growers have come back to me, and they said they would if they were not satisfied. Those who contacted me said they would like to wait for the results before taking any specific action. Although I believe there should be an investigation into the market, the minister may have already taken some action. If so, that is great and I need to know the results. If he has not, a ministerial inquiry into the markets is well and truly needed.

MR HOUSE (Stirling - Minister for Primary Industry) [4.46 pm]: I thank members who have contributed to this debate from both sides of the Parliament. I begin by going back in time and recounting the history of the market, which has been in place since the 1920s. I indicate to the House, because some people may have forgotten, that when this Government came to office seven years ago the Perth Market Authority could be described as nothing more than a basket case. It was an absolute mess. It had been shifted from West Perth to Canning Vale and had incurred a considerable debt of approximately \$40m during that shift. Its total capitalisation cost in the shift was \$50m. It had taken on a \$40m loan over a long term at a very high interest rate, when interest rates generally were falling. It was locked into that interest rate. Confidence in the markets was low, bearing in mind that many different groups used the markets. The board had disputes on its hands about market hours, access and regulations. A number of issues were causing angst.

The Legislative Council had just finished a review chaired by Hon Norman Moore, and was about to hand a report to the new Government and the new Parliament in April 1993. It made a number of recommendations, most of which have been accepted by the Government. I appointed a new board and we reviewed the legislation. That board has been chaired since then by Mr Graham Anderson. In turning that authority around the board has done the most remarkable job one could expect of a group of people. It is now a viable operation. It must be borne in mind that in this State there are 3 500 horticultural producers, and any number of agents, buyers and consumers of the product. The board has dealt in a professional way with market hours, market access and other matters raised by members today. The board deserves a great deal of credit for the way it has managed to get a good operating market in place. It has not been easy for the board to do that; it was very difficult. However, the board has had the cooperation of all those user groups. It is important to remember that all those user groups must be in concert to achieve a satisfactory working market. The growers can grow all their produce and send it to the market, but without agents, buyers and consumers, it will not work. There is a danger when a market is regulated to a point at which people do not want to use it any more. I will return to the issues raised by the proponent of this motion in a minute. He has raised some interesting and, in some cases, valid points. There must be some cooperation. When all these people come together, we will never get them all to agree on every issue. I have heard debates among growers, agents, members of Parliament and others about market hours, for example. Interestingly, that issue has not been raised in this debate by any member. The hours during which the market operates is probably one of the most contentious issues the market deals with; yet, as I said, no member has raised it in this debate. That is a testament to the board in the way it has dealt with some of the most difficult issues we can imagine, and then worked through them in a positive way to get an outcome that suits, at least, the majority of people most of the time.

We run a serious risk if we go too far in making a marketplace inaccessible or if it does not work properly. We must be careful not to make it too hard. There is a range of experts in the composition of the Perth Market Authority - agents, growers and people with business expertise - who contribute. The most recent appointment to the group is a grower from Carnarvon, for whom I have a great deal of regard and who I think will make a very good contribution, on behalf of not just those who market their produce in Carnarvon, but all growers.

The issues raised by members generally reflect a view that there is a lack of confidence by growers in the way the market operates. I will cover a couple of specific points, and I can come back to them if members want me to. One point is taken care of by a couple of by-laws. As I indicated to the member for Swan Hills, we amended some of the by-laws, and I think they have improved the operation of the marketplace. There is some disagreement about the way in which they are operating. We tried to put in place a by-law that made all those transactions very transparent. Under the present system, people can choose an agent to market produce. If people want, they can examine the agent's books. They are not precluded from doing that in any way shape or form, even to the extent that if people do not want their produce sold at the Saturday market, the agent must be informed and then it simply will not happen. There are solutions to those problems. Some agents decided to get growers to sign a terms of trade agreement. That has caused a bit of angst to some people. People can put any terms they want into a trade agreement. If growers want to negotiate terms of trade in that agreement, they are welcome to do so.

Mrs van de Klashorst: Was that term in the trade agreement put forward by the grower or by the agent?

Mr HOUSE: Those I have seen were put forward by the agents.

Mrs van de Klashorst: From the agents to the growers?

Mr HOUSE: Yes, the growers do not need to sign them; however, if they do, they can put in any terms of trade they want. They can add or subtract, and then it is up to the negotiating parties to agree and sign it. They do not need to sign the terms of trade to use the floor of the market. If they do not, they can have access to the books of the agents in any way they like. If they sign a terms of trade agreement, that access can be written into it, and it will enable them to examine the books.

Mrs van de Klashorst: Do you know how many of these have been signed?

Mr HOUSE: No, but 3 500 growers use the marketplace. Even if growers have signed a terms of trade agreement, which does not include that clause, if they feel aggrieved about an agent, they can make a complaint to the Perth Market Authority and it will have it investigated by an independent agent. There is a clear ability for all growers to access the information they want to see, about not only what happens to the produce, but also the price they get for it. My understanding is that there have been only four or five of those sorts of complaints - the figure might be one or two either side of that, but it is not double figures - during my time as minister.

Here, a number of growers feel aggrieved for various reasons, but for one reason or another they have not been able to substantiate what they are accusing the agents of in a definitive way. I am not saying that they are making false accusations, but rather that they are a bit aggrieved about the price they are getting for their product. There might be different reasons for that. They might have a genuine problem, and I will come back to that issue later. It is important that the Parliament understand that there is a method whereby transparency can take place. At the end of the line the Perth Market Authority will appoint an independent investigator to look into the agents and growers and the books involved to ensure there is a transparent situation.

Mrs van de Klashorst: Has that information been circulated to all growers? Do growers know about this? When I was a grower, and this may be something new, we never knew we could put in a complaint to an independent inquiry agent.

Mr HOUSE: I cannot say that every grower would be aware of that; however, I can say that - this is important - since Graham Anderson has chaired the Perth Market Authority, every year he has gone to meetings of growers in regional Western Australia and addressed them at any time they want him to visit. Sometimes he has planned the visit, and at other times he has been invited. In addition, we have an "open house" at the market when groups of growers are shown through on a regular basis. In the same way as members of the coalition attended there a few months ago and were briefed about how the market works, and talked to growers and agents on the floor, I understand members of the Opposition were afforded the same privilege a few weeks ago and were briefed about those issues. I cannot guarantee that all growers know about this; however, I can say that the information is freely available. We are trying to tell people about all the available information, and to get growers involved in the process.

In addition, as I said in question time today, we have implemented the safe quality food 2000 scheme and given assistance to organisations such as The Sweeter Banana Company about quality packaging issues to try to get growers up to speed with the best possible quality available from the market, so that they are aware of the needs of buyers and consumers. The last thing we want is for growers to bypass the market. The fact is that many of them still do that and a lot of produce does not go near the market. We are concerned because we would like to see the market used by as many people as possible.

Mrs van de Klashorst: It affects the standards.

Mr HOUSE: Exactly. It does have that effect. Some of the best growers contract directly to the supermarkets, and the rest of the produce goes to the floor so that there is a problem. When it is not sold from the floor, it goes to the Saturday market, and there is a greater problem. The same growers complain repeatedly about the problem.

I will pick up the point made about the Australian Competition and Consumer Commission by the member for Ningaloo. I have no problem with the ACCC going to Carnarvon; it is a good thing. My advice is that if it is to be involved, it should investigate supermarket pricing. That would do us all the world of good. We are controlled by the two or three big supermarket chains in Australia. The price of tomatoes was raised. They are \$6 a case this time of year, but retail for the same price as when the cost of a case was much higher. The member for Ningaloo and I, as consumers, are paying as much as we were when the price was four or five times higher. That would give the ACCC something to do. It might be useful for it to investigate supermarket pricing in this State. Recently, the Senate conducted a review of supermarket pricing, and I would be interested to find out whether it has any comments to make about it.

The issues being raised by all the speakers concern me. I agree with some of the speakers that a method to resolve the angst that has accumulated among the growers is needed. Three and a half thousand growers use the market every year. The number of people who have lodged complaints is small compared with the total number who use the market. That is not to say that other people are not aggrieved. A lot of people find that the market works very satisfactorily. As accountable people we must make sure a proper process is in place. I have outlined to the Parliament that I believe there is an accountable process that clearly answers that and can be followed through. Growers need to be definitive about their complaint. One of the problems we find as members of Parliament is that people make complaints but they cannot always define them. I assure the Parliament and all the growers that something will be done about those complaints, if they can be defined. There is a method for solving those problems. Making accusations is one thing but having the facts is another. We must separate the two. The Government is not prepared to accept a select committee. A normal review of the Act will take place next year. The legislation states that it must take place by the end of June. I am prepared to bring that forward and have a ministerial review that will investigate those issues in consultation with the members who have raised these issues - the member for Ningaloo, the member for Swan Hills and the member for Wanneroo and others who have raised issues with me privately - even opposition members. I do not shy away from that. I am sure that all the people involved in

the market will be more than happy with that. The review will give everyone a vehicle through which they can contribute to the future working of the market. I am quite happy to discuss the terms of reference with the members who raised these issues with me. I will appoint a group of people with the right expertise. I think there should be someone involved in the review with legal expertise, because that is important. Other members will have other suggestions. I have taken on board the point made by the member for Ningaloo. It will be prudent to start that review early next year rather than at the end of this year. I am open to discussion and debate about that. It is the appropriate way for this issue to be resolved. All the growers who feel they have a problem and think some of the by-laws or methods for handling produce need changing can come forward. The review will also give the consumers and people who buy at the market an opportunity to present their points of view. People who buy at the market and take produce to rural areas in Western Australia have a different issue with market hours from those who buy and access the metropolitan area. Those are the sorts of things we try to balance. However, I am happy to support an open review that allows those people to debate those issues.

I repeat that the Government has nothing to hide. It is happy to accept a review, but it will not accept a select committee. I compliment Graham Anderson and the members of the Perth Market Authority over the past five or six years. Some of those people have given an extraordinary amount of time and a tremendous amount of expertise to get the market running the way it is now. By all accounts, the market is doing a fantastic job compared with what was happening when we came into Government. It was a mess. Those people deserve a great deal of credit for getting it into shape. They have my full and total support. I am sure that issues raised by members today and by the opposition member who moved the motion last week can be resolved in the manner that I have outlined; that is, for a ministerial review committee to be appointed. I am happy to consult with those members about the terms of reference.

MR BLOFFWITCH (Geraldton) [5.04 pm]: The Minister for Primary Industry spoke of transparency. The growers I have spoken to say it does not exist. I will tell the House what happens when the growers ask to whom the product is sold: The agents say they will not tell. We say we will begin an inquiry if they do not tell. They tell us to find ourselves another agent and hang up the telephone. That is exactly what happens. If that is transparency, it is not the sort of transparency I want to see. I have a very good friend who grows beautiful strawberries. He sent them down to the Saturday market and was doing very well. He sent down one lot and was told they were unsaleable - they were terrible and could not be sold. My friend lives just south of Yanchep so he drove down for the Saturday morning market. Guess whose punnets he saw the agent selling at the Saturday market? When he asked, the agent replied that his strawberries were thrown out and replaced with somebody else's. That is what he said. The minister can say a thousand times that the people are doing the best they can. I will probably agree; they are doing their best. However, the people who speak to me say the practices are not fair and are just not good enough. What is one supposed to do when one is a fairly small producer and the agent tells one to get nobbled and telephones his three mates and tells them not to employ the small producer? One shuts his mouth and keeps selling. That is exactly what happens. I urge the minister to get an agent to follow them down on one of these cases and see how transparent those markets are.

MR BROWN (Bassendean) [5.07 pm]: I commence by quoting -

One of the constant concerns, particularly from people of Gascoyne, relates to the people who operate within the Perth Marketing Authority at Canning Vale. An operator can be a commissioned agent and also an importer. An operator choosing to import tomatoes from Queensland or any of the other Eastern States to overcome high prices can bring them in. Nothing can stop the operator reselling fruit, and the profit is his. I maintain that is not right. An operator must act as one or the other.

Who said those words? The person who said those words was Hon Phil Lockyer. He said those words in June 1995. That was four years ago. The minister said, "Trust me, we will have a ministerial inquiry next year." It will be a ministerial inquiry that is not in the glare of the spotlight and does not take evidence. The growers in Carnarvon and the other people I have spoken to by phone want an open inquiry to which evidence will be given and resources put into it. They want an inquiry with wide terms of reference. They look suspiciously at all of us in the Parliament because the Labor Party was in Government for 10 years and it did not address that issue. The Government has been in power for seven years. This is its opportunity to address the issue.

What do we find? It will not be done. There will be a ministerial inquiry. Let me remind members of what the situation will probably be next year. We will probably have an election and the Parliament will be prorogued. What will happen to that ministerial inquiry then? It will get duckshoved; it will never report; it will be left to the new Government. Whatever the persuasion of the new Government, it will probably have a number of important issues to address. When will we see this inquiry? Will it be in the year 2001, 2002 or 2003? When will the growers have this Parliament listen to their concerns? When will we say to the people in Carnarvon and other places around the State that we are prepared not to agree with them, not to necessarily do what they want, not to necessarily pick up all of their recommendations, not to necessarily put into a marketing system exactly what they want, but that we are prepared at least to listen to, examine and analyse their concerns and give them proper consideration in a bipartisan way? The opportunity is here to do it in that way. We all know that if a select committee were established, it would have probably three members of the Government and two members of the Opposition on it. Whoever those five members might be, they would have the opportunity to work and to travel to Carnarvon and other parts of the State to meet with growers, agents and the Perth Marketing Authority, and to examine all the issues regarding retailing produce, and bring down appropriate recommendations.

This debate has been about raising growers' real concerns. Whether they turn out to be a fact in every case, whether the Perth Market Authority has done the best job possible, and whatever the facts, has yet to be determined. By denying this select committee, the Parliament is prevented from finding the facts and going down that investigative path. That is appalling. Many of the growers to whom I have spoken before will think it appalling. The resolution does not come in as a rah-rah

resolution, condemning with fire and brimstone the Minister for Primary Industry, the Perth Market Authority or anyone else; it comes in as a very bland proposition.

Mr House: When you visited the market recently, did one of the market agents offer to allow you to look at his books?

Mr BROWN: We had some discussions. I cannot recall whether that came up in the course of the discussions. It may have done.

Mr House: You are saying that he did not.

Mr BROWN: I am not saying that he did not. I cannot recall if he made that offer. As the minister will know, and as I know from correspondence I have received from a number of growers, some growers say to me that they have a good agent and they do not have a problem.

Mr House: I am interested that your memory is so defective that you cannot remember if one of the agents offered to allow you to look through all of his books at any time you liked, and made the same offer to Hon Kim Chance, and you did not take up the offer. That is what I am interested in. You are talking about transparency and you have had a memory loss again. You mob have been through that before. It seems to occur regularly.

Mr BROWN: The minister can be as deriding as he likes. I want an open inquiry, not some private little inquiry that satisfies me, where I go away to some back room and then tell people what I think. I want an open inquiry that gives growers the opportunity to come forward and give evidence in the open, where they, the agents and their books can be examined and cross-examined. I do not want someone taking me into some room and satisfying me. What would that prove? It might prove that a particular agent was extremely reputable, ran a terrific shop and did a good job. That company would be commended by me and, I am sure, by the growers. However, that would not resolve the issue at all. The issue is not about a single agent but about the markets. If there are no problems, what is the point of the inquiry? After a fairly exhaustive inquiry, committee members would come back and say that they looked and looked but found nothing; there was nothing on which they could improve and it is so perfect that those people with complaints and problems are deluded. I doubt very much that they would come back with such a report.

I believe that the member for Ningaloo in sincerity has referred the question to the Australian Competition and Consumer Commission. The ACCC can investigate some matters but it cannot investigate the host of matters raised in the context of this motion because it does not have the power. From my dealings with the ACCC, I know that it gets a whole host of complaints every day. It does not have the resources to investigate those matters. On the last occasion when I went to the ACCC on behalf of a constituent, the constituent had lost hundreds of thousands of dollars investing in a company with a wrong prospectus. The ACCC did not investigate that matter because it was too busy and did not have the resources. Does it have the resources in this instance to carry out a wide investigation? Maybe it has, and it will do so, and maybe I shall be surprised, but I shall certainly be surprised if it is the case.

The committee's reporting period was deliberately kept short to ensure that if there is an early election in this State, the committee can report before that early election is called. As we all know, it is often the case that select committees in this Parliament cannot complete their work by the target date set in the resolution, so they come back to this Parliament with the request that they be given more time to report. I think that the member for Joondalup was on the Select Committee on Crime Prevention when it asked for an extension of time, and the Acting Speaker (Mrs Hodson-Thomas) I think likewise was on a committee that asked for an extension of time.

If the ACCC wants to take this matter up, it can take it up. If we agree to set up a select committee today, it will not start operating tomorrow. It must get staff, advertise its terms of reference, call for submissions which must be analysed, set up times to visit areas, call for evidence in those areas, and all those sorts of things. That will not happen quickly because there is a time lag. There is no reason to reject this motion today on the basis that the ACCC might do something in a month or six weeks. If it does that, it may well be that the committee would sit back from those matters the ACCC was investigating and deal with the other matters of concern. There is no reason that we should not set up the select committee.

I intended to refer to the terms of trade, but I think the member for Geraldton has said it all. I am sorry that I tried to jump up before the member for Geraldton, because he has made a worthwhile contribution to this debate. In the light of the problems to which he alluded and about which he was 100 per cent correct, he should vote for the establishment of this select committee so that they can be properly examined. I am pleased he made that point.

Now is the time to have an inquiry. If the select committee is not established now, an open inquiry will not be held during the term of this Government and, once again, the producers in Carnarvon, the Swan Valley, Karridale, Albany and elsewhere in the State who contacted me and other members will be let down. What is wrong with a select committee? What is wrong with five members of Parliament, who are charged with the responsibility of doing their job, examining the issues in detail and bringing back to this Parliament and the Government of the day recommendations to protect the producers and others in this industry? I hope that when we divide on this matter in a moment, a number of government members will vote for this issue. A vote for this select committee is a vote in the interests of producers in this State.

Question put and a division taken with the following result -

Ayes (19)

Ms Anwyl
Mr Bloffwitch
Mr Brown
Mr Carpenter
Dr Constable

Dr Gallop
Mr Grill
Mr Kobelke
Ms MacTiernan
Mr Marlborough

Mr McGinty
Mr McGowan
Mr Pandal
Mr Riebeling
Mr Ripper

Mr Sweetman
Mr Thomas
Ms Warnock
Mr Cunningham (*Teller*)

Noes (23)

Mr Ainsworth
Mr Baker
Mr Barnett
Mr Board
Mr Bradshaw
Mr Day

Mrs Edwardes
Dr Hames
Mrs Holmes
Mr House
Mr Johnson
Mr Kierath

Mr Marshall
Mr Masters
Mr McNee
Mr Minson
Mr Omodei
Mrs Parker

Mr Shave
Mr Tubby
Mrs van de Klashorst
Mr Wiese
Mr Osborne (*Teller*)

Pairs

Ms Roberts
Ms McHale
Mr Graham

Mr Cowan
Mr Court
Mr Prince

Question thus negatived.

REFERENDUM ON THE REPUBLIC*Motion*

DR GALLOP (Victoria Park - Leader of the Opposition) [5.26 pm]: I move -

That this House support Australia becoming a republic and recommend a yes vote at the constitutional referendum to be held on 6 November 1999.

The date of 6 November will be an important day in Australian history. For the first time the people of Australia will have a say on whether the British monarch or an Australian citizen should be our head of state. It will allow the Australian people to complete the process of establishing a truly autonomous nation, a process begun when the Commonwealth of Australia was formed. We need to complete the process of making a nation out of a continent.

The fact that the British monarch is our head of state is the only leftover from an earlier era, in which Australia was part and parcel of what was then the British empire. Since that time, our Parliament and our judiciary have become fully autonomous. Australia has developed its own flag and its own national anthem. It developed its own category of citizenship in important legislation which went through the Federal Parliament in 1948 and which was recently celebrated.

Our Governors and/or the Governor General are Australian citizens. That has not always been the case in the history of the Commonwealth. Put simply, it is wrong and inappropriate to continue this anomaly which sees the British monarch as our head of state. There are three reasons for this: First, it is a hereditary system out of tune with our democratic notions of merit and accountability. We will all agree that a governance built upon bloodlines is not in keeping with modern democracy.

Secondly, its future lies in the hands of another people and another Parliament. That is quite inappropriate for an independent and autonomous nation. People often refer to the possibility of the British people and the Parliament deciding to get rid of the monarchy. If that occurred we would not have a head of state in Australia.

Mr Court: Do you think it is heading down that path?

Dr GALLOP: Unfortunately, Tony Blair is a monarchist. Thirdly, it is a system in which the relevance of a unifying force in modern, multicultural Australia has gone. At the turn of the century the British monarchy unified the Australian people. However, today it cannot unify the Australian people because we are now a multicultural nation in which peoples have come from all parts of the world, with different backgrounds and traditions.

We should always vote to have our political institutions in our own hands and under our own control. That is fundamentally why we should vote yes on 6 November. That is the argument for the republic which has been overwhelmingly supported by the Australian people in all the polling that has been done. They support the idea of this final stage to bring back under our own control and into our own hands all parts of the political system, including the head of state. However, we know that we are not voting on this general proposition; we are voting on a specific constitutional amendment which will create an Australian presidency. In considering that amendment, we could approach it in two ways. We could compare the model which has been put to us with the current system, or we could compare the model which is being put to us with another form of republic - for example, one involving the direct election of the president.

I will start by comparing the model with our current system. There is no doubt that the model is better because it involves an Australian citizen becoming the head of state, and that is an important advantage of the proposal. For those who may be sceptical about change, we can say three things. First, it is workable. I do not think anyone disputes the fact that it is a model that can work. Secondly, it is more democratic in the selection of the president. The model proposes a wide community consultation and a two-thirds majority of Parliament to elect the president. Under the current system, the Prime Minister is in control. He simply makes a recommendation to Britain, and that person becomes the Governor General. Therefore, the model is more democratic in its process of selection.

Mr Johnson: He does not recommend it to Britain.

Dr GALLOP: He recommends it to the British Monarch, who is our head of state.

Mr Johnson: He recommends it to the Queen of Australia.

Dr GALLOP: Yes, who is our head of state. I ask the member a question: From whence comes the Queen of Australia?

Mr Johnson: I think her family originated somewhere in Germany.

Dr GALLOP: No. Constitutionally, where does she originate?

Mr Johnson: I think her family originated in Germany.

Dr GALLOP: No. She originates in the British system of politics, and we live in Australia, not in Britain. Therefore, it is not appropriate to have the British system determining our head of state. It is totally wrong and undermines every concept of independence and autonomy.

The third part of the model is that it provides for more accountability in the dismissal of the president. Yes, the Prime Minister can dismiss, but that dismissal goes to a vote of the House of Representatives within 30 days, and the Prime Minister cannot appoint the replacement. The replacement will be the most senior governor from the States, and then the new president must be appointed on the basis of a two-thirds majority of Parliament. That is a real limitation on the power compared with the current system.

Mr Baker: Have you read the proviso to section 62?

Dr GALLOP: I point out to the member who has just arrived that I am comparing the proposal with the current system. The proposal is more democratic and more accountable than our current system. I will deal with the other part of the argument.

Mr Wiese: You did not answer my question. What difference does it make?

Dr GALLOP: I am happy to engage in dialogue. However, as many people want to speak, we should all restrict our speeches to the central point so that everyone will have a chance to speak; therefore I will not respond.

In comparing the current system with the proposed model, the proposal involves an Australian citizen becoming head of state. The process is more democratic and more accountable. I will compare that with the other republican systems that are available. I note that the system being offered to the Australian people proposes a non-executive head of state with limited powers. I approve of that. The system of government whereby the head of state does not have great powers, but has important constitutional, representative and ceremonial functions, is a good system, of which I approve. We should develop our own version of the institution at not only the federal level but also the state level of our system.

I say to members on the other side of the House that the way in which our current Governor understands and carries out his job is a good example of how the system can be developed.

Mr Baker interjected.

Dr GALLOP: That aspect of the system is not being changed. If the member for Joondalup has not gathered that from all of this debate, there is something wrong with him.

Under the model, we will keep that part of the system; that is, a non-executive head of state. However, our head of state should be our own, embodying our own traditions, values and interests, and working full time at home and abroad on behalf of the Australian nation. I also note that the system does not give the people a final say in who should be the president. That is a weakness in the model, but it is not one that should lead to a no vote, because a no vote is a vote for no change. It is not a vote for direct election. Indeed, the move from the system being proposed to one of direct election, in which the Parliament nominates and the people vote, as I supported in the first ballot at the Constitutional Convention in 1998, is feasible, and the argument for it will not vanish from the political agenda after the referendum.

I will summarise my second set of arguments. The model, in comparison with alternatives, achieves the objective of providing for a non-executive head of state. I agree with that. In respect of direct election, it goes some of the way because of the community consultation that is involved. It should go further, similar to the system the Irish have developed, and allow the people to have the final say on who should be the president. I will work for that after we get a yes vote, because it is easy to add to the model that is being proposed a final stage in the process that allows the people to vote. Members might remember that at the convention I proposed that the Parliament nominate three people on a two-thirds majority, and then the people determine. Therefore, it would not be difficult to add that institution to what is being proposed, and I intend to continue to work for that.

There will always be arguments about the model. As a student of republican history, there are always arguments about what form a republic should take, just as there are always arguments about the way we elect our Parliaments and run our Governments and courts. Currently, there are differences within our community on how the Parliament should be elected, whether it should be proportional representation or single member constituencies. There are differences about whether there should be two Houses of Parliament or one. Arguments like that will continue, just as arguments will continue about the republic and the form it should take.

There is not one republic, but there is one republican aspiration. I would hate to think that it will be dashed because of an unholy alliance between conservative reactionaries and radical republicans. I urge all members of Parliament to support the yes vote. I will say three things about the yes vote that are very important: First, it is a vote of confidence in Australia and its people. In other words, it is saying that our system of government should be in control of all aspects of itself, including the head of state. It is a vote of confidence in our people and their ability to run their own system. Secondly, it is a vote which recognises our historical destiny as a democratic and multicultural nation. That is very important. Australia began as part

of the British Empire. However, Australia today has a different destiny, and that is to become a truly multicultural nation that brings in the traditions, values and interests from many different parts of the world. The head of state should be ours and should embody that new aspiration. A head of state who comes from another nation and another tradition cannot do that. That is why many people involved in the ethnic communities in Western Australia are so passionately republican. Thirdly, this is a vote not only for Australia today but also for the future. This is a vote for having a head of state that is our head of state; namely, an Australian citizen who is working full-time on the job for our nation, embodying our traditions and values at both the federal and state levels. In my view, a vote for a republic will be an enormous fillip for the Australian people. It will give us a sense of confidence about ourselves and will project us onto the world stage as a mature country that is in tune with its own people and confident that its own people can run their own affairs.

This issue has been the subject of a lot of public debate over recent days. November 6 will be an important day. Let us make it a day for the future and for multicultural Australia. Let us make it a day on which we bring back into our own hands all aspects of our political system by voting yes for an Australian citizen to be our head of state.

MR COURT (Nedlands - Premier) [5.41 pm]: I will make a brief contribution to this debate, because a number of people on different sides of the House want to speak on this matter. One good thing that has come out of this referendum issue is that Australians are gaining a better understanding of how their Constitution operates and some of the difficulties that are associated with the Constitution, and a better understanding of some of the faith that we put in conventions and the like that make the whole system work. On 6 November, there will be a vote, and the people of this country will be given their first opportunity to say whether they want a republic in the form of the model that has been put forward. It would be presumptuous of this House to pass a motion that states that this House supports Australia becoming a republic and recommends a yes vote at the constitutional referendum to be held on 6 November 1999, because one of the beauties of this issue is that people will be able to have their say and make their decisions.

Dr Gallop: This Parliament is part of the debate.

Mr COURT: Yes, but what will it achieve for this Parliament to say, according to the motion, that it supports Australia becoming a republic, when the people will have their opportunity to have a say?

At the end of my comments, I will move an amendment that will enable us to continue to have this debate. However, it is pointless to have an exercise in which this House says something should happen when we are also saying that the people should have their say down the track. I had the privilege, along with the Leader of the Opposition, of being a delegate at the Constitutional Convention, and that really made me think about how the current system operates and about what would be the best way to change it if we were to change it. At the end of that convention, my conclusion was that if there were to be a change, the model that I would regard as being workable and acceptable would be along the lines of the McGarvie model. About two weeks ago, McGarvie launched a book which I believe fairly covers all of the different arguments and positions put by the Leader of the Opposition with regard to how he believes a direct-elect model could work. Of all of the proposals that have been put forward, the one that will bring about the most change is the direct-elect model, because that will bring about a major change in the way our political system works. As soon as we have a directly elected president, the culture and ethos of Australians is such that they will see that as being very similar to the American system, and as much as the Leader of the Opposition may want to put the powers of a president into some form of code, he will have great difficulty in doing that.

When it comes to the different proposals, it is obviously difficult to get all the parties to agree. As I said at the Constitutional Convention, the two reasons that I will not be supporting the model that will be put forward on 6 November is the appointment process and the dismissal process. The concept of the appointment process is that a committee will look at a number of nominations, bandy them around and then make a recommendation to the Prime Minister. However, the Prime Minister does not need to accept that recommendation. It is said that all of this will be done confidentially. Have we ever known a committee, particularly a committee of that type, to do things confidentially? For a start, a lot of distinguished Australians who would be quite acceptable as president would not want to have their personal details banded around by a committee which would then make a recommendation. What would happen if the committee recommended Joe Bloggs but the Prime Minister did not accept Joe Bloggs and put in Freddy Brown? Within about three minutes, people would know that Joe Bloggs had been recommended but did not get the nod and that the other chap - or woman - had got the position. I believe that some very competent and distinguished Australians will find themselves in a very embarrassing position after having gone through this appointment process. I do not know why we are insisting on wanting to have a president. I do not have a difficulty with the concept of a Governor General. I certainly do not see why we need to change the title of Governor in a State.

The second reason is the dismissal process. What concerns me about the dismissal process - and it has not been used in our first 100 years - is that it becomes critical when we have a political crisis. I have been in this Parliament long enough to know that people get desperate when they get into a political crisis. Under these dismissal procedures, it will be sudden death. The Prime Minister can say, "Bang, bang; you are gone", and there is no cooling off period. Currently, as members know, a recommendation must go to the Queen for the dismissal to take place. The very nature of that process provides for a cooling off period. As I understand this proposal, the Prime Minister can write a letter and dismiss the president, and tell him the next day! The president can be dismissed and not know about it until the next day! I have a concern that when there is a serious political crisis, it will get down to a situation of who shoots whom first. I have no difficulty at all with constitutional change, so long as it improves what we have. I am of the view that these changes will not improve what we have.

I also have a difficulty with a major change being put forward that has not been put forward by the Prime Minister with the

support of all of the State Premiers and Territory Chief Ministers. I believe that when we are talking about taking a nation to a change like this, the Prime Minister of the day should get the agreement or consensus of the Premiers and Chief Ministers, and then they should all go out and campaign to get that change put through. All of the States agreed to the establishment of the federation. I am very nervous about a proposal which may be supported by a majority of votes in a majority of States - four out of six - but when two States, whatever those States may be, do not support this change but must accept it.

When the federation was first established, it was done, with great difficulty, on a unanimous basis, with the exception of Western Australia which did not join the federation until later. The debate we have had and are having is a very good one. I am very proud of the role the Constitutional Centre of Western Australia has played in encouraging those debates in the community. I have two main concerns about the changes: The appointment and dismissal processes. I also have an issue with the name and, as I said, after sitting through a constitutional convention, the closest model that I could find that might be acceptable to the majority of people was a version of a McGarvie proposal.

Dr Gallop: McGarvie was on the table and we had to vote. I voted for it because it is for the republic. That model allows the Prime Minister to dismiss the president.

Mr COURT: No. Basically the queen is being replaced by a committee. I do not necessarily agree with the make-up of the committee. The concept is fine; I do not have a difficulty with it.

Dr Gallop: The McGarvie proposal was not intended to allow the Prime Minister to dismiss the president.

Amendment to Motion

Mr COURT: I move -

To delete all words after "support" with the view to substituting the following words -

the opportunity that the constitutional referendum provides for all Western Australians in determining whether Australia becomes a republic as per the proposed model.

MS WARNOCK (Perth) [5.51 pm]: Like all people who are passionate about something or someone, I am guilty of failing to understand why on earth others cannot understand or share a similar feeling for the object of my passion. I have been a passionate advocate of a republic for a long time. I have long desired to see my country - Australia - shed the last of its colonial ties, the British monarchy, and become a truly independent country. Despite what Prime Minister John Howard says, we are not truly independent while our head of state lives in another country far from our shores. If the Queen is not our head of state, why is there still a thing such as the loyal toast, why is her head depicted on our coins and why do we still swear an oath to the British sovereign and her heirs and successors? No, we are not independent. As a passionate republican, I fail to see why fellow Australians do not have the confidence to make one of our own, an Australian, our real head of state. It seems so logical and proper, at the turn of a century and a millennium and at almost the centenary of federation, to seek this evolutionary change. It is not revolutionary and will not, despite protestation, and, quite frankly, outright lies to the contrary, make much change to our system. It will merely be symbolic of our self-respect. We will not leave the Commonwealth, or change our flag, but when we have any loyal toast, it will be to Australia rather than to someone else's queen, as I see it.

I find the idea of a hereditary head of state offensive. It is interesting that on the day John Howard is defending the continuance of this foreign hereditary system for Australia, the House of Lords in Britain has voted to democratise itself, with people no longer to hold office based merely on a person's ancestors, the family into which that person was born. How ironic that Britain should be going forward while Australia should be thinking of looking backwards. The monarchists know that theirs is a fading cause in Australia. They jumped onto the easy bandwagon of abusing politicians: Goodness, everybody does that, so why not try it? They say that people should not vote for the politicians' republic, as if voting no on 6 November would magically give a republic of our choosing on the following day. Voting no is to go backwards, to stay with the past, to say that we have no confidence in our own wonderful democratic system. If we become a republic, it will not lead to the dangerous thing that the no voters have been warning us about, but rather an Australian republic - our own unique system which will develop, as things always do here, in an evolutionary way. I say that we should stand up for ourselves on 6 November, be proud, show some guts, and vote yes for an Australian head of state.

MR BARNETT (Cottesloe - Minister for Resources Development) [5.54 pm]: I rise in support of the amendment, and also in support of a yes vote at the referendum. One of the most basic principles of our democratic society and beliefs is that there should be a vote for all people in elections on significant issues and that the people will have the right to exercise that vote in private and in confidence. If they wish to declare their position, they can make that decision. I do not think it is at all appropriate that this Parliament should pass a motion either in support of a republic or in opposition to it. It is an issue for each person to exercise that democratic right in privacy and in secret within the ballot. For that reason, I am disappointed that the Liberal Party chose to pass a motion opposing the yes vote, not because of the position it took, but more because I think it was inappropriate for a political party or a Legislative Assembly to express a view to members of the public on this matter. As members of Parliament, we can, as no doubt some will, express our position, and, if we choose, to our constituents; however, we should not be required by a vote in this House to declare publicly our position on this issue, but should do so by choice.

If the intent of the original motion was to divide this House somehow as to whether it is supporting a yes or no vote for a republic, it is inappropriate. It is up to people individually to decide whether they wish to declare their position. I happily declare my position in support of a republic, and I did that four years ago. Others have declared their position for a republic

or for the no vote for various reasons. The one thing that should not be done to any people, including members of Parliament, is this: This Parliament should not be used as a vehicle to flush out people and force them to compromise their democratic right and give away that vote. Immediately that puts pressure on them, and that I think is unreasonable. It is appropriate to amend the motion, to support what should happen, to have a referendum on an important issue and, effectively, to support the right of people to cast their vote in privacy and in secret.

I again will state very briefly why I have for a long time supported the republic cause and why I will be voting yes in the referendum. Simply, I consider it important for Australia. I do not think this issue will fundamentally change our way of life. It will not create any significant economic or social change. In terms of our evolution as a nation, it is now appropriate that we cut the final guardian cord and truly become in every sense an independent nation. It is important for the way in which we see ourselves and for the way in which others see us. The changes that are proposed in the model are minimalist. They will not change our system of government in any significant way. If members believe a system of government is static for all time, they are wrong. We have, albeit slow, continuous evolution in our parliamentary and judicial systems and in the sorts of decisions and procedures that are implemented. We are in a position of gradual change. This is one further step along a continuum of gradual change.

Let us look at the history of our nation: The nineteenth century was the colonial period, the period of exploration, the pastoral industry and the wild pioneering days. At the beginning of this century, we formed the Commonwealth of Australia based on sovereign States. That was the start of Australia as a modern community and society. This twentieth century has been the formative period for Australia as a nation. We have emerged as a top-20 nation in the world. We are not insignificant. Our population may be small, but we rank in the top 20 economies of the world. We have a multicultural society. We have been at war. We have diversity within our community. We have egalitarian attitudes. We have become a nation of city and coastal dwellers.

Our institutions have evolved and matured during this century. We are clearly at a stage at which we should have an Australian as a head of state. I do not think that in any sense means disrespect for our history, our past, the Queen or members of the royal family. It is simply now right that we move forward. I do not think that when Australians think about it carefully they consider it appropriate for our head of state to be from another country, not only for us of the baby boom generation, but also our children and our grandchildren who will be society's members and lead and participate in this nation in the next century. For them it is not appropriate that our head of state be a person from another country or that our head of state be chosen on the basis of hereditary succession, gender and religious denomination. They are not the sort of values that modern Australia stands for. They are not the sort of values that are appropriate, in my view, for the next century. It does not mean that we should discard our past. We will still be a member of the Commonwealth of Nations. Thirty one of the 53 nations of the Commonwealth are republics. It will not diminish our relationship with the United Kingdom, New Zealand, Canada or any of the other States that make up the Commonwealth; indeed, it might strengthen it.

I believe that when people vote yes for a republic, people know what they are voting for. They are voting for that extra transitional step in our evolution. If people vote no, whatever the reason, the reality is that a vote for no is a vote to retain a constitutional monarchy. I simply do not believe that is acceptable for Australia. I really urge people, even if they have questions or doubts, to think about it. The choice is to vote yes for a republic and an Australian head of state or vote no for the retention of the constitutional monarchy. It is an important issue for Australia, and important for our role within the Asia-Pacific region. I sincerely believe that Australians will vote yes in a majority and in a majority of States to support a republic. I hope that decision succeeds but I also hope that it will not be seen as a tentative, grudging step by this nation but the positive action of a young nation that is proud of its past and confident in its future. As the next week or so goes by, I think Australians will focus on the issue. They will see that everything is right: The decade is right, there is the change of the century, the millennium, the Sydney Olympics, the centenary of federation. If ever there were a moment in our history to take this symbolic step, it is now. I and just about everyone I know will be voting yes.

MS MacTIERNAN (Armadale) [6.04 pm]: As a member of Parliament and an elected representative, I believe it is my duty to record my support for the proposal for Australia to become a republic.

Mr Barnett: It is your choice to do it.

Ms MacTIERNAN: I believe it is important that I record the decision that I am making and to record that I indeed support the proposal of Australia becoming a republic and, in particular, to support the model with which Australians will be presented on 6 November at the constitutional referendum. I support moving from a constitutional monarchy to an Australian head of state because I think our constitutional arrangements should reflect the reality of Australia and because our national symbols should be acceptable to the vast majority of Australians.

I make it absolutely clear that I have no antipathy towards the British royal family. I genuinely admire the commitment of the senior members of that family to their duties, and in particular, I am very pleased that the yes case has withdrawn the advertisements which were proposed to be run on Charles III. I feel very positively towards Charles who, despite the complexities of his personal life and the difficulties of his upbringing, is a man of some compassion with a very real belief in social justice and support for environmental issues, who seeks a kinder and gentler world. However, notwithstanding how fine those people are, they are not Australians and not part of our community. Even that one term - fateful as it was - at Timbertop, does not mean that he can begin to speak for us. Australia has an ethic of equality, as the member for Perth said. We support notionally the idea of merit rather than heritage, although I would have to say with the Murdochs and Packers, one would have to wonder whether that was still the case. Nevertheless, at least in theory our general cultural view is one that supports the promotion by merit. That of course is antipathetic with the notion of an inherited aristocracy with an inherited monarchy.

Some particularly offensive provisions surround the selection of the British monarch. I refer to volume 7 of Constitutional Law which sets out the statutory conditions of tenure. For those who have not had the opportunity of reading this disgraceful piece of legislation, I will read the offensive provision. It states -

Any person who shall be reconciled to, or hold communion with, the see or Church of Rome, or profess the popish religion, or marry a Papist, is excluded from inheriting, possessing, or enjoying the Crown, and in such case the people are absolved of their allegiance, and the Crown is to descend to such person or persons, being Protestants, as would have inherited it in case the person so reconciled, . . . were dead.

It is still the law that governs the appointment of the Queen of Australia. As an atheist, I would have nothing to worry about, but many people in the community find it deeply offensive. It is important that we look at the reality of Australia and its religion. The religion expressed to be most supported by the greatest number of people in Australia's five-yearly census is Catholicism. Therefore, we have this bizarre situation of the most common religion in Australia being Catholicism, yet it is expressly proscribed for the royal family.

Several members interjected.

Ms MacTIERNAN: The member for South Perth is a sensible man who will allow the logic of an argument to persuade him.

The essential point is that the most common religion in Australia is specifically proscribed for the queen or king of Australia. That is a perfect example of how completely inappropriate it is for us to embrace as our head of state a person from another nation. Of course, the other reality, as Mr Howard quite rightly pointed out this morning, is that Australia is an independent nation. It is important that our symbols and our head of state reflect the reality of our independence. It is appropriate that we have our own head of state and not one derived de facto from another country.

Although I think the symbolic issues are extremely important - that is why I am voting yes - I would nevertheless not support the referendum if it was the proposed direct election model. I agree with a number of comments made by the Premier. The direct election model would turn on its head the Westminster system on which we operate, which I believe has been a far more successful system than that of the United States. Without wanting to go on at length about the reasons that I think it is better, it has produced a more stable, equitable and efficient system of government. Suffice to say it is a recipe for disaster to have a head of state with a mandate which rivals that of the Parliament. Although I believe that symbols are important, substance is even more important. If changing the symbols were to mean that we would lose the very real benefits of the Westminster system and our style of parliamentary democracy, I would not support that change. However, fortunately, commonsense has prevailed. The model before us is not the direct election model but, rather, a model which has a minimum of change and which focuses on the ceremonial office of the head of state. I urge my fellow Australians to get with the future and recognise that we are a nation that has grown up. It is now time for us to leave home and create our own community in its fullest sense.

MR JOHNSON (Hillarys) [6.10 pm]: This morning I was disappointed when I saw all the members of the Australian Labor Party coming into this Parliament. I thought they were promoting a telecommunications company and were getting into the same game as some of the talkback radio personalities. I wondered what they were doing. Of course, we know that the ALP, as a party, is getting behind the yes vote. It disturbs me that they should try to obtain agreement from this sovereign Parliament to a motion on a yes vote in the referendum to abolish our current system of government which has an Australian head of state anyway. It is not realistic to say that the new system will promote someone who is an Australian citizen as the head of state; we have that in the present system. For many years now an Australian citizen has been appointed Governor General. I am in favour of a constitutional monarchy; it is one of the best systems in the world. Some members opposite might say, "That is because you are a pom; you come from the United Kingdom." That is not the case at all. When I made my maiden speech in this Parliament, I said clearly that I was very happy to swear allegiance to the Queen of Australia. I would be very happy to swear allegiance even if she were the Queen of a country other than the UK. It is not because she is the Queen of England as well as the Queen of Australia that I support the present system; it is because she is a sovereign and I believe the constitutional monarchy is the best system in the world. It is one of the longest established systems and provides many of the safeguards, checks and balances in our current Constitution.

Many people refer to the sacking of the Whitlam Government by the then Governor General in 1975. I understand the Governor General made that very sensible decision as an Australian who was appointed by the Prime Minister of the day at the time of his appointment, and approved by Parliament. The decision to sack the Whitlam Government was absolutely necessary at the time. I understand under the proposed changes to the Constitution, the Prime Minister can sack the president. In the present system the Prime Minister cannot do that. He can recommend to the sovereign that the Governor General be replaced but he cannot actually sack him. The parliamentary system is one of the biggest safeguards that this country has.

There is no question, and I firmly believe, that Australia should become a republic in the fullness of time. However, if it is to become a republic, the general populace of Australia deserves a much bigger say about who should be the sovereign of Australia in the form of a president. This is the reason that I do not support the current proposed system. We have heard arguments from members of the ALP that this is the best system but it could be changed to a different system. My experience of life is that if we adopt this proposed system recommended by the ALP, it will stay like that for many years to come and it will be a very brave Government that takes up the issue of going to a direct election of a president of this country.

I am disappointed that any political party should get behind either the yes or no campaigns. As individual members of Parliament, we have every right and responsibility to answer to our electorates. Someone from the *Sydney Morning Herald*

rang me and asked whether I would vote yes or no and whether I would take an active part in the campaigns for yes or no, whichever way I decide to vote. I will tell members what I told that newspaper reporter. I said I would vote no in this referendum. I said no to the question: Would I take an active part in campaigning along those lines? I believe the people of Australia - in this instance the people of Western Australia - should be left alone to make up their minds. They do not need the assistance of the Labor Party in this State in moving a motion in this House that the Parliament of Western Australia thinks they should vote yes.

Dr Gallop: They did it in Tasmania; all sides agreed; the world didn't collapse.

Mr JOHNSON: I think the Labor Party had the numbers there.

Dr Gallop: No, the Liberal Party there supports it.

Mr JOHNSON: If the Labor Party had the numbers it could have any legislation that it wanted passed. However, in Western Australia the Labor Party does not have the numbers in this House, thank goodness. It might have some numbers, with cooperation, in the other House. I am certain the ALP's motion will not succeed today and I am delighted it will not succeed because this is the wrong model. A member espoused the virtues of the Irish model; I do not disagree with that model. The Irish people wanted a republic, which they now have, and I believe it was implemented along the right lines because the people of Ireland decided they wanted a say in who would be their head of state.

Ms MacTiernan: Yes, and how did they do it?

Mr JOHNSON: They did it by direct election. If the people of Australia want to do the same thing, I would totally support it; I do not have a problem with that at all. The Irish have a very good president who does an excellent job.

Ms MacTiernan: Have you looked at all of their presidents? Do you know from which political party their current president comes?

Mr JOHNSON: It does not matter from which political party they come.

Ms MacTiernan: Do you know that virtually every president, with the exception of Mary Robinson, has come from one of the major political parties; indeed virtually all of them have come from Fianna Fáil.

Mr JOHNSON: The problem I have with the system is the proposed motion of the member for Armadale's party. Whoever is elected to head a republic, whether through the proposed system or through a direct election, will be a politician because the political parties will get behind that election. That is why I am upset at the Labor Party today. It is getting behind one particular system which it should not do. The ALP's members can tell people of their personal view and espouse that view on the radio, in leaflets or whatever, but they should not try to foist on this Parliament what the people of Western Australia do not want. Many people in my constituency have approached me and asked me about what will happen with this referendum. Many people do not understand the proposed system and are unaware of the number of proposed amendments to the Constitution. When they find out, they will be absolutely horrified.

Mr Wiese interjected.

Mr JOHNSON: Yes, I have looked at it very carefully and I have discussed it with them and that is what members opposite should do. However, that is my personal view, not a political view of our party. Members opposite should not be like a lot of sheep and come into this Parliament like schoolchildren wearing badges promoting what I thought was a telecommunications company but, rather, come into this Parliament to debate serious issues that do not influence people in their voting at a referendum.

DR HAMES (Yokine - Minister for Housing) [6.20 pm]: I will vote yes in the referendum, but I do not support this motion. As the member for Hillarys said, it is not appropriate for Parliament to make a statement on whether it supports the yes or the no vote. Nevertheless, I will take this opportunity of saying why I will vote yes and make a point about the so-called republicans' intention to vote no. I disagree with what they are doing. I will vote yes because I like the present system in which Governors General, who are Australians appointed by the Parliament, represent the views of Australians. The yes vote will result in a similar model, but without the monarchy sitting over the top of someone.

We have reached the stage at which it is time to discard the previous association with Mother England. Although Queen Elizabeth is the Queen of Australia, the monarchy ties us to the old Mother England concept and it is time we stood up as Australians and broke away from that system. Nonetheless, I like the traditional system in which Australians are appointed as Governors General. That is why I like the minimalist change that is being promoted.

Although I feel uncomfortable about the concept of the Prime Minister being able to "sack the president", it is time we voted for a republic, particularly as we move into the new millennium. The people who disturb me most are the so-called republicans who will vote no, and who are complaining about the politicians' model. In fact most of them are politicians, so it is nonsense. They are scared to encourage people to support the system because they want support for the monarchy. They know the majority of people do not share their view, so they are going over to the other side and are talking about the politicians' so-called republic and saying people should vote no.

They are also saying that even if people vote no, they will have another opportunity in a year or two to vote yes. However, they must look at the odds. In one sense, they will be getting 90 per cent of what they want by voting yes, but they are saying because they cannot have it 100 per cent their way, they will spit the dummy and vote for something they do not want. That is the first example of their silly actions.

Let us suppose 40 per cent of voters vote no because they are happy with the present system; 30 per cent vote for the model proposed; and another 30 per cent want a republic in which the general population vote. If the 30 per cent who want a president elected by the people join the 40 per cent who want a monarchy, the republican vote will lose.

The next time a referendum is held which provides a choice between the monarchy and the model of the people voting for the president, the 30 per cent of us who want the minimal change system are likely to join with the monarchists so that it will be defeated again. Either way the republicans will lose. The point I am making is that if they really want a republic in which the general population vote for the president, they are using the wrong tactics. They should join with those who want a minimal change republic and put one in place. If they can convince everybody down the track that they want the alternative system and another referendum is held, the 40 per cent who want a monarchy will have to choose between the minimalist change system or the general vote system because a republic would already be in place. The general voting republican model is far more likely to succeed if the republicans take some of the monarchists on their side rather than trying to persuade all the monarchists and the 30 per cent of the republicans who want minimal change.

The monarchists are being clever in encouraging the group who want the general public to vote no, because they know it will give them the best chance next time of winning a no vote. I say to the republicans who want a republic but who do not like the model being proposed, they should take this chance of voting for a republic and keep working for another referendum. They should not spit the dummy because they can win only 70 per cent of what they want. They will have a much better chance of getting their model next time around if another referendum is held.

MR BAKER (Joondalup) [6.25 pm]: At the outset, I am opposed to the motion, although I support the amendment moved by the Premier. It is outrageous to suggest that the Parliament should recommend how the people of Western Australia should vote in the forthcoming referendum. It is also arrogant for the Leader of the Opposition to think he has a mandate to make recommendations to the people of Western Australia. They will make up their own mind in due course. A public education campaign has been in place for several months.

Dr Gallop: Why not participate in that campaign?

Mr BAKER: The people of Western Australia are not stupid. They are not calling on the Opposition for guidance nor on the Parliament of Western Australia to make a recommendation on this issue. They will make up their own minds based on the information circulated and on their own views.

It is clear that the republican model on which we will be voting is not the model that the overwhelming majority of Australians want. Having said that; that is the end of the matter. If the majority view holds sway, people will vote no and this referendum will be defeated. Is this referendum necessary? What will be the outcome of it? What fantastic achievements will the referendum bring to the people of Australia? Like this motion, the referendum is a symbolic waste of time and money. There are far more important issues we should be debating in this Chamber.

Dr Gallop: Do you think we should have our own national anthem?

Mr BAKER: The Leader of the Opposition should bear with me. The Labor Party is always ranting and raving in this Chamber about getting priorities right generally. How much will this referendum cost the Australian taxpayers? Where could those moneys be otherwise redirected? Including the cost of the convention, from beginning to end, the republican campaign will cost the Australian taxpayers approximately \$384m. The Leader of the Opposition has clearly indicated where those moneys should be spent. He says we do not need extra police resources; we should not worry about hospital waiting lists or additional hospital beds; and we do not need any new schools, additional teachers or more sport and recreation facilities, but we should pump \$384m of state and federal moneys into this referendum. It is a waste of money.

Mr Carpenter: Do you support the belltower?

Mr BAKER: The Opposition's priorities are totally askew. There will be more jobs in the belltower during the construction and post construction phases than this referendum will deliver to the people of Western Australia. This is a jobless referendum; it will not create jobs. It is based only on symbolism. As I indicated, it is not the model that the majority of people want.

The Leader of the Opposition purports to be concerned about democracy and what the majority of Western Australians want. If that is the case, he should vote no. The polls are saying that the majority of Australians do not want a bar of this republican model. Having acknowledged that, he is saying, "They are wrong, I am right; they should vote yes."

The referendum will not create new jobs, reduce hospital waiting lists, reduce youth suicide rates or create better domestic violence programs. It will not result in smaller class sizes. It will not make a bean of a difference to the real things that count to the little people of Australia. As I said, there are more jobs in a \$5m belltower than there are in the Opposition's \$384m constitutional referendum. The Labor Party clearly has its priorities wrong on this issue. I will repeat that figure: It has pumped \$384m into a debate -

Dr Gallop: John Howard.

Mr BAKER: Good point. The Labor Party sowed the seed of thought many years ago with Paul Keating. Keating used the whole issue as a diversion. He put the issue in the public domain. It is pure symbolism. It is a total and shocking waste of taxpayers' money and it will not make a zack of a difference to anything.

Mr Wiese interjected.

Mr BAKER: It was \$120m as at February this year. If all the costs of, and incidental to, the whole process from start to

finish are considered, that is the total ballpark figure. The yes case at the moment is being run and organised by the so-called elites in this country - the nouveau riche; the monied elites.

Dr Gallop: Peter Costello, John Fahey.

Mr BAKER: It is not the little people who are steering the ship; it is the wealthy elites in this country who have nothing better to do with their time than pursue very expensive matters of symbolism.

The Leader of the Opposition made the comment during his speech earlier that he thought that the proposed election of the president under the amendments to the Constitution is far more democratic than the present system. He referred to the proposed provision in the Constitution, a new section 62 which deals with the removal of the president. He said that the Prime Minister could remove the president by instrument in writing and that issue must then be supported by two-thirds of both Houses of Parliament. That is not the case at all. The Prime Minister can summarily and immediately dismiss the president -

Dr Gallop: I did not say that.

Mr BAKER: The Leader of the Opposition said words to that effect.

Dr Gallop: No, I did not. I said it goes to the House of Representatives for a vote.

Mr BAKER: It can, but it does not have to. The last line of the proviso to the new section 62 - let us not get bogged down in the substance of the Constitution; let us talk about rhetoric and symbolism - refers to the need to refer the dismissal to a vote of the House of Representatives. It states that the failure of the House of Representatives to approve the removal of the president does not operate to reinstate the president who is removed. End of story! It is pure symbolism. It is a nonsensical vote to remove the president, because it is not even necessary. If the Leader of the Opposition reads the proviso, he would realise that it does not matter anyway. Even if the issue did not go to a vote, the Prime Minister would have his way. If the Prime Minister were to have his way and if a would-be president read the new section 62, he would realise that at the end of the day, he is totally beholden to the Prime Minister from start to finish. In reality, the Prime Minister must move the motion in support of the president's appointment. At the end of the day, the Prime Minister can sack the president. There is a reference in new section 62 to its going to a vote.

Dr Gallop: How does he get appointed?

Mr BAKER: New section 62 refers to the dismissal and removal going to a vote of Federal Parliament, but, according to the proviso, it is not even necessary. It says, "It does not matter if you did not vote upon it, the PM's decision will hold."

Mr Wiese: Following on from that, if the Parliament votes yes and votes no confidence, the Prime Minister is also automatically out of a job.

Mr BAKER: That is a valid point.

Dr Gallop: It is a fairly substantial check and balance.

Mr BAKER: Will we have to remove the Prime Minister as well if the president goes? I encourage members to read the new section that will be inserted into the Constitution.

Mr Carpenter: Sit down! You have made your point. It is not worth talking about according to you, so sit down and let other people speak!

Mr BAKER: I am making a point that must be made: It is a very expensive waste of money. It will not improve the welfare of Western Australians or Australians. It will not make a bean of a difference to anyone, and it is not the model.

MR CARPENTER (Willagee) [6.34 pm]: We have heard a lot about little people. The member is right: It is people with little imagination, little spirit, little idea and little confidence in the future of the country. The metaphorically "bigger" people have a lot of confidence in the future of the country and a lot of vision about the way Australia could be. It struck me as most unfortunate that when I was sworn into this Parliament, I had to swear an allegiance to the Queen of England. It is utterly ridiculous to be swearing an allegiance to the Queen of England. I swore my allegiance to a person who has never lived in this country, who has no real interest in this country and who is the head of state of a country on the other side of the world. We have reached the point in the history of our nation when we must stand up and realise that we are no longer part of a colonial empire, which is the kind of days to which people are harking back. They are finished. We are an independent country and we need an independent head of state and a person who is truly representative of the Australian people, so when we come into Parliament, we do not have to swear allegiance to the head of state of another country.

It will be a great shame for our country if we pass up the opportunity that is now before us to become a republic and to have our own head of state and our own presidency. It will make us a laughing stock, not necessarily in the rest of the world, but among ourselves. It will say something very sad about ourselves if we are not prepared to accept that Australia should have its own head of state. It should have happened 100 years ago when Australia became a federated country, instead of now as we approach the one hundredth anniversary of our federation. We are about to move into the new millennium, and with all the symbolic importance that has all over the world and this country, it is a perfect opportunity for Australians to take their destiny in their own hands and express themselves as a nation in a way that the supporters of the move to republicanism would like to see. The current model is the safest model one could imagine as a transition from monarchy to republicanism. Like the member for Yokine, I can almost visualise the campaign that would be run if this referendum were to fail and we were to move on to a subsequent referendum at another point when the possibility of a direct election model would be offered. The same people who are now campaigning for the no case on the basis that it is the politicians' campaign would

then campaign that the only person who could be elected under a direct election model would be a politician. That will be their campaign and there is nothing more certain than that.

The British monarchy has served its purpose for the development of Australia as a nation. It no longer serves that purpose. It has been said by other people that the head of state of Britain represents Britain's interest in the world. The head of state does not represent Australia's interest. It is absolutely ridiculous for Australia to have a head of state which does not represent its interest in the wider world. The Queen of England and her successors will always represent the best interests of Britain, and those interests will not always coincide with the best interests of Australia. It could be argued that the monarchy in Britain is completely anachronistic. The 1689 Bill of Rights enshrines into the British law and Constitution that a Catholic cannot be the King or Queen of England. That is totally unacceptable in the modern era. It has never been written out of British law. We should not accept that imposition of another country's ancient prejudices into our body of law. I raised that matter specifically for the interests of some people in this Chamber. We should not accept in any way that sort of inhibition on a person becoming the head of state of our country, nor should we accept any sort of racial inhibition or any other sort of inhibition.

We have a wonderful opportunity. We should consider ourselves very lucky that we are living in a period when we can make this decision about the future of our nation. If we pass up this opportunity, it will be a great tragedy for Australia, and for all of us, and our children and their children will laugh at us, point the finger at us and say, "You fools".

MR OSBORNE (Bunbury) [6.39 pm]: As I am aware that others wish to speak in this debate, I will briefly say something along the same lines as the member for Yokine; that is, although I will be voting yes at the referendum to support the republican model which has been proposed, I do not believe that this Parliament should attempt to prescribe in any way what members of the public or Parliament should do.

Dr Gallop: We cannot do that.

Mr OSBORNE: That is the sense of the motion when it says that this House recommends that people vote yes. That is something that this Parliament need not do. As a member of the Liberal Party, I believe it is important that people should be free to have their own views and to make their own assessments of circumstances. I also will take the opportunity to quickly state for the record some of the reasons that I support the model that has been proposed by the Australian Republican Movement.

Previously, I counted myself as a great supporter of the status quo, including the constitutional monarchical system that we inherited from Britain. As a student of British history at university and as someone who has often been mistaken for being English, even though I am very much Australian and am always proud to remind people that my family arrived in Western Australia in 1830, I considered myself to be part of the great stream, as it were, of British tradition and history. Until about six months ago, I was totally prepared to stay with the status quo, because I believed it was a safe system which had brought great benefit and advantage to Australia, and that the onus of proof for change lay with the proponents for change. However, having listened to the debate over the past six months or so, I believe the proof has been established by the proponents for change, and the system being proposed is a safe one which can be supported by the people of Australia.

For a variety of reasons, sufficient checks and balances have been established. The new office of president is not greatly or dangerously different from the office of Governor General. The method of appointment is superior to the method of appointment of the current Governor General. As we all know, the current Governor General is appointed and can be dismissed by the Prime Minister of the day. The achievement of a super majority system whereby members of Parliament will choose the president will mean that we will get a president who is bipartisan and who has gone through a stringent process of selection and appointment. Without in any way reflecting on the quality of Governors General in previous years, some of whom have been political figures - political figures such as Hasluck and Hayden have been fine representatives and holders of the office of Governor General - the new system proposed by the ARM is a better system which will produce an improvement in the office of head of state. As I said, the holders of the office of Governor General to date have been fine people. I have not criticised the current system in that respect. However, to have a hereditary monarch from Britain as Australia's head of state is not now in keeping with the nature of the Australian nation. This country should offer the opportunity for people to rise to the top of our constitutional system by merit, and the idea that people can be born into or inherit a position is not the Australian way.

We should be able to continue to evolve the parliamentary system. It is true that the system that we inherited from 1901 is the best parliamentary system in the world. However, that does not mean to say that we cannot make important changes to that system - changes which are more appropriate and more apt to the country in which we now live.

Others have already touched on the issue of politicians choosing the president. I find it strange that supporters of direct election and supporters of the monarchical system believe that politicians should not be involved in the selection of a president. Members of Parliament to a large extent are hardworking and well-meaning people. They are elected representatives of the people of Australia. I see no reason that they, as an electoral college, should not be able to choose a president. It is true that politicians to a large extent are involved in political fighting and the politicisation of issues. However, when politicians are called upon to act in the best interests of the country and to consider an issue in a mature and parliamentary way, they are perfectly able to do that. When politicians are charged with the responsibility of choosing the head of state of Australia, they will approach that task with the maturity and commonsense required.

Before concluding, I will deal with the matter of direct election. I vehemently oppose the concept of direct election. If the ARM model does not succeed at the referendum I will be disappointed, but I will not be bitterly disappointed, because, at worst, we will end up with the current system which, as I said earlier, is the best system in the world today. However, I

would be bitterly disappointed if this country had a directly elected president, because that represents a fundamental change in the way this country is governed. There are significant and obvious risks in the concept of a directly elected president. Three risks that come quickly to mind are that a directly elected president would represent an alternative centre of political power against the Prime Minister and the Cabinet. A directly elected president would be able to call on a mandate which, under our present system, the Prime Minister does not have. The Prime Minister is not even mentioned in the Constitution. Therefore, there could be a situation in which a directly elected president opposed or defied the Prime Minister and the Cabinet, and that represents a bad change to our system of government. Secondly, a directly elected president blurs the proper distinction that we currently have between a head of state and a head of government. That is an important distinction to maintain. Finally, a directly elected president would come from the political elite. A president who comes from the super majority system proposed by the ARM would be a non-political, bipartisan figure, and it would be possible for a person from anywhere in Australia to be chosen for that position. However, it stands to reason that someone who is directly elected must have enormous influence and enormous financial resources, and would almost by definition come from the political elites of the eastern States. Therefore, the needs and aspirations of people in places like Western Australia would be completely ignored.

Those are my reasons for supporting the ARM model. I apologise for taking a little more time than I should have. In conclusion, the role of this Parliament is not, either directly or by implication, to prescribe the way that people vote on an issue such as this. Therefore, I will not support the motion, but I support the amendment, which confirms the opportunity we have to exercise a full vote on this most important matter.

MR MacLEAN (Wanneroo) [6.47 pm]: I support the amendment. I had some concerns when the Leader of the Opposition initially moved the motion that this House should support Australia becoming a republic. I do not think it is the right of this House of Parliament, or its members, to direct the people of Western Australia on how they should vote.

Dr Gallop: We cannot.

Mr MacLEAN: I know we cannot. I fully support the amendment which says that we welcome the opportunity that the referendum provides.

My grandfather was a Scottish nationalist. My father did not have a lot of respect for the Queen. I cannot stand the idea of someone taking office because his or her father and mother were born in the right place. Therefore, I do not believe in hereditary offices, and obviously I do not have a lot of time for the monarchy. They are my views. My family and I have had those views for all our lives. I have never shirked from expressing myself in these matters.

Mr Wiese: Would you say you inherited those views?

Mr MacLEAN: But I did not inherit the office.

The issue of whether we become a republic has never been a question for me. Australia must become a republic. I find it rather interesting that the anti-republican movement says that it is only a symbol. Government is all about symbolism. We have symbols for all sorts of things. We have a coat of arms for Australia, and a coat of arms above the Speaker's Chair. Our flag is a symbol. I support the Australian flag. It is a symbol of our nation. It is my flag. The president will be a symbol of our nation. The system that has been put forward is often referred to as a minimalist change system. Basically it replaces the words "Governor General" with the word "President". All the things that the monarchists say are so terrible and so damning that republicans are trying to slip into the system are already there. At present the Prime Minister can not only sack the Governor General, but also can replace the Governor General on the same date. Under the new system the Prime Minister might be able to sack the president, but he will not be able to replace the president on the same day, so the Prime Minister will not have the ability to pick a replacement. That is important. It is one of the checks and balances in the new system.

The Governor General in Australia has more power than the Queen in England, because the Queen cannot ring up 10 Downing Street and say, "You're sacked." The Queen does not have the constitutional right to do that, yet the Governor General can ask the Prime Minister whether he has the confidence of the Parliament. That can cause a constitutional crisis. We all remember 1975. Regardless of one's position - I was happy for Mr Whitlam to go, and I do not make any bones about that - I was not happy with the way it happened. It was an abuse of the position of Governor General. The fact that Sir John Kerr had been appointed by a Labor Prime Minister made it worse. However, the people of Australia agreed with the Governor General, because they resoundingly defeated the Labor Government at the next election. In that instance, the Governor General was right. What would have happened if the Labor Government had been returned with a resounding victory? We would have had a constitutional crisis. That is a problem. There is nothing to say that if we are in a similar position in five or 10 years' time, something similar could not happen again. It is only because Australians tend to take life very easy that we did not have civil unrest in 1975. In other countries which take a great deal of interest in politics and where it is a passion, there would have been civil unrest if a non-elected head of government had sacked an elected Government on the say-so of the Opposition. That happens in some countries in Asia, and usually it is followed by tanks and troops on streets. However, Australians thought it was okay. The reason it was okay at the time, was that the Government at the time was terribly unpopular. If the Government had not been unpopular and the same thing had happened, there would have been a crisis, and there possibly would have been the civil unrest of which some people spoke.

The simple fact is that in 1975 when the Governor General sacked the Government no-one knew whether there would be civil unrest. I was in the armed forces in those days. It was an interesting experience to find that one's leave had been cancelled and a ship that was in refit that normally did not carry any weapons suddenly had all its small arms brought back on board. That was because no-one knew what would happen. I am not saying that happened at the direction of the Governor General; it was probably somebody making sure that if something did happen we would be prepared.

Mr Pental: Your commander was probably a republican. You would not find a monarchist acting like that.

Mr MacLEAN: He was; and a damn nice bloke! Victoria Barracks was obviously a monarchist stronghold, because I think they ordered it. Then again it might have been someone being overly cautious. It happened because a non-elected person dismissed an elected Government and people did not know whether there would be civil unrest. We were lucky; the Government proved to be so unpopular that no-one cared and more people were happy rather than unhappy about it. However, the possibility of civil unrest was there.

I cannot support the motion of the Leader of the Opposition. I do not believe it is our right as members of Parliament or as a House of Parliament to direct people to vote one way or the other. It is a matter of personal choice as to how people form their opinions, and how they vote. I hope they vote yes, but if they vote no, there will be other opportunities. I support the amendment moved by the Premier and I welcome the opportunity that the Federal Government has given us as citizens to make the choice to become a republic or to stay under our current system of government.

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [6.55 pm]: I was appalled to see this motion brought before the House tonight. I do not believe that members of Parliament or the Parliament should try to influence people in the public arena as to which way they should vote in the referendum. As it happens, I am a yes voter and I support the idea of an Australian republic. However, when the opposition members pinned on their badges today it made me wonder whether I should support that side.

Dr Gallop: John Fahey and Peter Costello wear these badges.

Mr BRADSHAW: They can wear what they like, but it is up to the people to make up their own minds in this debate. I have not gone out of my way to try to influence people in my electorate, and I was appalled when this motion was brought before Parliament. The amendment solves that problem, so I will support the amendment before the House. Like many people I predict that the no vote will win, although I hope I am wrong as I will vote yes.

When people object to the direct election of a president, I ask them to give me an example of a bad Governor General, but they cannot give me an example. Members of the Australian Labor Party say that Sir John Kerr was a bad Governor General, but that is life, and they appointed him. Even if we did have a bad Governor General, it does not mean to say that we cannot get a bad president as well. It is the luck of the draw.

Dr Gallop: I hope it is better than the luck of the draw.

Mr BRADSHAW: It is not, and that is the trouble. It is like Governments. The people elect Governments and they get good Governments and bad Governments. Electing a president will be no different. We may get a good one or a bad one.

Dr Gallop: You should retire. You are getting a little cynical.

Mr BRADSHAW: I am not cynical; it is the truth. I became cynical about life a long time ago.

Dr Gallop: They tell me there are a few people looking for seats on your side.

Mr BRADSHAW: There probably are.

Mr Carpenter: A chap rang me up to congratulate me about the railway station.

Mr BRADSHAW: It has not been fixed yet. Was it Mr Henry?

Mr Carpenter: Not it was Mr Parker. He is a regular caller.

Mr BRADSHAW: He is a regular caller to my office and he takes up a lot of time. I could do without that. I will see if I can get him relocated to Willagee.

It was wrong of the Opposition to bring this motion before Parliament tonight. I support the amendment. I hope that the yes vote gets up.

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

Ayes (30)

Mr Ainsworth	Mr Day	Mr MacLean	Mr Shave
Mr Baker	Mrs Edwardes	Mr Marshall	Mr Sweetman
Mr Barnett	Dr Hames	Mr Masters	Mr Tubby
Mr Bloffwitch	Mrs Hodson-Thomas	Mr McNee	Dr Turnbull
Mr Board	Mrs Holmes	Mr Minson	Mrs van de Klashorst
Mr Bradshaw	Mr House	Mrs Parker	Mr Wiese
Dr Constable	Mr Johnson	Mr Pental	Mr Osborne (<i>Teller</i>)
Mr Court	Mr Kierath		

Noes (13)

Mr Brown	Mr Kobelke	Mr McGowan	Mr Thomas
Mr Carpenter	Ms MacTiernan	Mr Riebeling	Ms Warnock
Dr Edwards	Mr McGinty	Mr Ripper	Mr Cunningham (<i>Teller</i>)
Dr Gallop			

Pairs

Mr Cowan
Mr Prince
Mr Trenorden
Mr Nicholls
Mr Barron-Sullivan

Mr Graham
Ms McHale
Mrs Roberts
Mr Marlborough
Mr Grill

Amendment thus passed.

Amendment (words to be substituted) put and passed.

Motion, as Amended

Question put and passed.

BILLS - RETURNED

1. Sentencing Legislation Amendment and Repeal Bill 1998.
2. Sentence Administration Bill 1998.

Bills returned from the Council with amendments.

House adjourned at 7.05 pm

QUESTIONS ON NOTICE

Questions and answers are as supplied to Hansard.

MINISTERS OF THE CROWN, CREDIT CARD EXPENDITURE BY MINISTERIAL OFFICERS

11. Mrs HOLMES to the Minister for Police; Emergency Services:
- (1) Will the Minister advise what the total expenditure on Government credit cards was in the Minister's office for the following financial years -
- (a) 1990-1991;
 (b) 1991-1992; and
 (c) 1992-1993?
- (2) For each individual credit cardholder in the Minister's office will the Minister advise -
- (a) the name and position of the cardholder;
 (b) the credit limit on the card; and
 (c) the total expenditure on that card in -
- (i) 1990-1991;
 (ii) 1991-1992; and
 (iii) 1992-1993?

Mr PRINCE replied:

- (1)-(2) All Police and Minister's Office corporate credit card payments at that time were made to Westpac Banking Corporation. Every such payment would need to be examined to separate Minister's Office expenditure from Police Service expenditure. Accounting records that identify payments from chart numbers have since been destroyed.

SYDNEY OLYMPICS, ATTENDANCE BY MINISTERS

465. Mr McGOWAN to the Minister for the Environment; Labour Relations:
- (1) Will the Minister be attending any events or functions at the Sydney Olympics?
 (2) If so, when and which events?
 (3) What is the estimated cost of the Minister's attendance and any attendance by his family and staff?
 (4) Who is meeting these costs?

Mrs EDWARDES replied:

- (1)-(4) The member's question does not deal with anything within my portfolio.

TIMBER INDUSTRY, OCCUPATIONAL SAFETY AND HEALTH REGULATIONS

604. Dr EDWARDS to the Minister for the Labour Relations:

Has WorkSafe delegated to any other party the responsibility for monitoring and/or enforcing occupational health and safety regulations as they relate to any aspect of the timber industry?

Mrs EDWARDES replied:

No but as per my Ministerial Statement on 21 September 1999 indicated where other agencies are involved it makes good sense to co-ordinate the activity.

GUILDFORD CEMETERY, ENVIRONMENTAL REVIEW

608. Mr PENDAL to the Minister for the Environment:
- (1) Has a public environmental review conducted over the Guildford Cemetery, which was established over 100 years ago, proposed that approximately 13.5 hectares be conserved for environmental value including as a potential habitat for the Western Swamp Tortoise?
- (2) Has the Minister, in company with other Ministers, received representations from various ethnic and church groups greatly concerned by the apparent lack of priority given to the provision of burial grounds in view of the diminishing availability of land at Karrakatta and having regard for the fact the Islamic community, Greek and Macedonian Orthodox churches and the Perth Hebrew congregation have all been granted or promised land at the Guildford Cemetery?
- (3) Was the Minister also acquainted that the Italian community in the suburbs near to Guildford are greatly disturbed and distressed by the prospects of not being able to be buried with, or near relatives at Guildford?

- (4) Is the Minister aware other ethnic and religious groups are going to be similarly affected and any loss of land set aside for cemetery purposes will create difficulties for the Metropolitan Cemeteries Board in its administration of Guildford may indeed necessitate it closing this historic cemetery?
- (5) Is the Minister currently considering appeals as part of the public environmental review process and does this include consideration of realigning Kalamunda Road which bisects Guildford Cemetery creating an unacceptably dangerous situation for people attending funerals?
- (6) When does the Minister envisage these appeals will be determined?
- (7) Will the Government be compensating the Metropolitan Cemeteries Board for any land taken for environmental purposes through the acquisition of more land to expand the Guildford Cemetery so it will serve the multicultural and general population of our city as a regional facility well into the future?
- (8) If such positive action is not taken to develop Guildford as a regional cemetery, could the Minister indicate how far from central Perth are people going to travel to bury their loved ones when Karrakatta has no further land available for interments?

Mrs EDWARDES replied:

- (1) The proposal assessed in the Guildford Cemetery Public Environmental Review comprised only the realignment of a section of Kalamunda Road through Guildford Cemetery. The Public Environmental Review did not consider use of the remainder of the Cemetery area.
- (2) Yes.
- (3) I am aware of, and sympathetic to, the Italian community's needs with respect to burial grounds.
- (4) It has been recognised that a whole-of-Government approach is required to assist the Metropolitan Cemeteries Board with identification of key strategic cemetery sites to provide for all ethnic and religious groups. This issue is being actively coordinated for Government through the Western Australian Planning Commission.
- (5) Yes.
- (6) After I receive a report from the Appeals Convenor.
- (7) The Cemetery's remnant bushland areas have been identified as being worthy of conservation in the Government's draft *Perth's Bushplan*. The Government is currently liaising with the Metropolitan Cemeteries Board regarding alternative land which may be suitable to the Board in exchange for the high conservation vegetation and wetland areas.
- (8) See response to (4) above.

GOVERNMENT CONTRACTS, CONEY STEVENS PROJECT MANAGEMENT PTY LTD

658. Ms McHALE to the Minister for the Environment; Labour Relations:

- (1) How many contracts were awarded to Coney Stevens Project Management by agencies and departments under the Minister's control in -
 - (a) 1996-97;
 - (b) 1997-98; and
 - (c) 1998-99?
- (2) For each contract, will the Minister state -
 - (a) the project that the contract was awarded for;
 - (b) the date that the contract was awarded;
 - (c) the expiry date of the contract;
 - (d) the value of the contract;
 - (e) did the contract go to tender; and
 - (f) how many companies or individuals submitted tenders?

Mrs EDWARDES replied:

WorkSafe Western Australia:

- (1) No
- (2) Not applicable.

Department of Productivity and Labour Relations:

- (1) No
- (2) Not applicable.

Department of the Registrar, WA Industrial Relations Commission:

- (1) No
- (2) Not applicable.

Perth Zoo:

- (1) No
- (2) Not applicable.

Botanic Gardens and Parks Authority:

- (1) In 1996-97 Kings Park Board awarded one contract through CAMS to Stevens Project Management for the period to 1997-98. This contract was extended to Coney-Stevens Project Management for 1998-99, through CAMS from predetermined panels.
- (2) 1996-98 Contract:
 (a) Centennial Enhancement Stage B.
 (b) 15 July 1996.
 (c) 7 July 1998.
 (d) \$163 858
 (e) Yes.
 (f) Eight.
- 1998-99 Contract:
 (a) Capital Works Program Management (various works projects).
 (b) July 1998.
 (c) Current under review.
 (d) \$121 669
 (e) No, appointed from CAMS panel.
 (f) Not applicable.

Commissioner for Workplace Agreements:

- (1) Nil.
 (2) Not applicable.

Conservation and Land Management:

- (1) Nil.
 (2) Not applicable.

WorkCover WA:

- (1) Nil.
 (2) Not applicable.

Department of Environmental Protection:

- (1) (a) None.
 (b) Two.
 (c) None.
- (2) (a) Contracts were awarded to develop tender briefs for:-
 (i) contracting consultancy services in relation to the remediation of the Omex contaminated site and assistance in selection of the preferred tenderer.
 (ii) the preparation of environmental review documentation for the intractable waste disposal facility and Forrestdale liquid waste treatment plant.
- (b) Both contracts were awarded in February 1998.
- (c) These contracts were not fixed term but based on an hourly rate and were completed in March 1998 and June 1998 respectively.
- (d) Total value of the contract for (i) \$9,062.50, (ii) \$2,500.
- (e) No. These contracts did not go to tender for the following reasons.
 (i) The expected value of the contracts, based on the estimated time, was less than \$5,000 for each contract.
 (ii) Participation in this contract could exclude the contractor from tendering for the work to which the tender briefs related. This constraint limited the field of potential contractors.
 (iii) With respect to the contaminated site contract little experience was available in industry in Western Australia for developing these tender specifications for contaminated sites. Mr Stevens was awarded this work on the basis of his specific experience associated with other contaminated sites in Western Australia.
- (f) Not applicable.

GOVERNMENT CONTRACTS, IN EXCESS OF \$50 000

785. Mr BROWN to the Minister for the Environment; Labour Relations:

- (1) How many contracts of \$50 000 or more (excluding employment contracts) has each department and agency under the Minister's control entered into between 1 June 1999 and 31 July 1999?
- (2) What was the amount of each contract?
- (3) What is the name of each person/entity with whom the contract has been entered into?
- (4) What is the nature of the work or service required by the contract?
- (5) What is the completion date of each contract?

Mrs EDWARDES replied:

WorkSafe Western Australia:

- (1) One.
- (2) \$51 297.37
- (3) Macquarie IT Pty Ltd (ACN 009 641 196).
- (4) Leasing of 64 personal computers.
- (5) 6 September 2002.

Department of Productivity and Labour Relations:

- (1) Nil.
- (2)-(5) Not applicable.

Department of the Registrar, WA Industrial Relations Commission:

- (1) Nil.
- (2)-(5) Not applicable.

Perth Zoo:

- (1) Nil.
- (2)-(5) Not applicable.

Botanic Gardens and Parks Authority:

- (1) One – let by CAMS.
- (2) \$170 000
- (3) Total Eden Irrigation.
- (4) Installation of automatic irrigation in Kings Park.
- (5) 23 October 1999.

Commissioner for Workplace Agreements:

- (1) Nil.
- (2)-(5) Not applicable.

Department of Environmental Protection:

- (1) Nil.
- (2)-(5) Not applicable.

Department of Conservation and Land Management:

- (1) One.
- (2) \$219 737
- (3) Cowara Contractors Pty Ltd.
- (4) Upgrade and seal road in Leeuwin Naturaliste National Park.
- (5) 29 October 1999.

WorkCover WA:

- (1) Nil.
- (2)-(5) Not applicable.

CALM AUCTION, JARRAH FEATURE GRADE SAWLOGS

814. Dr EDWARDS to the Minister for the Environment:

With respect to the Department of Conservation and Land Management (CALM) auction 2599 for the sale of jarrah feature grade sawlogs, advertised in *The West Australian* of 11 September 1999 -

- (a) when were these sawlogs harvested;
- (b) which CALM contractors undertook the harvesting;
- (c) when were the sawlogs graded and by whom;
- (d) for what purpose were these sawlogs originally harvested; and
- (e) why is the auction to take place at Simcoa?

Mrs EDWARDES replied:

- (a) Logs were selected from charlogs delivered to Simcoa over a period of approximately 9 months.
- (b) The logs have been harvested by a number of contractors employed by CALM to deliver charlogs to Simcoa. These include:

Beaman D
 Beaman G
 Bunnings Forest Products
 Dawson
 Giovanetti
 Guthrie
 Herdigan
 Owens
 Plantation Logging
 Quaipe
 Reigert
 Rowney
 South West Haulage
 Thomson & Tyler
 Waugh
 Wilson

- (c)-(d) A range of logs which have been delivered to Simcoa as charlogs have been put aside by representatives of CALM and the company for consideration by potential buyers as feature sawlogs. Not all these logs may be suitable for buyers at the auction.
- (e) The charlogs are situated at Simcoa's landing. They do not become a feature grade sawlog until selected by a buyer.

WORKSAFE WA, SAFETY IN NATIVE FORESTS

867. Dr EDWARDS to the Minister for the Environment:

- (1) How many complaints have been made to WorkSafe regarding safety concerns in native forests in -
- (a) 1999;
 (b) 1998; and
 (c) 1997?
- (2) For 1999 -
- (a) on what date was each complaint made; and
 (b) what action was taken?

Mrs EDWARDES replied:

- (1)-(2) (a) 1999
 8 complaints were received and all were investigated. The nature of each complaint and the action taken is as follows:
- | | |
|-------------|---|
| 22 February | Condition of haul road. 3 improvement notices issued. |
| 2 March | Interference with tree feller. Discussed with police. |
| 4 March | 2 complaints concerning travel speed on haul road. 3 improvement notices issued. |
| 26 March | Unsafe wheeled loader. 1 improvement notice issued. |
| 8 April | Condition of haul road. Road was in good condition requiring no action to be taken. |
| 19 April | Condition of haul road. 1 improvement notice issued. |
| 23 June | Safe tree felling practices. Discussed with contractor. |
- In addition 7 phone calls were received in Bunbury office from forest protesters complaining about logging activities in native forests and 1 phone call was received from a logging contractor complaining about the activities of forest protesters. These were not investigated (explanation provided in Ministerial Statement on 21 September 1999). Other phone calls were received in Perth office but not recorded as complaints.
- (b) 1998
 2 complaints were received. Both were investigated.
- (c) 1997
 2 complaints were received. Both were investigated.

REGISTRY OF THE WA INDUSTRIAL RELATIONS COMMISSION, NUMBER OF POSITIONS

888. Mr KOBELKE to the Minister for Labour Relations:

- (1) What was the number of full time equivalent positions in the Registry of the Western Australian Industrial Relations Commission as at 30 June 1999?
- (2) How many people were employed in the Registry of the Western Australian Industrial Relations Commission as at 30 June 1999?
- (3) Of those people employed at 30 June 1999, how many were employees of the Registry of the Western Australian Industrial Relations Commission at 30 June 1998?
- (4) Of those people employed at 30 June 1998, how many were employees of the Registry of the Western Australian Industrial Relations Commission at 30 June 1997?

Mrs EDWARDES replied:

- (1) 40.8 (excluding chambers support).
- (2) 42 (excluding chambers support).
- (3) 36 (excluding chambers support). That is 6 staff members present at June 1999, were not employed as at June 1998.
- (4) 32 (excluding chambers support). That is 10 staff members present at June 1998 were not employed as at June 1997.

DEPARTMENT OF ENVIRONMENTAL PROTECTION, EMPLOYEES ON FIXED TERM CONTRACTS

912. Dr EDWARDS to the Minister for the Environment:

- (1) How many people in the Department of Environmental Protection (DEP) are employed on fixed term contracts?
- (2) What is the average length of time of these contracts?

Mrs EDWARDES replied:

Department of Environmental Protection:

- (1) The Department of Environmental Protection currently has 35 staff members employed on fixed term contracts.
- (2) The average length of these contracts is 13 months.

COMPANY DIRECTORS, INSOLVENT TRADING

947. Mrs ROBERTS to the Minister for Labour Relations:

- (1) What are the current recommendations of the Ministerial Labour Advisory Committee for the Australian Securities and Investment Commission to prosecute company directors of companies that trade insolvently?
- (2) What generally are the Committees recommendations in protecting workers benefits?
- (3) How many prosecutions in Western Australia have gone against company directors who have traded insolvently at the expense of workers entitlements?

Mrs EDWARDES replied:

- (1) The Labour Ministers Council is now known as the Workplace Relations Advisory Council. It does not make and has not made recommendations to the Australian Securities and Investments Commission regarding their prosecution policy of directors of companies which trade insolvently.
- (2) The Workplace Relations Advisory Council (WRAC) has not yet made any recommendations in respect of the protection of employee entitlements. A Discussion Paper was prepared for WRAC which suggested possible courses of action. Those suggestions which related to the Corporations Law were referred to the Ministers Council for Corporations. This body has thus far proposed amendments to the Corporations Law which would:

create new offences for directors whose companies do not pay employee entitlements; and
broaden the range of conduct which is illegal if it leads to insolvency.

- (3) This question does not fall within my portfolio and should be directed to the Hon Joe Hockey, Federal Minister for Financial Services and Regulation.

GOVERNMENT DEPARTMENTS AND AGENCIES, NATIVE TITLE RESOURCES FUNDING

1034. Ms ANWYL to the Minister for Local Government:

- (1) How much funding has been allocated from the Minister's Department's budget for each of the years -
 - (a) 1996-97;
 - (b) 1997-98;
 - (c) 1998-99; and
 - (d) 1999-2000,

for the purposes of -

- (i) Native Title litigation; and
- (ii) legal opinions and advice (relating to Native Title issues)?

- (2) How many staff are or have been employed by the Minister's Department to work on issues relating to Native Title either -

- (a) totally; or
- (b) partially?

- (3) How many consultants are or have been employed by the Minister's Department to work on issues relating to Native Title either -

- (a) totally; or
- (b) partially?

(4) What is or has been the cost of each such consultant and the name of each and period of tenure?

(5) In the case of an existing contract what is the length of each such contract?

Mr OMODEI replied:

In relation to the Department of Local Government:

- (1) (a)-(d) Nil.
- (2) (a)-(b) Nil.
- (3) (a)-(b) Nil.
- (4)-(5) Not applicable.

FISHERIES, LICENSING OF RECREATIONAL FISHING

1096. Mrs HODSON-THOMAS to the Minister for Primary Industry; Fisheries:

I refer to the proposed introduction of a licensing fee for all recreational fishing in Western Australia and ask, will the Minister advise the following -

- (a) under the proposed scheme, what will be the proposed licence fee for each recreational angler;
- (b) how much revenue is estimated to be collected across the State; and
- (c) what specific programs would be funded with the proceeds in generating sustainable fisheries and improving the quality of fishing available?

Mr HOUSE replied:

As indicated on several occasions during my time as Minister for Fisheries, this Government will not be seeking to introduce a license in relation to recreational fishing. This was again confirmed during a ministerial statement that I made on Tuesday 19 October.

QUESTIONS WITHOUT NOTICE

WELLINGTON DAM, OFFER AND ACCEPTANCE FORM

393. Dr GALLOP to the Minister for Water Resources:

I refer the minister to the purchase of the Wellington Dam land and the offer and acceptance document signed on Tuesday, 13 April 1999, which was obtained by the Opposition under freedom of information legislation.

- (1) Was an earlier offer and acceptance document signed?
- (2) If yes, why was this set aside and a new document drawn up?

Dr HAMES replied:

- (1)-(2) The member obviously has some information that I do not have. I am not aware of any previous offer and acceptance being signed. I am aware that the final offer, which was accepted, was completed on Tuesday, 13 April. If the member has a copy of another offer and acceptance, I would like to see it.

WATER CORPORATION, CHAIRMAN'S LEGAL AUTHORITY TO NEGOTIATE LAND PRICE

394. Dr GALLOP to the Minister for Water Resources:

Will the minister indicate the legal authority under which the chairman of the Water Corporation was acting when he negotiated the price for the purchase of the land?

Dr HAMES replied:

I do not regard that as a supplementary question to the issue raised. Nevertheless, I discussed those issues with the member yesterday, and I believe the chairman had the responsibility and the authority, on behalf of the Water Corporation, to negotiate the deal that was done. As I have said before, it is an excellent deal and I do not think we could have chosen a better person to negotiate it.

OLD TREASURY BUILDING, PLANS FOR SITE

395. Mr OSBORNE to the Premier:

One of Perth's most significant heritage sites - the old Treasury building on the corner of St Georges Terrace and Barrack Street - has been empty for several years. Will the Premier outline the Government's plans for this site?

Mr COURT replied:

Yes.

Mr Thomas: It is a disgrace.

Mr COURT: Why does the member say that?

Mr Thomas: It is desecrating heritage buildings. It could be used for other things.

Mr COURT: What was it used for originally?

Mr Thomas: An office.

Mr COURT: It was a post office. Does the member think it should revert to that? There are four different government buildings in that one area. One was originally a post office, one was used for a titles office, and another was a Treasury building. Over the years the buildings have had a number of different uses. These buildings have been empty for some years, and the Government is very pleased that, after calling for expressions of interest, the site will now be developed. The buildings will be leased and restored under strict heritage guidelines. The development will breathe life back into that end of town. At the same time, the Perth City Council will restore the Perth Town Hall. That restoration will include some work on the eastern end of the building, which will enable a lift to be installed. That will provide disabled people with access to the building, which currently is very difficult.

The member for South Perth commented this morning on the Government's policy in relation to these buildings. I will briefly outline the situation. When the coalition went to the election in 1993, its heritage policy document under the heading "New Life for the Old Treasury" included -

Move to restore and refurbish the Old Treasury and convert it into a home for government, probably housing government offices and serving as the headquarters for the Cabinet and Secretariat.

Ensure that the site currently occupied by the R & I Bank in Barrack Street is only redeveloped in a way that harmonises with the historic precinct in which it is situated.

The policy further states -

The chance to develop this part of Perth as an open city plaza surrounded by superb colonial heritage buildings will be but once-in-a-lifetime.

The Government has done a number of things. First, it had discussions with the Perth City Council about the possibility of its using part of the buildings as its chambers instead of restoring Council House. However, the Perth City Council made its decision on Council House and did not require the building. The Government then looked at the option of using the buildings for government offices, and the estimates indicated that it would cost between \$35m and \$40m to restore them. The Government was not prepared to pay that sort of money for accommodation. At the same time, the Government renegotiated all the leases in the Governor Stirling Tower and almost halved the rents payable for ministers' accommodation. It was able to do that in the renegotiations and at the same time have some of the facilities upgraded. The Government considered the option of using these buildings for government offices but, on the basis of the estimates, it was decided that it would be too extravagant.

I believe the path chosen by the Government will be a good one for the State. The Perth City Council will start receiving rates on the property, and the Government will receive revenue from a number of state taxes that will be paid.

The only other comment I make is that attracting one of the world's leading hotel operators is a vote of confidence in the developments taking place in the city. It will be a useful addition to hotel accommodation in Perth. The Government purchased the R & I Bank building and it has been demolished. The land on which it sat will become a park.

Mrs Roberts: It was imploded, as your Government will be.

Mr COURT: The building was not imploded. It contained some asbestos and the demolition took a long time. That area will become a very significant and welcome park and, as the restored town hall will have a completely open area underneath it, there will be full access to those facilities. Without any cost to the Government, the heritage buildings will be preserved and they will be used again.

Mr Pandal: You have given it away for \$5m. If the Labor Party had done that in the 1980s you would say it was the first sign of WA Inc.

Mr COURT: It is interesting that the member should comment that I have given it away. If that land was freehold and people could develop what they wanted on it, it would have a significant value. However, it is not freehold land; it has heritage buildings on it that require at least \$40m to be spent on them. We are not giving the planning approvals. The

member said that we would approve a tower in the middle of the building. We have deliberately made a decision not to approve a tower in that building, and I think even the member for South Perth will be pleased when the development is completed.

NUGENT, MR EMU

396. Mr CARPENTER to the Minister for Education

As the Acting Director General of Education confirmed on commercial radio this morning that self-confessed paedophile "Emu" Nugent has recently been working as a storyteller in Western Australian schools, I ask in which schools has he been working and for what time was he engaged in those schools?

Mr BARNETT replied:

I thank the member for some notice of this question. First, Mr Nugent is not now, and has never been, an employee of the Education Department of Western Australia, nor has he been convicted of any charges relating to paedophilic behaviour. He has, however, been charged in both Victoria and New South Wales, but acquitted. He is a member of the Storytelling Guild of Western Australia, and has visited schools in that capacity. I stress that whenever a visitor goes to a school, that person is required to make a declaration and at all times the students are in the charge of a teacher. This person is not alone with the students in the school. Given some of his public comments, which have become recognised widely, and given that we have recognised that some schools have been employing him to make school visits - those decisions have been made at the school level - the acting director general, with my support, has issued an instruction to schools today that this person is not to enter Western Australian government schools under any circumstances. We have also provided information to both the Catholic education system and the Association of Independent Schools. He is not a suitable person to be on school grounds, and he will not be.

Dr Gallop: Which schools?

Mr BARNETT: I do not have available a list of schools. That information is not maintained centrally. Those decisions are made by individual schools. However, the clear instruction is that this individual will not go into government schools. If he has in the past, which he clearly has, it has always been with the teacher being involved at all times when children are present.

Mr Carpenter: Can we get a list of schools?

Mr BARNETT: No.

Mr Carpenter: Why?

Mr BARNETT: For a start, I do not have them, and I do not think it is appropriate -

Dr Gallop: You do not want the people of those areas to learn about your failure in administration.

Mr BARNETT: I have a responsibility to ensure the care of the children and to protect their privacy and the privacy of their parents and their school - and I will not back off that.

NUGENT, MR EMU

397. Mr CARPENTER to the Minister for Education:

How can this man be allowed anywhere near primary schools when he has already been sacked as a children's storyteller by another Western Australian Government agency some years ago?

Mr BARNETT replied:

He is not allowed in government schools.

Mr Carpenter: He has been in them.

Mr BARNETT: He has visited government schools. We are now aware of this situation. The Education Department of Western Australia has been aware of that person for some time. He has never been employed by the department and never will be. In any future instance he will not go into a government school, nor I hope a Catholic or independent school.

Mr Carpenter: He has been sacked by a WA government agency before because of his known paedophilia. He should never have been allowed in the school.

Mr BARNETT: He has never, ever worked for the Education Department of Western Australia.

MIDLAND REDEVELOPMENT AUTHORITY, MANAGEMENT BOARD

398. Mrs van de KLASHORST to the Minister for Planning:

As I receive queries on a daily basis about the progress of the composition of the management board of the Midland Redevelopment Authority, can the minister provide a progress report on that matter?

Mr KIERATH replied:

I am aware that the member for Swan Hills has a keen interest in the Midland community and, specifically, the commencement of the Midland redevelopment project and the establishment of the Midland Redevelopment Authority. The

establishment is dependent on the Bill progressing through the Legislative Council. It is subject to the legislation being finalised and also to further cabinet consideration on financing of the authority. We expect it to be operational and the board to be appointed by 1 January 2000. I congratulate the people of Midland who are putting forward many excellent candidates for positions on the board. We know Midland has suffered a degree of decline for many years. I am sure all members of this House will want to assist these people in reinvigorating their town. I am very pleased to have bipartisan support for the Bill, and I acknowledge the contribution made by members opposite. I am sure all members are keen to see the redevelopment start as soon as possible, and I look forward to the timely progress of the Bill through the other place.

NUGENT, MR EMU

399. Ms McHALE to the Minister for Housing:

- (1) Is the minister aware of media reports that a self-confessed paedophile, known as "Emu" Nugent, is living in Homeswest accommodation only metres from the Langford Primary School?
- (2) Are those reports correct?
- (3) If so, what action has the minister taken to ensure that this self-confessed paedophile is no longer housed next door to a primary school?

Dr HAMES replied:

- (1)-(3) I did not know that he was. I found out at lunchtime today, when I heard he was running around with a person from one of the television channels trying to get an interview to say where he is living and why we are not moving him. I will seek urgent information from Homeswest on this matter. Although he is now a self-confessed paedophile, I do not know that the application forms, on which Homeswest decides where people should be placed on the accommodation waiting list, contain a segment asking people to declare whether they are a paedophile. I am sure criminal convictions are required to be listed. However, as I understand it from the Minister for Education, this individual has not been convicted, so his paedophilia activities would not appear. This is a very important issue and Homeswest does not want a self-confessed paedophile close to schools. I will make sure the situation is resolved as quickly as I can this afternoon.

SQF 2000 PROGRAM, ACCREDITATION AND CERTIFICATION

400. Mrs HODSON-THOMAS to the Minister for Primary Industry:

How many agribusinesses in the State have undergone accreditation and are currently certified under the quality assurance safe food quality system, SQF 2000, of Agriculture Western Australia?

Mr HOUSE replied:

The SQF 2000 program was developed by this Government, specifically by Paul Ryan, to accredit agribusinesses and farming businesses in this State to bring them up to a safe quality food standard, and it has been very successful. We have about 700 businesses across Australia, of which 120-odd are accredited in Western Australia and another 60 or 70 are going through the process of accreditation. We are now looking at that program on a worldwide basis. It has been successful because it has allowed our agribusinesses to be brought up to a safe quality food standard that is acceptable across the world, and it gives them an advantage in a lot of markets across the world.

NUGENT, MR EMU

401. Mr CARPENTER to the Minister for Family and Children's Services:

- (1) What action has the minister taken following reports that a self-confessed paedophile, known as "Emu" Nugent, has been working as a storyteller in Western Australian government schools under a program funded by the State Government?
- (2) Can the minister explain how a self-confessed paedophile came to be granted access - via government funding - when, firstly, he had already been sacked as a storyteller by the Museum of Western Australia and, secondly, was named as a paedophile in the Royal Commission into the New South Wales Police Service?

Mrs PARKER replied:

- (1)-(2) I thank the member for the question. This is a serious issue that must be dealt with appropriately. We are committed to a very high quality of safety screening across government to reduce the risk of the Government employing anyone who would pose a risk to children. There has been a range of initiatives across government to improve the level of safety screening in this State; for example, earlier this year in my portfolio, I announced the signing of a memorandum of understanding between the National Exchange of Police Information - NEPI - and Family and Children's Services. It is the first child welfare agency in Australia to sign a memorandum of understanding with NEPI for the purposes of safety screening. Since January 1998, all staff, all foster-parents and all volunteers of Family and Children's Services have undergone criminal record checks through the Western Australia Police Service and Interpol, and since March through NEPI. The Government has also funded a study with the Western Australian Council of Social Service on how best -

Mr Carpenter: Can I interject?

Mrs PARKER: The member asked a question and it is important that it is answered.

This study was on how best to introduce comprehensive safety screening in the non-government and community services sectors. Family and Children's Services is currently finalising with WACOSS a series of statewide seminars to assist WACOSS affiliates to create and implement policy and procedures. The department has also advised the sector that it will provide free criminal record checks this financial year to all non-government, not-for-profit organisations, including child care, out of school care, agencies affiliated with WACOSS, volunteer church groups and so on. Therefore, a thorough and comprehensive screening can be carried out of anyone employed by, or volunteers working for, an agency or organisation funded through the department.

NUGENT, MR EMU

402. Mr CARPENTER to the Minister for Family and Children's Services:

As a supplementary question, where a conviction has not occurred, should a self-confessed paedophile be added to the list of unsatisfactory people?

Mrs PARKER replied:

As I said, Family and Children's Services has, both through its agencies and the bodies it funds, and with the sector, undertaken a comprehensive range of initiatives to extend the level of safety screening so we can achieve a good record on this matter. A balance must always be struck between caring for children and ensuring the right processes are in place. Those items I outlined indicate that through not only the department, but also organisations funded by the department, we are embarking on a comprehensive range of mechanisms to ensure this State has the highest standards of safety screening.

GENETICALLY MODIFIED FOOD, LABELLING

403. Mr MASTERS to the Minister for Health:

Can the Minister please inform the House of the outcome of the recent discussions regarding the labelling of genetically modified food?

Mr DAY replied:

I thank the member for some notice of this question. Last Friday in Canberra, the Council of Australia New Zealand Food Authority, which essentially comprises Health Ministers from around Australia and New Zealand, met to discuss in part the labelling of genetically modified food. Since the decision was made by the council in August of this year in essence to require the full labelling of all such food, a draft standard has been prepared. It was agreed on Friday to put that draft out for public comment.

An economic analysis was undertaken by the consultants KPMG which indicated that potentially a very high cost was associated with a full labelling requirement. A general concern was expressed at the meeting that the cost had been overestimated in the study. Reasons given were that the time available to the consultants was relatively short, and that they had not taken into account a change in the draft standard which occurred along the way - namely, to allow manufacturers to use due diligence where appropriate rather than testing all ingredients for genetic modification. Therefore, a final decision to implement the standard was not made last Friday. A more thorough economic analysis will be undertaken prior to another meeting of the council, which is expected to take place in the first three months of next year.

It is necessary to achieve a reasonable balance between the desire to provide consumers with meaningful information, and consideration of costs to producers, manufacturers and, ultimately, the public. Importantly, the issue will need to be considered by respective Cabinets around Australia and New Zealand, including Western Australia's, before the matter is finalised.

OLYMPIC GAMES, PREMIER'S ATTENDANCE

404. Mr McGOWAN to the Premier:

I refer to the Premier's criticism of the Sydney Organising Committee for the Olympic Games yesterday for the ticketing fiasco which has denied many ordinary Western Australians an opportunity to purchase tickets for the games.

- (1) Is that the same SOCOG which invited the Premier to attend the Olympic Games as a VIP guest?
- (2) Can the Premier advise ordinary Western Australians which events he has told SOCOG he would like to attend at its expense?

Mr COURT replied:

(1)-(2) I have a quote which sums up pretty well how the ticket exercise has been handled. It reads -

. . . Ron Clarke blasted organisers for treating the public like "absolute suckers" by keeping the best tickets for their mates and offloading the rest on the "peasants".

Does that not sound like the WA Inc years? I thought Graham Richardson was the Mayor of the Olympic Village, but I found out he is the chairman of the ticketing committee!

On a serious note, as soon as the Olympics tickets catalogue was distributed, I made public comment that Western

Australians were in a very difficult position: They were asked to choose their events and pay their money, yet had no indication how they would obtain accommodation, transport or anything else for the games. I thought that was bad enough, but we found out subsequently - we do not have the final figures as a clamp has been placed on this matter for some reason - just over 1 per cent of all tickets were allocated to Western Australians; that is fewer than 5 000 people, most of whom were not able to obtain tickets to the finals of the events they wanted to attend. Therefore, a handful of Western Australians will have an opportunity to go to the Olympic Games. No effort is being made by that committee to make it easier for people from the far-flung States to attend the events. People living in New South Wales are complaining, even though they have the lion's share of the action. This exercise has been a case of straight-out deceit and lies.

Several members interjected.

The SPEAKER: Order! There is absolutely no excuse for members to interject from all over the Chamber. I have my eye on three members; namely, the member for Joondalup, the member for Roe, who is normally very well behaved, and one other.

Mr COURT: Many young Western Australian sportsmen and sportswomen who are very keen -

Dr Gallop: How much will you charge the people of Western Australia and their families to go to the belltower?

Mr COURT: This is the Opposition's question about the Olympic Games and the Leader of the Opposition wants to talk about the belltower - I will talk about that if he wants!

Mr McGowan: Which events will you attend?

Mr COURT: I will get to that answer.

Parents of a large number of young men and women sporting enthusiasts, who want to go to the events, have sent money across, not received tickets and not received their money back. It is a very unusual exercise.

Each Premier was given a ticket to attend the Olympic Games. I intend to attend the opening of the Olympic Games, as it is appropriate that the Premier of the State should do so. I may attend one or two other events, but attending the opening is appropriate. I do not know what arrangements have been made for the Leader of the Opposition or whoever, but I intend to talk to Minister Carr and say that if it is appropriate for a ticket to be used by someone else, the Leader of the Opposition or whoever, I would have no problems with that. The overall principle is no different from the WA Inc years. If the Labor Party is in charge of something, it looks after its rich mates and does not give a damn about the rank and file.

Dr Gallop interjected.

The SPEAKER: The Leader of the Opposition is stopping his member from asking a supplementary question.

SYDNEY OLYMPIC GAMES, VIP PACKAGES

405. Mr McGOWAN to the Premier:

Is it not a bit rich for the Premier to be attacking the Sydney Organising Committee for the Olympic Games for its VIP packages when he is one of the principal beneficiaries?

Mr COURT replied:

If the member does not believe that it is appropriate for a Premier to be represented when an Olympic Games is held in this country, he has a problem. I said a moment ago that if the member wants to know where I will be during most of the Olympic Games, I advise him that I will be door-knocking in Labor Party-held electorates.

SIGN IN 2000 PROJECT

406. Mrs van de KLASHORST to the Minister for Youth:

I refer to the "Sign in 2000" project. Schools in my electorate including the Sawyers Valley and Parkerville Primary Schools and Eastern Hills Senior High School have already sent in their students' signatures to be fired onto tiles as part of this unique project. Can the minister advise how many other schools have responded so far?

Mr BOARD replied:

I thank the member for Swan Hills for the question. There is no doubt that around Western Australia young people are fired up by the opportunity to put their name into history during 2000. Already 600 schools around Western Australia have sent forward students' signatures. The number of signatures is approaching 200 000 of the 365 000 that we expect. Over the next three to four weeks, I expect the other 150 000 or so signatures to come forward. Special provisions have been made for distance education schools and special education schools. I show this example to members, which came in from the Sir David Brand School for the physically and mentally disabled. The young children there were not able to sign but, through an imaginative project, they have been able to use their thumbprints, which will be embedded into the tiles, so that their mark will go down in history too. As a result of this project, I hope that the young people of Western Australia will have a mark that they will be able to show. They will all come together in 2000.

TRANSPERTH BUSES, OWNERSHIP

407. Ms MacTIERNAN to the Premier:

On 12 October the Premier said in relation to the new buses being acquired by Transperth, "I do not know how a full leasing arrangement will be accounted for, as we do not own the buses". Given the buses are being funded through the Treasury Corporation, can the Premier explain who does own these buses?

Mr COURT replied:

I corrected that answer the following day.

Ms MacTiernan: It is still in *Hansard*.

Mr COURT: I corrected it here. What is the specific question, as I corrected it the following day?

Ms MacTiernan: Who owns the buses?

Mr COURT: I corrected my statement and said that the Government will own the buses.

Point of Order

Ms MacTIERNAN: I am concerned that the minister representing the Minister for Transport in this House, the Minister for Local Government, may have inadvertently made an error yesterday. I requested a road safety audit report in relation to the Narrows Bridge duplication. The minister said he would table the document, and has tabled a document. However, that is not the report I requested; in fact, it is a much older report - the road safety audit report of the widening of the Narrows Bridge. Will the minister explain why the wrong report was tabled and whether the correct report will now be provided?

Mr OMODEI: I will check with Transport on that. I tabled the report provided to me by Transport.
