

# Legislative Assembly

Thursday, 27 August 1992

**THE SPEAKER** (Mr Michael Barnett) took the Chair at 12.00 noon, and read prayers.

## SITTINGS OF THE HOUSE - LATE START THURSDAY, 27 AUGUST

### *Funeral Attendance*

**MR C.J. BARNETT** (Cottesloe - Deputy Leader of the Opposition) [12.05 pm]: Before the day's proceedings commence, I take this opportunity to thank you, Mr Speaker, and the Leader of the House for your courtesy in allowing today's session to start late so that members could attend the funeral of the late Hon Cyril Rushton.

## PETITION - "CREERY WETLANDS", COCKBURN SOUND

### *Government Retention for Conservation and Recreation*

**MR READ** (Murray) [12.06 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of the Mandurah and Murray Electorates, Western Australia, wish to express that, the saltmarsh and Samphire flats contained in portion of Cockburn Sound, Location 16, known as "CREERY WETLANDS" be retained by the Government of WA for the purposes of conservation and recreation.

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

The petition bears 6 500 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 83.]

## PETITION - PORT KENNEDY AREA PROTECTION

### *Regional Park Creation Support - Golf Courses or Large Scale Tourist*

### *Facilities Disallowance*

**DR ALEXANDER** (Perth) [12.07 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned residents of Western Australia urge the Parliament to protect the outstanding scientific, recreational and conservation values of the Port Kennedy area by creating a Regional Park as recommended by the Environmental Protection Authority. Furthermore we request that the Parliament refuse to allow the development of a tourist facility, golf courses and marina which could destroy the existing natural values of the Port Kennedy area.

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

The petition bears 253 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 84.]

## **PETITION - IT'S OK TO SAY NO TO SEX CAMPAIGN**

### *Health Department of Western Australia Support*

**MR WIESE** (Wagin) [12.08 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned wish to indicate our strong support for the Health Department's "It's OK to Say No" campaign. We believe a campaign designed to inform sixteen to twenty five year olds of the risks and consequences of sexually transmitted diseases is long overdue, and should be supported by all Western Australians.

We also believe that any effort to convince our young people to make sensible and responsible decisions about their sexual behaviour is fundamental to the building of a sound community. We support the Hon Minister for Health, Mr Keith Wilson, and the decision which projects a positive message that everyone has the capacity to control his or her life.

We support the campaign to target sixteen to twenty five year olds with the focus on peer group influence as part of an extended programme to alert individuals as to the consequences of sexually transmitted diseases.

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

The petition bears 76 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 85.]

## **PETITION - FISHING**

### *Recreational Net Fishing - Net Attendance Opposition*

**MR WIESE** (Wagin) [12.09 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned, request that the Minister for Fisheries not proceed with his intention to require recreational net fishermen to be in attendance at their net at all times.

We believe that such a requirement will not minimise catch wastage because it will not require the net fishermen to pull his net and as a result catch wastage will still occur.

We believe that in the interests of conservation the Minister should close the upper reaches of the Pallanup River to recreational net fishermen.

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

The petition bears 467 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The **SPEAKER**: I direct that the petition be brought to the Table of the House.

[See petition No 86.]

## **BILLS (2) - INTRODUCTION AND FIRST READING**

1. Appropriation (Consolidated Revenue Fund) Bill
  2. Appropriation (General Loan and Capital Works Fund) Bill
- Bills introduced, on motions by Dr Lawrence (Treasurer), and read a first time.

### **SELECT COMMITTEE ON PARLIAMENTARY PROCEDURES FOR UNIFORM LEGISLATION AGREEMENTS - REPORT TABLING**

**MRS EDWARDES (Kingsley) [12.15 pm]:** I present the report of the Select Committee on Parliamentary Procedures for Uniform Legislation Agreements, together with the transcripts of evidence, submissions and minutes of the committee and move -

That the report do lie upon the Table and be printed.

This report and its recommendations break new ground and will enhance the consultation process and parliamentary scrutiny of intergovernmental agreements and uniform legislation schemes. The Select Committee arose out of concerns raised by Parliament when the financial institutions legislation was presented to it for debate last session. That legislation arose out of the need to improve investor confidence in the non-bank financial institutions, particularly after the collapse of the Pyramid Building Society in Victoria and the Teachers Credit Society in Western Australia. That need was intended to be addressed by establishing prudential standards for all building societies and credit unions in Australia through uniform legislation. To ensure that investor confidence was retained, there was a great urgency for all of the States to participate from 1 July 1992, particularly as one Western Australian financial institution would have been disadvantaged if WA did not conform. Therefore, in this instance, public policy overrode all those concerns relating to uniformity.

I remind the House of what Parliament's concerns were. Firstly, the two Queensland Acts forming the substance of the legislation which we were endeavouring to adopt in Western Australia were not available to members. The Parliamentary Library had one copy, but it was not attached to the legislation which came before this Parliament, either by incorporation in the primary legislation or as an annexure. The second concern was that amendments and regulations to the Queensland Acts - that is the substance of the legislation being adopted in Western Australia - would never come to the Western Australian Parliament. The third concern - it is interesting to note that it was this aspect which raised my concerns about the financial institution legislation - was that appeals on questions of law from the Appeals Tribunal - the Appeals Tribunal sits in each of the States - must be initiated in Queensland despite the fact that the cause of the action may have arisen in Western Australia. The fourth concern was that any future amendments to the Queensland legislation agreed to by the Ministerial Council need only be by a majority vote. There is a possibility, therefore, that the views of the Western Australian Minister could be overridden but he would be bound by the agreement.

A new uniform model entitled the template model was chosen. It was unique because it was between all of the States and excluded the Commonwealth. Therefore, the concerns raised were not concerns about States' rights against the Commonwealth but about this State's right to make laws for Western Australia being limited, if not diminished, in the name of uniformity. As there will be an ever increasing number of calls for uniform legislation and a growing demand for a national approach to policy issues - the committee was not able to produce a complete list of uniform agreements, nor was it able to come up with a list of the number of Ministerial Councils in existence - there is scope and a need for improved procedures for Parliament to scrutinise these processes and to ensure that in the desire and push for uniformity the question of whether Western Australians are better served by uniform legislation or by its own legislation specifically drafted to meet Western Australian needs and requirements is considered. My colleague, the member for Wagin, will go into more detail on that issue. My colleague and deputy chairman of the committee, the member for Balcatta, will discuss in greater detail the desirability or otherwise of uniformity. The committee took the view that uniformity is desirable in some instances, and the financial institutions legislation is a good example. Each proposal for uniform legislation should be examined on its merits and uniformity adopted only where there are convincing arguments in its favour. The factors the committee decided on when choosing the most appropriate model included the need for uniformity; the extent to which divergence for uniformity will be tolerated; the cost of implementation; and, the effect on our parliamentary sovereignty.

I take this opportunity to identify to the House the different models for achieving uniform legislation and I will give the reasons for their difference. Members are familiar with the first model; that is, the model legislation which is enacted by each State and Territory and by the Commonwealth as a Federal law, if that is necessary. Amendments are enacted by each

State and Territory as required. Saunders, in her evidence to the committee, stated with regard to this model -

Complete uniformity is almost impossible to achieve under an ordinary uniform legislative scheme. However limited the opportunity for amendment in respective Parliaments, the initial legislation is likely to differ between jurisdictions to some extent.

The credit legislation is a very good example of that.

The second model is the cooperative or template model which was used for the National Companies and Securities Commission legislation, which included the Federal Government, and the recent financial institutions legislation, which did not include the Federal Government. The usual arrangement is for an amendment to the originally enacted law to apply automatically in each State and Territory. The effect of this model is to limit the autonomy of State Parliaments. Therefore, if this model is chosen the advantage of uniformity must be balanced against this effect.

It is interesting that when the committee took evidence in Queensland the Queensland Treasurer acknowledged that Queensland had been chosen as the host State for the template model, and probably will be chosen for future models such as the credit legislation, because the Queensland Parliament does not have an upper House and the Government can guarantee that legislation will be passed. In the example given to us it is interesting to note that if a Government cannot achieve legislation through its own House an agreement to choose a host State can be struck with each Government around Australia, such as Queensland, whereby legislation can be guaranteed to be passed, and rush it through another Parliament. The States will be told that it is urgent and if they do not pass the legislation they will not be included in the uniform legislation which is necessary for Australia. I am not suggesting that will happen, but it could happen, and laws which under normal circumstances would not be passed could be passed by the Western Australian Parliament. Another interesting aspect of this model is the power of veto of a Ministerial Council. We have actually delegated the legislative function to the Ministerial Council, not to the Minister.

The third model is a reference of power from each State to the Commonwealth, utilising section 51(37) of the Commonwealth Constitution. The Commonwealth enacts the law, which overrides any inconsistent State laws under section 109 of the Commonwealth Constitution, and amendments can be enacted only by the Commonwealth Parliament. Considerable doubt has been expressed about whether a reference of power, once made, can be withdrawn.

The fourth model is the mirror legislation enacted by all States and the Commonwealth in identical terms. This is used primarily where there is uncertainty whether the law may be enacted by the States or the Commonwealth because of questions of legislative power.

In terms of constitutional theory, the central and most powerful body in the Western Australian system of Government is the Parliament, which makes laws for the peace, order, and good government of the State. The Executive powers of the Crown, the Government, are subject to control by the Legislature. The Parliament may delegate legislative power to the Executive - we do this regularly by way of regulation - but the Executive cannot by an exercise of Executive power change the law of the State. Therefore, in terms of constitutional theory, no agreement may be entered into by the Executive which will limit the Parliament's legislative powers. The reality is that any limitation is as a result of political, not constitutional, factors.

Under the financial institutions legislation the delegation of the Western Australian Parliament to make laws relating to non-bank financial institutions was not to the host State of Queensland or the Western Australian Minister, but to the Ministerial Council. If the Western Australian Minister did not agree to any future amendments, the mere fact that the Ministerial Council has a majority voting system for amendments means the Minister can be overruled. It is interesting to note also the concerns of Executive Governments around Australia about the ability of Ministers to actually bind Cabinet through their agreements in Ministerial Council. It is also interesting to note the procedures which have been put in place to ensure that Cabinet has a say before the Ministers bind them through agreements with the Ministerial Council.

It was put to the committee by Professor Campbell Sharman that Parliaments should reassert their responsibility to investigate this type of uniform legislation as it applies in their particular jurisdictions. The right of Parliament to look at these matters should be reasserted and to this end the committee has made its recommendations. In making its recommendations the committee referred to information relating to parliamentary scrutiny by the United Kingdom of European Community documents. Processes have been developed in the United Kingdom to provide for Parliament to make an input into European affairs and to provide for security of certain European documents.

I will quickly run through the committee's recommendations for the benefit of the House. The committee regards its first recommendation as absolutely paramount and it reads -

The primary consideration in decisions on participation in intergovernmental agreements and uniform legislative schemes should be whether Western Australia will be better served by the enactment of uniform law than by Western Australian legislation specifically drafted to address Western Australian needs and requirements.

The second recommendation deals with the establishment of a Standing Committee and the committee believes it should be a Joint House Committee. The committee considered that cooperative national agreements should be subject to parliamentary scrutiny together with uniform legislative schemes. The appropriate mechanism to achieve this would be a Joint House Committee. The committee believes it should be a joint committee for the following reasons -

National Co-operative agreements and uniform legislative schemes are a matter of substantial importance to the State and are of interest to the Parliament as a whole.

The Minister responsible for the carriage of the legislation would be able to report direct to the Parliament, whether the Minister was a member of the Legislative Assembly or the Legislative Council.

Documents relating to the scheme would be able to be tabled concurrently in both Houses.

Speedy action, which may be needed from time to time with respect to uniform legislative schemes would be facilitated.

The fourth recommendation reads -

That the Standing Orders of both Houses be amended to require Ministers responsible for formal or informal intergovernmental agreements involving uniform or co-operative legislation to report to both Houses at the earliest opportunity . . .

The committee included measures which will overcome the situation when Parliament is not sitting and where urgent attention should be given to these matters.

Interest has been expressed in what Western Australia is doing and with the Premier seeking the agreement of heads of Government, guidelines will be formulated on the role of Ministerial Councils relating to these types of agreements and, more importantly, other Parliaments will consider the committee's report and recommendations and possibly pursue similar lines.

With reference to intergovernmental agreements and the Ministerial Council, the committee recommends that a central register of these agreements be established and a greater liaison between Government departments. The committee also recommends that annual reports of Government departments and agencies contain an evaluation of the operation of relevant intergovernmental agreements.

We know that the Australian Council of Governments is looking into the role of Ministerial Councils relating to uniform legislative agreements, including voting procedures. One of the committee's recommendations relates to the practical aspects of this issue; that is, greater involvement of our Parliamentary Counsel at the initial stages of the drafting process. Generally, Parliamentary Counsel should be involved in the substantive matters and not simply the mechanical aspects.

The committee recommends that the text of uniform legislation be incorporated in the adopting legislation in each of the Parliaments, by way of an annexure or as part of the primary legislation. Further, any amendments or regulations which will be passed in the host

State should be published in the *Government Gazette* for the information not only of members, but also the public.

One of the other recommendations relates to the jurisdiction of the Queensland Supreme Court as occurred in the financial institutions legislation. Actions arising in Western Australia in the matter of appeals to an appeals tribunal should originate in the Supreme Court of Western Australia, and not be referred to Western Australia by cross-vesting from the Supreme Court in Queensland. The question was also raised of quasi-legislative instruments, which are instruments with legal standing but for which there is no provision for scrutiny by any Parliament. We believe they should be submitted to the Standing Committee for scrutiny.

In conclusion, I wish to thank and acknowledge a number of people involved in the work of this committee. Firstly, I thank the committee members: The member for Balcatta, who was deputy chairman, and the members for Ashburton, Floreat and Wagin. I also acknowledge some of the tremendous support the committee received from many people, particularly Jim Thomson and Greg Calcutt from Crown Law Department. Their constitutional and legislative experience was invaluable. I also thank Alex Gardner, a lecturer in constitutional law at the University of Western Australia who assisted with advice and drafting, particularly on the constitutional issues relating to the roles of the Executive and the Legislature. I also thank the committee's most competent research officer, Julie Harris, who went about her work quietly and efficiently. Her job was research and writing, and it was a pleasure to work with her on this committee. The clerk to the committee, David Robinson, must be highly commended. He was able to organise weekly meetings, to arrange for witnesses to appear at short notice, and to make the arrangements for the three day Eastern States trip for nine people. That trip covered three States, and 17 witnesses appeared before the committee. I have never experienced such efficiency in the conduct of a clerk to a committee. It was no mean feat for him to organise that three day trip within two weeks of the establishment of the committee, and he should be highly commended for it. I thank Tamara Fischer for her work for the committee from time to time, and also Pat Roach. I quickly thank some of the people who assisted us from the Eastern States in relation to our trip. Firstly, Jenny Mattila, the solicitor from the Australian Financial Institutions Commission who assisted us prior to the committee being established and while it was operating. Alan Rose, the secretary general for the Attorney General's Department was superb in his efforts to link Western Australia with the Commonwealth Government in relation to the uniform legislative agreements. Henry Smerdon, the Under Treasurer in Queensland, looked after our total needs while we were in Queensland and organised everything for us. I particularly thank him for his hospitality. The supremacy of the Parliament to make laws for Western Australians must be acknowledged and for this reason this report and its recommendations are commended to every member of Parliament in this House.

**MR CATANIA** (Balcatta) [12.34 pm]: We have heard the member for Kingsley, the chairman of the committee, report appropriately and accurately on the matters addressed and the reasons for the recommendations in that report. I shall discuss the need for uniform legislation to be examined, the type of proper scrutiny that should be provided, and the safety nets that should be put in place in State jurisdictions when examining uniform legislation.

This Select Committee was established to consider the uniform legislation for non-banking financial institutions. We recognised the need for such legislation because problems had arisen in that financial area. There had been an erosion of investor confidence and urgent action was needed throughout Australia in the form of uniform legislation. The member for Kingsley referred to the different models of uniform legislation, including template and mirror models, but whatever model is used the most compelling process in the enactment of uniform legislation should be an examination of the main criterion - the need for uniform legislation. We have heard compelling arguments that uniform legislation is necessary because many businesses trade across the State borders, and it will avoid the need for them to grapple with many different regulations and laws. Uniform legislation will make it easier for them to trade. Some areas, such as mutual recognition, credit laws, road transport, aviation, and regulation of corporations lend themselves naturally to uniform legislation. However, one must also recognise the many arguments against uniform legislation. For example, the strength of the Federal system in Australia exists because of the variety it provides. Uniform legislation may take away that variety and, with it, one of the strengths of our Federal

system. The Solicitor General clearly said in his advice to the committee that it may be appropriate that the legislative and Executive independence of each State should only be sacrificed when there is a clear justification for uniform national law. That clear justification I interpret to mean a need. It is a responsibility of Parliaments in each jurisdiction to investigate uniform legislation as it applies to their State. They must examine the need for that legislation. They must not approach this like a bull at a gate and always adopt it, because it will be found in many cases that uniform legislation is not necessary. If it is enacted in those circumstances we shall be watering down the Constitution and sovereign State rights will be eroded. We must be very careful in this area. The right to investigate and scrutinise legislation should be raised in each jurisdiction, together with the effect it will have in the referral of powers to a host State. The member for Kingsley said that the model we dealt with in the non-banking financial institutions legislation involves the referral of power from one jurisdiction to either a host state or to the Federal area. State supremacy and State rights must be seriously considered before uniform legislation is enacted.

The committee has made a number of worthwhile and serious recommendations and they are underlined by the word "scrutiny". Scrutiny has been the main driving force behind the committee with regard to committee members, witnesses, and the information obtained from witnesses. The committee considered whether scrutiny is necessary and how it should be carried out, and recommendations in the report include the establishment of a Standing Committee and other processes that will enable scrutiny of proposed uniform legislation by Parliament and the Standing Committee to assess the need for it in our jurisdiction and State. I address one particular matter on the subject of scrutiny. When we contemplate uniform legislation we must look at the effect it will have on our legislation, our democratic process and our legislative program in Western Australia. One must look at the effect this may have on the establishment and scrutiny of statutory bodies. One must also look at the effect this procedure has on the State with particular reference to the powers that must be carefully scrutinised. The recommendations of the committee, if implemented, will help that process.

The member for Kingsley pointed out a particular problem encountered by the committee when it looked at the non-banking financial institutions uniform legislation. The problem relates mainly to appeals and the legal system; that is, appeals against anything in the uniform legislation which must be examined by the Queensland Supreme Court. An ability to cross-vest appeals may exist, but one should look at the inconvenience and cost of doing that. Also, the possibility exists that the Queensland Supreme Court may reject a cross-vesting application because it deems the application to be against the uniform legislation. This legal problem required examination and the committee looked at it closely. When referring to whether the jurisdiction of the Supreme Court of Western Australia should be limited the Chief Justice said the following -

The supremacy of Parliament in the making of laws for Western Australia may be acknowledged. The extent to which that power should be delegated to any other Parliament or other agency is essentially a matter for the Parliament.

As I said earlier, the Parliament should scrutinise these matters and determine associated needs. The Chief Justice brought that out clearly in his advice to the committee. He continued -

While Parliament may have the power to abolish, limit or exclude the jurisdiction of the Supreme Court it should exercise that power in the full knowledge and consciousness of its impact upon the function of the Supreme Court to interpret and apply the laws made by the Parliament. It is for Parliament to decide whether it is appropriate to adopt the constitutional precedent represented by the Financial Institutions legislation and to follow it for the future.

He was pointing out the problems associated with this matter and saying that the Parliament should decide whether it should allow a transfer of power.

As I have emphasised during this short address, the matter of scrutiny of legislation should not be understated. We should be conscious of and diligent about looking at uniform legislation and its referring of power to another jurisdiction. We should also be very conscious of the State's rights issue even though no such issue exists at the moment. However, it could be termed one because it relates to a referral of power. There are many concerns held about this matter which should be stressed when looking at uniform

legislation. Once uniform legislation is put in place, can a jurisdiction or State Government move away from or not be a part of that legislation? Obviously a commitment must be made by each State to be part of uniform legislation for it to be effective. It must be stressed that although agreement exists on uniform legislation, the Parliament can revoke that at any time and take back its power. A mechanism must exist to do that. A mechanism must also exist, as I said before, for scrutiny and recommendations to be made by the committee about this matter. Needs should be established, problems identified and concerns about reference of power should be forever in our vision. Finally, I have a quote from the Solicitor General which I believe is appropriate to sum up the need for scrutiny and the balance needed in uniform legislation to pick out our jurisdiction's democratic rights. He states -

While we must be watchful of our own State interests, our destiny necessarily will be shared with the rest of Australia. The challenge will be to strike a sound balance between the constitutional structures which meet our separate needs as a State, and the interests of the nation as a whole.

That statement adequately covers what uniform legislation and examination of the process is all about.

In conclusion, I thank the chairperson for her diligent efforts, and David Robinson, the research officer Julie Harris, and other staff members mentioned by the chairman, for their assistance, along with the people who assisted in the other States. I also thank the Hansard staff for the high quality assistance they gave towards this report.

There has been much talk about Select Committees going on interstate and overseas trips. This Select Committee travelled to the capital cities of three States in two and a half days to interview many people. Travelling to those Parliaments and jurisdictions and interviewing those people was of great assistance to the committee in preparing this report and in understanding the various types of uniform legislation in use, particularly the template type in the non-banking financial institutions legislation. It was extremely worthwhile in terms of time and cost involved for the trip. I thank committee members for their help. It certainly informed me about, and opened my eyes to, the benefits and problems of such legislation if the recommendations of the committee are not enacted.

**MR WIESE (Wagin) [12.48 pm]:** I commend the report of the Select Committee on Parliamentary Procedures for Uniform Legislation Agreements to every member of Parliament because it is one of the most important reports tabled in this Parliament for a long time - although I guess every committee thinks that about its work. It deals specifically with the powers of this Parliament and the whole area of its activities. If we keep going down our present uniform legislation path we will become involved in the passing of the powers of this Parliament to other Parliaments and jurisdictions. Every member of this Parliament should read this report carefully, taking on board its recommendations before doing everything they can to ensure that the recommendations of the committee are adopted. The report deals with the terms of reference already detailed by the chairperson, so I will not repeat them. However, I will highlight a few important areas into which the committee inquired. One of the committee's terms of reference was the effect of delegating the powers of the Western Australian Parliament under the uniform legislation scheme established by the financial institutions legislation. I am pleased that the committee's report has come to fruition because the National Party played an important role in bringing this issue to a head in the Parliament. I attempted, on behalf of the National Party, to amend the financial institutions legislation, and in doing so brought to the attention of the Parliament how template legislation operates, what happens in inter-Governmental agreements, and the role that is played by Ministerial Councils in achieving uniform legislation throughout Australia.

At the end of the last session, this Parliament passed the non-bank financial institutions legislation, and in so doing adopted in total the Queensland legislation. We were not able to amend that legislation. That legislation can be amended only on a recommendation of Ministerial Council, and any amendments must be moved in the Queensland Parliament. The Queensland Parliament has agreed to pass any amendments to that legislation that are recommended by Ministerial Council. Any amendments to that legislation made by the Queensland Parliament automatically become part of the Western Australian legislation and this Parliament will not have the opportunity to debate those amendments. The WA Parliament will not even see them. That situation applies also to any regulations that are



made under that legislation. Once regulations are agreed to by Ministerial Council and by the Governor in Executive Council in Queensland, they will be tabled in the Queensland Parliament, but the Queensland Parliament will not be able to amend or disallow those regulations. Worse still, the general public will not be aware of those regulations because a notice will be placed in the *Queensland Gazette* that the regulations have been gazetted, but the text of the regulations will not have to be published. Those regulations will not be tabled in the Western Australian Parliament and we will not be able to scrutinise or disallow them. In fact, we will not even see them. That method of introducing uniform legislation has become known as the template model of legislation.

The committee looked also at the effect of delegating the powers of the Western Australian Parliament under other schemes of cooperative legislation. I think all members of the committee and of this Parliament would have been totally unaware at the end of June when this committee was established that at that stage a ministerial agreement had been signed to introduce mutual recognition legislation. That legislation will have a significant effect on a wide range of activities throughout the whole of Australia, yet this Government, and every other State Government, has committed the States to adopting that mutual recognition legislation and to passing it by 31 October this year. That legislation has been drafted and introduced into the New South Wales Parliament, and has been read for a second time, so New South Wales is well down the track towards achieving its target of passing that legislation by 31 October. This Government has had the draft legislation since May this year, but the majority of the people in Western Australia and of the members of this Parliament have yet to see that draft legislation. That legislation will have major implications for a wide section of the Western Australian professional and business community, yet I have no hesitation in saying that the majority of business and professional people in Western Australia are not even aware of that legislation, let alone the impact that it may have on their operations.

That legislation should be brought before this Parliament as quickly as possible because members of Parliament and the community need to have at least three months to look at that legislation before it is debated in this Parliament. The method by which mutual recognition legislation will achieve uniformity is different from the method that is used in the financial institutions legislation, which is a template model. Mutual recognition involves achieving uniform legislation by reference to the Commonwealth Government of this State's powers to legislate in respect of an extremely wide range of activities. There will be a significant referral to the Commonwealth of this State's powers, and that referral of powers will be for at least five years. That is provided for specifically in the legislation. There is no sunset clause in the legislation at either a State or Federal level which will automatically terminate the Commonwealth legislation at the end of that five year period, and very real doubts have been expressed by the Attorney General, and also by other people to whom we spoke during our tour of investigation, about whether the States, having referred those powers to the Commonwealth Government, will ever be able to withdraw from those agreements because of the fact that Commonwealth legislation overrides State legislation if there is an area of conflict. Members should scrutinise very closely the notes and attachments to this report concerning the possible operation of that referral of powers method of adopting uniform legislation and the way it will work.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on p 4084.]

*Sitting suspended from 1.01 to 2.00 pm*

[Questions without notice taken.]

## **MATTER OF PUBLIC IMPORTANCE - HOSPITALS**

### *Public Hospitals Waiting Lists*

**THE SPEAKER** (Mr Michael Barnett): Earlier today I received a letter from the member for Greenough seeking to debate as a matter of public importance the continual growth in the number of people on waiting lists for treatment in Western Australia's public hospital system.

If sufficient members agree to this motion, I will allow it.

[Five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, 30 minutes will be allocated to each side of the House and 10 minutes to Independent members for the purpose of this debate.

MR MINSON (Greenough) [2.32 pm]: I move -

That this House -

- (a) express deep concern at the continual growth in numbers on waiting lists and the unduly long waiting time for treatment in Western Australia's public hospital system;
- (b) calls on the Government to explain why it has followed a regime of rationing public hospital treatment by making waiting list numbers and times for treatment unnecessarily long;
- (c) requests the Government to explain why it has not disclosed the full extent of the waiting lists at our public hospitals; and,
- (d) calls on the Government to cease the artificial rationing of services and to take immediate and practical steps to reduce the waiting lists and give Western Australians the treatment to which they are entitled.

As the Liberal Party spokesman on health and as a member of Parliament the issue which takes up most of my time is the question of waiting lists and I am aware of the pain, discomfort and misery that flows from it.

The SPEAKER: Order! If members must move around the Chamber, they should do so more quietly.

Mr MINSON: It is not as though this problem has recently surfaced; it was a problem long before I came to this place. It is interesting to reflect on what was said in the Government's "A Health Policy Initiative for Western Australia" which has a photograph of the magnificent Mr Dowding on it - incidentally, we had the same Minister for Health at that time - and which was released in 1988 -

The Government is funding the construction of a third operating theatre and the re-opening of an orthopaedic ward at Royal Perth (Rehabilitation) Hospital, which has the largest orthopaedic waiting list. This \$3.7 million development has been agreed following a request from orthopaedic surgeons . . .

The Government will establish a working party to examine continually new initiatives to make optimum use of the hospital system in Western Australia.

The Health Department will be monitoring the situation continually to ensure that the gains from these initiatives are not lost and will regularly releases up-to-date information on the waiting lists.

A full parliamentary term has passed since then and our hospital system is far worse than it was in 1988.

The first part of my motion expresses deep concern at the continual growth in numbers on waiting lists. I take this opportunity to inform those members who are sceptical about the true situation in public hospitals that we have more people on waiting lists than we have been led to believe. In fact there is a hidden list which is growing but which is confined to teaching and other sectors of our public hospitals.

It is interesting that when the Government is pressed for information on waiting lists its standard reply is, "In public teaching hospitals". The actual figure which has been bandied around for some time is 11 000. However, in my research of information on the public record, in particular the "Metropolitan Health Services Review" I came up with certain information which has been checked by a number of reputable people. They have pointed out to me that reasonable calculations, based on the Health Department's figures and the "Metropolitan Health Services Review" is more likely to put the number of people on the waiting lists at 20 000, which is double the Australian average. The "Metropolitan Health Services Review" was released last year and it states that 10 584 people are on waiting lists

at Perth teaching hospitals. It also states that teaching hospitals account for approximately 80 per cent of procedures performed in public hospitals in the metropolitan area. Mr Speaker, it is necessary for me to state a number of figures and for that reason I will have to refer to my copious notes.

The Health Department's figures show that in 1990-91 the teaching hospitals in the metropolitan area treated 70 per cent of metropolitan public hospital outpatients and 75 per cent of metropolitan public hospital inpatients. It follows from those figures that about 20 per cent of those procedures were conducted in other public hospitals. It is well known that there are long waiting lists at other metropolitan hospitals, including the Osborne Park, Armadale and Rockingham hospitals. If we add the conservative figure of 20 per cent in line with the figures in the "Metropolitan Health Services Review" we come up with a total of 12 700 and if we include the 25 per cent inpatients included in the Health Department's figures the number would be 13 230. I do not intend at this stage, because it would only confuse the issue, to consider outpatient statistics because they would further increase the number of people on waiting lists.

In addition there are waiting lists at country regional hospitals. The relative number of inpatients and outpatients treated at these hospitals, compared with the Perth teaching hospitals, is also indicative of local waiting lists and by simply incorporating the numbers at the country regional hospitals, as is the case with the non-teaching metropolitan hospitals, a conservative figure would be 3 100, bringing the total number of people on waiting lists to 15 800.

The "Metropolitan Health Services Review" also found that waiting lists had increased by 40 per cent from 1987 to September 1991. The actual figure is 47.3 per cent and I cannot understand why the figure of 40 per cent has been used. With a 47.3 per cent increase over four years it is reasonable to assume there has been a further 10 per cent increase in the past year. Therefore, the official number of people on waiting lists would probably total between 17 000 and 18 000.

In the latter half of 1991 the Government initiated a widespread pro-active campaign, which I did not understand until recently, to significantly increase the number of people on waiting lists. This was done against a backdrop of promises that the Government would decrease the number! The increase was achieved by closing hospital wards, limiting procedures per operating session, lowering activity days, and other such approaches. At the hospital survival conference in Melbourne a few months ago the Minister admitted that 11 500 people were on waiting lists in Western Australia. That remark adds weight to the fact that at least a 10 per cent increase has occurred in that list since less than a year ago when 10 600 people were on waiting lists. The Government has intentionally misled not only the public, but also, and in particular, the Press. It seems to have gone to considerable lengths to camouflage the true time spent on waiting lists. This is very interesting. One must add to that time the additional time spent on the waiting list to be assessed to get on the official waiting list.

I have two good examples of what I am saying. The first is a memorandum circulated by the Fremantle Hospital to all general practitioners in its catchment area and is dated 10 September 1991. The memorandum indicates the waiting time to gain an appointment for treatment at the outpatient's clinic following referral by a general practitioner. The time taken to get onto a waiting list outlined in the letter was seven months for neurology, six months for ophthalmology, six months for orthopaedics and three months for gastroenterology. The important thing to remember is that that is the period a patient must wait to get an appointment to actually get onto a waiting list. That time is not reflected by the waiting lists. A reasonable calculation shows that adding that approximate 10 per cent of people waiting to get onto a waiting list brings the figure of people waiting for treatment to around 20 000.

My other example shows that it is not simply one hospital having this problem. I received a letter today from a Mrs Mary Kirkham, who describes the situation she and her husband face as public patients who have been referred to Royal Perth Hospital for a particular treatment. Bearing in mind that this letter is dated about the middle of August, these people must wait until 22 December to get onto a waiting list. Therefore we must add to the present waiting time another four or five months, which makes the time shown on official waiting lists a little deceptive.

The State Government knows full well, but will not admit openly as it ought to, that waiting lists must exist for the simple reason that they are the only way to ration services. If the Government removed waiting lists the load placed upon the public hospital system and the crash in the private system would be unbearable. I suggest that is the true reason for our having waiting lists. I can think of no reason why they should exist other than that. As revealed in answers to questions I have asked here about the matter, hospitals have the staff, operating theatres which are available and equipped, and sufficient wards, which in some cases are closed or boarded up. It would not take much effort or cost to put those wards back into operation.

With a little effort and efficiency in our hospital system, and despite whether Mr Howe cooperates, huge inroads could be made into our public hospital waiting lists and times in this State. It is interesting to note that in this morning's Press Mr Lyn Bray, who runs one of the largest frail aged care homes in this State, is reported as having said that simply by adopting the efficiencies he has adopted in his nursing homes the State could chop \$18 million per thousand beds off its bill for providing services.

Mr Wilson: Did you say \$18 million per thousand beds?

Mr MINSON: Yes. I know Mr Bray has communicated with the Health Department to point out that he provides care for \$9.5 million per thousand beds to Commonwealth standards. In nursing homes run by the State, the cost for 1 000 beds in the order of \$27 million. The Minister should look to his department's efficiencies in this matter. He should forget Mr Howe and get on with running our health system properly and reducing waiting lists.

MR WILSON (Dianella - Minister for Health) [2.46 pm]: I am amazed that somebody did not jump to his feet more quickly to second the motion and that nobody was prepared to support the comments of the member for Greenough.

Several members interjected.

Mr WILSON: I am prepared to answer for my actions at length.

Mr Lewis: You nearly blew it.

Mr Court: No, he was the last guy.

Mr WILSON: Yes, and I have outlasted him. This is the first occasion on which I have heard any member from the Opposition side put forward a case accompanied by minimal substantiation. Never before has any member from that side been able to say anything other than fairly empty rhetoric about this matter.

#### *Point of Order*

Mr MINSON: I have been accused of empty rhetoric, Mr Speaker, when I have backup here in these documents, which I now seek permission to table.

The SPEAKER: Permission cannot be granted.

#### *Debate Resumed*

Mr WILSON: I do not know how seriously the Opposition is taking this matter. I take it very seriously and will make some reasoned comments on the way this issue deserves to be addressed.

Mr Court: With due respect, Minister, the Opposition regards this as one of the most serious health problems we have faced, yet the Government has only three members in the Chamber for this debate.

Mr WILSON: I do not know whether the Opposition is playing games or wants me to give a serious answer to this motion. I am prepared to give that serious answer, but I am not prepared to stand here and listen to inane interjections which prevent serious debate of this serious issue. It is a matter that I take seriously and one on which I have worked conscientiously for longer than anybody else in Australia as Minister for Health. I know it is easy to give up and to find another ministry to try, as Health Ministers in other parts of Australia have done over the past five years, but this is something I have slaved over and worked on and tried my best to come to terms with in every possible way, and I will continue to do so. I treat it seriously and I believe it should be debated seriously, factually and rationally, and that is what I intend to try to do.

Mr Bradshaw: It took one year to get waiting lists in Western Australia. Services were reduced and costs blew out.

Dr Edwards: Nonsense!

Mr Bradshaw: It is not nonsense.

The SPEAKER: Order! We will not have interjections all over the Chamber. The Minister has indicated that he is trying to ignore interjections and get on with the job. That does not mean there should not be any interjections, but it does mean that members must be selective.

Mr WILSON: While I have been the Minister for Health I have never sought to hide the very worrying problems that underlie the existence of waiting lists in our public hospital system; in fact, I have been criticised for declaring the seriousness of the issue. I have not held back from declaring the seriousness of the issue: I have declared it here in the Parliament in answer to parliamentary questions and in answer to letters from members of Parliament. In forums across the nation I have not held back from recognising the seriousness of the issue. I regard it as a very serious issue and that is why I have spent a great deal of time trying to bring into the public forum the facts and figures behind the issue and to have them debated sensibly so that we can achieve some outcomes and some sensible results.

Mr Omodei: Have you received support from your colleagues for what you have been trying to do?

Mr WILSON: My colleagues always give me their strong support and I always count on it.

While the Opposition today has made some very important points - points that I would not want to deny and that can be substantiated in fact - there is one issue members opposite have not raised; namely, the resourcing of our public hospitals. In fact, the member for Greenough said we should not broach this issue as it is a minor one. However, it is a very complex issue, because the States depend for their funding to run the public hospital system on a very complex funding arrangement: From the Medicare grants from the Federal Government; from the financial assistance grants, which are the general grants funding the States; and, of course, from a decreasing amount of revenue from privately insured patients. We also depend on the fact that, in the financing arrangements between the Commonwealth and the States, States like Western Australia with small populations have their position protected by the Commonwealth Grants Commission arrangements, so that the relativities of the disadvantages suffered by small, scattered populations in large areas of Australia are taken into full account. All of those issues are very important and are very much to do with Commonwealth funding.

Despite what the member for Greenough said, we cannot ignore what has happened to Commonwealth funding of public hospital and health services and the way in which that has changed since 1984. I will give the House some statistics. In 1984-85, for all States, the Commonwealth funded 48 per cent of the total cost of running public hospital services and the States funded 40 per cent. The current situation is almost a complete reversal of that: The Commonwealth funds 41 per cent of the total cost of running public hospitals and the States fund 50 per cent. In Western Australia the difference is more marked still. In 1984-85 the Commonwealth funded 52 per cent of the total cost of operating public hospitals and this State funded 39 per cent. The Commonwealth now funds 37 per cent of that cost and the State funds 56 per cent.

Given that this State has had to fund that level of difference in the total cost of running public hospitals over that period, members opposite should not point the finger at this Minister or this Government for rationing public hospital services. I agree that they are rationed; I agree that there are waiting lists and that that is a form of rationing health care. However, at the same time members opposite cannot say that the State Government of Western Australia has not made efficiencies and has not brought about productivity improvements to make up the difference.

Mr Minson: Hold on!

Mr WILSON: The member for Greenough has had his turn.

Mr Minson: I want another go.

Mr WILSON: That shows that the member's argument is not very sound. He will not sit and listen to what I have to say, although I was prepared to listen to what he had to say and pay very careful attention to it. However loudly the member screams, nobody can afford not to take that discrepancy into account. Nobody with any sense of reason and intelligence can ignore the huge turnaround in the proportion of costs of running public hospitals that has occurred in that relatively short time, and nobody can afford to ignore the fact that that will have a major impact.

Mr Bloffwitch: Were there any compensating factors for that?

Mr WILSON: None at all.

Mr Bloffwitch: Then it is an indictment of the Federal Government.

Mr WILSON: That is not the end of the story. During the period referred to by the member for Greenough the State Government has provided over \$22 million of extra funding, available as a result of productivity gains, to finance special waiting list strategies and increase the number of patients from the waiting lists receiving treatment. I have also tried to work hard with the medical, nursing and other health professions to get to the bottom of some of the structural problems affecting the delivery of health services. I believe the member for Greenough mentioned that waiting lists really represent only the teaching hospital waiting lists. In fact, up to now it has not been possible to get a fix on waiting lists in other public hospitals, because those facts and figures have been the property of the private practitioners and they have not declared to the Health Department or to those hospitals the extent of those waiting lists.

Mr Minson: You know they exist.

Mr WILSON: I am not saying they do not exist; I am saying we have not been able to tabulate them.

Mr Minson: What about the ones that are hidden?

Mr WILSON: The expert committee, because it comprises top specialists and other members of the professions in Western Australia, is now working to get a very accurate fix on those figures. I am happy to table the elective surgery bulletin, which the expert committee has recommended be published on a regular basis. The first edition is about to be distributed to all practitioners and to the public to provide information as an aid to dealing with waiting lists. It aims to make people fully informed.

An interesting aspect of the bulletin is the reference to hospital productivity. It contains a chart which shows an average 15 per cent increase in the number of hospital procedures provided between 1986 and 1991. In spite of that increase, the waiting list numbers and the length of wait involved increased during the same period. The chart also indicates a huge increase in the number of procedures carried out in that time span on people aged from 65 to 85. Of course, a great factor when considering the waiting list problem is the continually ageing population. In fact, the 65 to 85 age group will require more and more care in the public hospital system in coming years. Of course, the technology required to address that issue will be expensive, as the whole system will become more expensive. All these factors must be taken into account.

[See paper No 221.]

Mr WILSON: Some very useful recommendations have been made by expert groups established earlier this year. These groups comprise specialists and other health professionals who have extensive knowledge and experience in dealing with waiting list issues. These groups are pointing to areas in which we can have the greatest effect in dealing with waiting lists.

One of the reasons for my trip to Canberra is to engage in intensive discussions with Ministers and bureaucrats leading up to any new Medicare agreement. We now have a package of positive proposals arising from the recommendations of the expert groups which will address the blockages which are preventing us from dealing with this worrying issue. We are now looking seriously at productivity investments which will allow us to segregate the surgical beds and to adopt management of operations at the clinical level of hospital administrations which will increase the number of hostel beds for postoperative patients. This will increase the flow of beds in the acute areas of the hospital; allow us to enhance the

home care programs for postoperative patients; and allow people to undertake procedures in the shortest time and to have guarantee of care at home and other facilities. These are the measures further to increased productivity, which I will be pressing in Canberra as a means of improving the throughput of patients to clear the waiting lists over the next three years. This will involve an intensive program to reduce the waiting lists by a drastic degree.

Finally, a great deal of what is done will depend on the capacity of our health system to work cooperatively. I have engaged in strenuous efforts to work cooperatively with the medical and nursing professions, because those professionals must define the appropriate level of care. In the past we have been afraid to ask them to make these definitions due to a fear of meeting the cost of their recommendation. We cannot afford to be in that position any more. A lay person, politician or bureaucrat cannot make those decisions; when such people attempt to define these points, they always get it wrong. I have expended a great deal of effort in cementing good relations with the professions, because we need that relationship and support.

Mr Omodei: It is our responsibility to represent those people too.

Mr WILSON: We do. In response to the member for Greenough's comments regarding efficiencies and productivity in places such as Government nursing homes, I agree that these matters must be addressed. However, they will be addressed in the forthcoming Budget. We will be moving to the same standard which applies in the private sector. In fact, I have invited Mr Bray to be the independent chairman of the implementation committee and to oversee the move to those standards in Government nursing homes. Of course, it may be that many beds in Government nursing homes will be reallocated to new nursing homes run by private or community-based organisations. That is the other way in which we will be moving to bring about efficiencies. We will make further savings which can be put back into clinical services. A number of other measures are part of the strategy which will be brought down with the Budget by which we will put our own House in order, which I agree needs to be done. At the same time, we will ignore at our peril the implications of not getting our Federal funding component right. The Liberal Minister in New South Wales is saying the same things as I, and the Victorian shadow Minister for Health has written to me expressing similar views. I do not know whether she has written to the member for Greenough, but any Health Minister in any part of Australia will know that hospital waiting lists are a problem throughout the country.

Mr Minson: It is just that ours are twice as long. We have waiting lists to get on a waiting list.

Mr WILSON: The member is wrong. It is good for him to say those things for political purposes, but the truth is that the situation affects every other State in Australia to the same extent as here. We must resolve these problems. We can win this battle by proper Federal resourcing and by putting our own house in order.

#### *Amendment to Motion*

Mr WILSON: Therefore, I move -

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

supports the following initiatives taken by the Government in relation to the management of hospital waiting lists in Western Australia -

- (a) the provision of over \$22 million extra funding, available as a result of productivity gains, to finance special waiting list strategies and increase the number of patients from the waiting lists receiving treatment;
- (b) the establishment of an expert group, comprising specialists and other health professionals with extensive knowledge and experience in dealing with waiting list issues, which will advise the Government on additional actions that can be taken to further reduce barriers to timely hospital treatment;
- (c) the development of a better information system, including the publication of information bulletins, to assist medical practitioners to

- have a better knowledge of the availability of specialists and the waiting times for elective surgery in metropolitan public hospitals; and
- (d) the decision of the Minister for Health to lead a mission to Canberra to strongly promote a list of positive measures to achieve improved productivity and best clinical practice that will reduce the number of people on waiting lists and the time they are waiting for elective surgery.

**MR KOBELKE** (Nollamara) [3.10 pm]: I second the amendment and commend the Minister for the stand he has taken on health issues for some considerable time. Much of the work done a couple of years ago was behind the scenes on the earlier Medicare agreement. The Minister fought hard and long. Perhaps some people saw that as holding out, but he realised there were major issues at stake. In looking after the health interests of this State, this Minister tried to achieve the best possible deal for Western Australia. We have seen again over the past few months that the Minister has tried to convince the rest of Australia to face the very real needs in this area. He should be commended for the way in which he has not only represented the health interests of this State but also has tried to improve the standard of service across Australia.

**MR COURT** (Nedlands - Leader of the Opposition) [3.11 pm]: What an admission of failure we have heard today. I admit that the Minister for Health - I would like to think - is trying to spell out the problems in a reasonable and open way. Although we all know what is the problem, the Opposition is concerned that the Government has not provided the true picture about the waiting lists.

In summary, in 1983 hospitals did not have waiting lists. In 1988, the Government gave an ironclad guarantee in the lead-up to the election - we are entering the same stage now - that no waiting list would exist for urgent surgery. Yet waiting lists for urgent surgery now exist. A patient is put on a waiting list and then put on an urgent surgery waiting list. All the promises were made before the last election. We were told then that the waiting lists would be eliminated and that the Government was confident that those measures would produce important results. However, in 1992, rather than the number of patients on waiting lists declining, it is growing.

The Minister said that our hospital system is in a form of crisis. He also said -

I am most concerned that the Medicare system has drifted away from the original intention which was to allow the underprivileged and pensioners to be given first priority in the public hospital system.

The Minister himself is admitting that there are problems and that the system is not working; yet the Government has been in power for a decade. I appreciate the fact that the Minister says he will now try to do something about putting the house in order. However, after a decade, the Government should have its house in order.

Mr Wilson: We have made huge productivity gains.

Mr COURT: The seriousness of the situation is emphasised by the fact that between 10 000 and 11 000 people are on the waiting list. As the member for Greenough pointed out, if one takes into account the other public hospitals in the metropolitan area, regional hospitals and the fact that people are waiting to be placed on a waiting list, the figure increases to well over 20 000. Last year the Government decided to close some hospital wards, limit the number of procedures for operating sessions and introduce "low activity" days. What a phrase to use in a productive society! Those measures have resulted in the rationing of services.

Mr Wilson: That is happening in every public hospital in Australia.

Mr COURT: Most of the metropolitan hospitals seem to be in my electorate - Sir Charles Gairdner Hospital, the Hollywood Repatriation General Hospital, King Edward Memorial Hospital and St John of God Hospital. When one of the wards was closed at Sir Charles Gairdner Hospital an instruction was circulated to remove the mattresses from the beds in case doctors used them for patients. Obviously, the hospital facilities are available, as are the tradespeople who can provide these services. The Minister has said that he will visit Canberra for three weeks to examine improvements in throughput. He also agrees that comments by the Opposition about nursing homes are correct; that is, that if the private



sector were allowed to run those nursing homes the same standard of care would be achieved for almost half the price. To have reached that situation after a decade is well and good.

I repeat that it is an admission of failure that the system is in crisis and that there is a need to "get our own house in order". The Opposition has identified many areas where efficiencies could be made. As I said earlier and as members are aware, problems are being caused by the great number of people on the waiting list. A few weeks ago, the member for Scarborough and I visited a lady in the Osborne Park Hospital. She needed a hip replacement operation and had been advised she would have to wait two years. However, she became so ill and was in such pain that she was put into the Osborne Park Hospital. After being there for three months she was still being told that she would have to wait two years. After some pressure was applied to the hospital by a few members of Parliament, she was put on the urgent waiting list - that is why we know about the urgent list - where she was told she would have to wait for six months. However, during that time she was occupying a bed in the hospital. The cost of keeping her in hospital for three months could have been spent on the operation. She could have been rehabilitated and got on with her life. What administrative system allows that situation to occur? There is more to the story: She was in so much pain that eventually she decided she would pay for an operation, which would cost \$10 000. She did not have much money. When the member for Scarborough and I saw her she had sold her jewellery, some furniture and investment bonds and managed to raise \$7 600.

Mr Strickland: When she went back to the private hospital the price of the operation had increased.

Mr COURT: That is an example of a person who should be properly looked after under the public hospital service and who has been forced into doing exactly what the Labor Government wants; that is, to have private surgery. She did not have private cover, but wanted to be free of pain. The Government has had a decade to achieve its target. It is commendable that it has decided to try to implement a few efficiencies in the system. However, this Minister made the commitment with Peter Dowding to resolve the health problems during the term of this Government, which is almost completed. His Federal colleagues are in power, thus providing both Federal and State Labor control, but neither Government has been able to deliver. No matter how the Minister paints over or tries to hide the problem, there is no denying that it has worsened. The hospital system is a classic example of broken promises and another example of decline during a decade of Labor government.

**DR TURNBULL** (Collie) [3.20 pm]: The Premier and her Government have been very profligate and abusive of the taxpayers' time and money to promote an image that this Government is a caring, sharing Government. Many millions of dollars are spent in this State promoting that image and that it is committed to social justice. It is nothing but a cruel hoax perpetrated on the old, the poor, the sick, people with long term illnesses and particularly on those who have difficulty accessing the medical system. People in the outer metropolitan area and in country areas have great difficulty in obtaining any form of social justice in relation to the waiting lists for elective surgery.

Members may ask why I am condemning the Government's social justice record to prove my point about waiting lists. Waiting lists are one of the cruelest methods of trying to rationalise health care that I know and they are discriminatory. They discriminate against those who cannot push their way to the top of the waiting lists. Speakers from this side of the House have referred already to the length of the waiting lists and the longer times that people have to spend on them to have their conditions treated. We as politicians know that is occurring. The Minister tabled a document which indicated that the number of people being admitted for elective procedures was fewer than the number of people being added to the list. That applies in all cases including ENT, general surgery, ophthalmology, orthopaedic surgery, plastic surgery and urology. However, the greatest discrimination of all is against those who have less access to the system. They include those who live in the outer metropolitan areas and in the country areas of this State. Those people cannot keep turning up to clinics continually demanding their turn because they believe their conditions warrant treatment. I will not dwell on the waiting list problems any longer.

In moving his amendment the Minister for Health referred to some practical solutions and I

commend him for that, particularly the one which involves his going to Canberra. It is important for members to understand that Canberra still funds nearly 50 per cent of the State's hospital system and tackling Canberra is important. I wish the Minister well in introducing the solutions to the problem about which he told us today. However, because the Federal Labor Government is on the edge of a political crisis, there is little hope that it will take any notice of the Minister's presentation.

There are two very important and practical solutions to the waiting list problems. Many hospital beds are not utilised in Western Australia. They are staffed, they exist, they are in wards which are open and health professionals service them. Many of these beds exist in hospitals on the edge of the metropolitan area and in the regional and subregional hospitals. Why must country patients come to Perth for elective surgery? Patients have told me that, when their turn for surgery comes around, they turn up at a major hospital in Perth only to be told that the surgery has been cancelled. That has happened twice to a number of patients. Beds in regional and subregional hospitals could be used for general surgery and many procedures, except the high tech procedures. We could cope with the high tech hospitals not being utilised for the average operation. The bulletin tabled by the Minister today indicated the numbers on waiting lists waiting for haemorrhoidectomies. Haemorrhoids are not a life threatening condition, and they can be treated in the Narrogin, Collie, Geraldton and Northam hospitals by a general practitioner. Waiting list selectivity is not being implemented and the people who are in most need are the people being pushed to the end of the list. I am sure the Minister is aware that there is much queue jumping in the system. That is discriminatory and inequitable for many people, especially country people.

The other way the Government could tackle the long waiting lists problem is to redeploy the finances of the Health Department, 70 per cent of which are spent on salaries and wages. That is a very high proportion in world terms despite the Minister's presentation today of the productivity improvements. That must be tackled. Administration costs comprise 15 per cent of the wages and salaries bill. I do not know whether the Health Department has a commitment to the people. The Select Committee on Country Hospitals and Nursing Posts requested the Health Department to provide it with figures for the number of full time employees prior to regionalisation and post-regionalisation. After many months, we were advised that it was difficult to work out and would take a long time. I do not think the Health Department is committed to working out the administration costs for regionalisation. If it did an analysis of those figures it would find that those costs have increased. I contend that the waiting lists could be reduced by cutting back some of the activities in the Health Department as well as implementing the Minister's solutions in the Federal field.

**DR EDWARDS** (Maylands) [3.30 pm]: I am pleased to support the amendment moved by the Minister for Health this afternoon. It is important that Parliament discuss this problem because waiting lists are the most visible problem confronting the health sector. It is not something that occurs just in Western Australia or in Australia but, in fact, afflicts all in the Organisation for Economic Cooperation and Development countries. It has not arisen today or yesterday but has been with us for a long time. It is not new. For instance, in 1979 when I was a resident at Royal Perth Hospital the waiting time for orthopaedic procedures was roughly three months. In 1980 when I was a resident in neurosurgery the waiting time for people being admitted to my wards for elective surgery was approximately three months. Obviously, in other specialities the waiting times varied. In 1981 I was fortunate to work at King Edward Memorial Hospital for Women and at that stage the waiting time for a hysterectomy was six weeks. That pattern is similar now, and it is reflected on the chart presented this afternoon by the Minister. It is a problem that tends to afflict the procedural surgical areas.

The major problem is in defining what we are talking about. Although it is hard to define a waiting list, because there is no good indicator of clinical severity nor a good standard to compare who is on which waiting list for what type of condition or the severity of that condition, we all agree that if a person must wait for a procedure to be carried out, there is a problem that we should all tackle. If the debate this afternoon indicated that there could be a bipartisan effort to tackle that problem, it would be extremely constructive.

It needs to be pointed out that this is not a problem which confronts only the public sector; in my experience as a private general practitioner - most of my working life has been spent as a private GP - the most severe problems I encountered were dealing with the private sector. I

have a similar story to that of the Leader of the Opposition regarding a patient covered by workers' compensation for whom I tried to get an appointment to see a private orthopaedic specialist. After 40 minutes' telephoning I came to the conclusion that there must be a conference of orthopaedic surgeons in Broome because they all appeared to be there on that day, and I am sure there was not enough work in Broome for them all. Despite much effort on my part, I eventually found it necessary to refer that man in severe pain to the public hospital sector. Many of us are on waiting lists of one form or another: I am on a waiting list to see a dentist and an eye specialist. There are waiting lists in the private sector, and this reflects part of the problem with which we are dealing, which is the whole medical system. Medical training is oriented towards doing something exciting which has an immediate outcome. Dealing with some chronic problems is not exciting and that is part of the culture, the lack of a customer or client focus, that leads to the development of the waiting lists.

A number of other factors lead to the development of the lists and many have been outlined by the Minister for Health. Obviously, they include financing of the public sector and the medical system itself, and they are compounded by the ageing population, increased technological awareness, and our greater expectations of the system. A major problem is that of medical manpower. I have some trouble accepting the argument that we have too many doctors; I believe rather that we have a mal-distribution of doctors. As a member of the Select Committee on Country Hospitals and Nursing Posts it was evident to me that there were not enough doctors in rural areas. Equally, there are not enough in some specialities, and ultimate responsibility for those problems goes to the colleges which have strict criteria for allowing registrars to work in their specialities, and strict and impeding criteria allowing specialist appointments. It has been said that one must wait for an older specialist to die before one can be appointed in some of these areas. Colleges need to be more flexible and more oriented towards patients.

However, solutions are available and the Minister and other speakers have touched on those today. One of the most important solutions pioneered in the private sector was to increase throughput by methods such as day surgery. I was pleased to hear the Minister's figures about the increases in productivity and throughput since 1986. We also need to look at redistributing workload within the public system and tapping into the empty private beds and using them. From negotiations I have had with people and hospitals in my electorate, it appears that the hospitals are interested but doctors are reluctant to embrace the concept with open arms. I compliment the Government on the initiative of a few years ago of publicising those specialists in the peripheral teaching hospitals who could see public patients. That was of great assistance to me as a GP and now, as a member of Parliament, I am pleased I am able to shift people towards that system. I have great pleasure in supporting the amendment.

**DR CONSTABLE (Floreat) [3.36 pm]:** I find both the motion and the amendment very disappointing. We all know there are long waiting lists; perhaps the numbers are wrong but I have not had a chance to go through the wads of information I was given before the sitting resumed at 2.00 pm. We all have people in our electorates who contact us and tell us of their problems in getting the surgery that is important to them and to their health. The motion moved by the Opposition does not tell us more than we already know; nor does it come near helping to solve the problems facing people in this community. I was very disappointed at the comments of the Minister for Health. An amount of \$22 million has been allocated. Let us find out how it will be spent, how efficiently it will be spent, and what other efficiencies are being introduced in the Health Department.

**Mr Wilson:** It has already been spent.

**Dr CONSTABLE:** What does the Government propose to do next? The second point in the Minister's amendment suggests that a group of people should talk about this problem and advise the Government. A great deal of talking and advice has occurred in the past few years. Where is the action? When will something be done about the waiting lists?

I can give a good example of what can happen to waiting lists. I have first-hand knowledge of a program at Sir Charles Gairdner Hospital between February 1988 and April 1990 when 1 000 cataract operations were carried out on an outpatient basis. That was three times the number carried out in the preceding two years. Special funding was used to put together a special program. A group of people did not just talk about it, or wait to advise people; they came up with a plan and got on with it. That waiting list is almost back to its previous level

because the money disappeared and not a great deal of money was spent on the program to deal with those patients.

Mr Wilson: Another \$8 million went in last year which gave us 2 300 extra operations.

Dr CONSTABLE: It is not enough.

Mr Wilson: I know it is not enough.

Dr CONSTABLE: I am convinced that with very little time and thinking more efficiencies could be introduced into the public health system. I am convinced from the people to whom I have spoken, who are medical specialists involved with outpatients in public hospitals and who are frustrated at the small number of cases booked in when they are doing their sessions at the hospitals, that the hospital systems could be more efficient. It is time to stop talking and get on with it. We know the problems.

The third point in the Minister's amendment to the motion I am sure is a good idea; let us have a better information system and get it going. However, that will not solve the problems of people waiting. This Government must start looking at its priorities. For example, we must question the amount of money set aside to be spent on sports stadiums and sporting facilities in this State at the moment leading to the duplication of services for sport. So many people will be playing sport and breaking legs but they will not be able to get into public hospitals for treatment. It is time the Government got its budgeting priorities right in these hard times. The Government should be setting its priorities in health, education and similar areas, and should not be spending money on things we do not need in this State at present.

MR DONOVAN (Morley) [3.39 pm]: It is hard to do justice to an issue such as this in the short time available to me. However, I am more disturbed at the lack of interest on the part of the Press Gallery once the principal speakers had finished in this debate. One of the most important speeches made was that of the member for Maylands. I say that because neither the motion nor the amendment addressed itself to much more than certain instrumental issues that, firstly, assume a competitive model of health care delivery based on a mix of private and public sector funding. That mix must first be looked at seriously and questioned. In other words, the problems that we face, as the member for Maylands pointed out, are longstanding. They have been developing for a number of years, and a number of factors are associated with them, not the least of which are the social and economic factors. Those matters are not simply addressed by some instrumental juggling.

I do not know whether other members are aware of this, but it is interesting that last night Couchman conducted a program in New Zealand on precisely this issue. New Zealand is experiencing the reality that there is no simple solution based on promoting the private sector. In fact, New Zealand has as many problems now as it has ever had. I find it curious that the Opposition has moved this motion, since it was only in May that the Opposition supported the Minister for Health, on a motion moved by the member for Darling Range, in arguing that the fundamental problems of our health system are to do with funding and with the Commonwealth not meeting its obligations. Over a period of two months, the situation has changed radically to one where the fundamental problems are not simply with the Commonwealth but are somehow with the State. What has fundamentally changed in hospitals and waiting rooms in the last two months to bring about that curious paradox? Nonetheless, I am sure that at least political gains are to be made, if not medical and health care gains.

While I have some sympathy with the first of the Minister's proposed amendments, and he should not go uncongratulated for introducing those productivity gains, I find the next two amendments somewhat mysterious. I am not sure that we need a better information system to tell people what they already know. I am not sure that we need another group of experts to re-jig the balance in a system which at the structural level is fundamentally wrong. While I endorse - strangely - the Minister's proposed trip to Canberra to seek from the Commonwealth a better and fairer approach to the problem of funding and health care delivery, I hope earnestly that at the top of the Minister's list is not any further move towards impressing upon the Commonwealth what he sees as the need for an increase in private sector health insurance, encouraged by tax rebates and so on. That will be the thin edge of a disastrous wedge. I have emphasised that before in this place, and I will keep emphasising that for as long as I am able, which will be only for the remainder of this session.

I am unable to support either of these amendments or the motion, and I will abstain from the vote on both, because neither of the two positions put addresses the structural problems that are at the root of this issue. The Government for its part will not conscript, bring into use or contract out to, using an expanded Medicare system, those private hospital beds that are available and which lie vacant; and the Opposition sees no route other than a highly competitive private sector, and that lies at the bottom of its argument.

*Division*

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

---

Ayes (21)			
Mrs Beggs	Mr Grill	Mr Marlborough	Mr Troy
Mr Catania	Mrs Henderson	Mr Pearce	Mr Wilson
Mr Cunningham	Mr Gordon Hill	Mr Riebeling	Mrs Watkins ( <i>Teller</i> )
Dr Edwards	Mr Kobelke	Mr D.L. Smith	
Dr Gallop	Dr Lawrence	Mr Taylor	
Mr Graham	Mr Leahy	Mr Thomas	

  

Noes (21)			
Mr Ainsworth	Mrs Edwardes	Mr Nicholls	Mr Watt
Mr C.J. Barnett	Mr Grayden	Mr Omodei	Mr Wiese
Mr Blaikie	Mr House	Mr Shave	Mr Bradshaw ( <i>Teller</i> )
Mr Bloffwitch	Mr Kierath	Mr Strickland	
Dr Constable	Mr Lewis	Mr Fred Tubby	
Mr Court	Mr Minson	Dr Turnbull	

---

*Pairs*

Dr Watson	Mr Cowan
Mr Bridge	Mr Trenorden
Mr P.J. Smith	Mr McNee
Mr Read	Mr MacKinnon
Mr McGinty	Mr Clarko

The SPEAKER: Order! There being a tied vote, it is necessary for me to cast a vote. I cast my vote with the Ayes, so the Ayes have it.

Amendment (words to be inserted) put and passed.

*Motion, as Amended*

Question (motion, as amended) put and passed.

### SELECT COMMITTEE ON PARLIAMENTARY PROCEDURES FOR UNIFORM LEGISLATION AGREEMENTS - REPORT TABLING

Debate resumed from an earlier stage of the sitting.

**MR WIESE** (Wagin) [3.50 pm]: Prior to the luncheon suspension I spoke about the effect of mutual recognition legislation and its implications as it relates to uniform legislation. I foreshadow that a good deal more uniform legislation will come before the Parliament, and not just in the area of mutual recognition of goods and services. I draw the attention of the House to appendix 5 of the report, which contains a comprehensive list identifying 22 separate items of mutual recognition legislation currently being discussed and dealt with in various forms Australia-wide. In another appendix the report also indicates that there are 48 Ministerial Councils operating Australia-wide, the majority of which are working on achieving uniform legislation and a uniform approach in the various areas in which they operate.

I will not detail all of them, but I will mention some important matters which will be brought to this and other Parliaments in Australia in the foreseeable future. I have already mentioned mutual recognition. At present uniform legislation is being drafted to deal with credit Acts, and a template model will be adopted. In relation to road transport, a formal agreement has

already been signed and the drafting of legislation is proceeding. Again, this will use the template model to achieve uniform legislation both in the Commonwealth and in the States. Uniform legislation on the environment is being drafted and is proposed to be brought into operation by May 1993; again, a formal agreement has been signed. It will involve the Commonwealth legislation, with complementary legislation being passed in the States.

Some other matters interest me specifically because of my party's background in rural areas. The Select Committee has been told that uniform legislation for the interstate movement of stock and exotic disease control is in the process of being drafted. Agricultural and veterinary chemicals is yet another area where moves are well under way to achieve uniform legislation Australia-wide. Some other matters which I think will be of great interest to all members of this Parliament include offshore minerals - submerged lands. Discussions have been proposed following agreed amendments to Commonwealth legislation and it is proposed that the Western Australian legislation will mirror that of the Commonwealth. Another very important matter for all Western Australians, especially those in industry and commerce, will be uniform legislation dealing with occupational health and safety standards in key areas, including mines and dangerous goods. This legislation has reached the stage where discussions are proceeding for uniform regulations, standards, and codes of practice, and implementation is likely to be through State legislation.

I have given just a few examples. The note at the end of appendix 5 should be heeded by the Parliament: It says that this information is intended to be indicative only of the range of uniform legislation schemes currently being considered, and the information may be incomplete; and already members of the Select Committee are aware of at least two other areas where uniform legislation is in the process of being proposed. It is a matter about which all members of this Parliament should be aware, because if current indications are followed through and template-type legislation uniformity or reference of powers uniformity is achieved the powers of this Parliament will be very severely curtailed and members of this House will not see much of the legislation which comes forward.

I strongly suggest that members of this House examine the report of the Select Committee. I refer them particularly to recommendation 3, which will be dealt with in the next week or so and which recommends that a Standing Committee of both Houses be established to scrutinise these agreements and uniform legislative schemes. I commend that very strongly to the House because if we take that path we will at least ensure that the Western Australian Parliament exercises its powers by scrutinising all the proposals which could lead to uniform legislation. That is very important.

Recommendation 7 is another very important one; to paraphrase it, it recommends that exposure drafts be tabled in both Houses. If it is adopted we will set in place a mechanism whereby this Parliament will be able at a very early stage to see the proposals and reports of discussions that are taking place, and be in a position to follow the development of uniform legislation and assess the impact it will have both on this Parliament and on the people of Western Australia.

I feel very strongly about recommendation 11 as it enters into the area covered by the Joint Standing Committee on Delegated Legislation, which examines all subordinate legislation, regulations, by-laws, and so on. This recommendation deals with quasi-legislative instruments, or instruments dealing with prudential standards and codes of various sorts. They are part of the wide range of statutory instruments which are adopted by the bureaucracy and by Government as a means of imposing legislative controls within the State. The majority of these quasi-legislative instruments have legislative effect - certainly all of them have very big effects on the people of Western Australia - yet they are never subjected to scrutiny.

I commend the report to the House and look forward to seeing its recommendations implemented.

**MR RIEBELING** (Ashburton) [4.00 pm]: I support the findings of the Select Committee on Parliamentary Procedures for Uniform Legislation Agreements. This is the first committee with which I have been involved since I was elected to the seat of Ashburton. I found it a most interesting experience. I thank my fellow committee members; I enjoyed the experience of working with the conservative side of the House. Actually it was more enjoyable than I had previously imagined. I thank members opposite for that experience. I

benefited from the expertise of members who have been more involved with committees than I because that expertise benefited my development and will assist me to better represent my electorate.

I thank the staff of this House for their outstanding work and support during the activities of the committee. Everything we required was done as efficiently and as quickly as humanly possible. The witnesses we called gave evidence clearly, and it was a credit to all witnesses that the committee was able to prepare its report and deliver it on time. Were the witnesses not so forthcoming it may have taken considerably longer to achieve our goals. It was unfortunate that while in the Eastern States the Select Committee received criticism from another place, as did other Select Committees. That criticism disturbed me, as no doubt it did other members of the committee. Our committee was given the task of travelling to the Eastern States over three and a half days. Some members of the committee took longer than anticipated to come back to Western Australia as a result of industrial action. The trip was hectic and was definitely a working trip. Not one segment of the trip could be described as either a holiday or a junket. Indeed, as we enter an election year the committee members' time could have been more productively spent in their electorates. However, we chose to be part of the Select Committee because we consider that the committees of this Parliament play an important role, one which delivers the facts to the Parliament. What some people described as a junket involved visiting three cities in three days, the taking of evidence from 17 or 18 witnesses, and considerable problems with airlines on our return.

It is important that Parliament understand the reasons for the appointment of the Select Committee. I will not speak in depth about what some people say were the reasons for the formation of the committee, but basically our role was to consider whether we, as a Parliament, want this new type of legislation. The legislation under discussion is new to the whole of Australia. It will reduce the powers of this Parliament. There are four ways to achieve uniformity in legislation, as described by previous speakers. Model legislation is enacted by each State or Territory. It is the same legislation. The problem with this type of legislation is that it can be amended by any State or Territory and can rapidly become non-uniform. The referral of powers legislation attempts to achieve a similar result. Unfortunately the power is referred to the Commonwealth Government, and members in both Houses of this Parliament wish to restrict the flow of powers to the Commonwealth and to retain States' rights as much as possible. Mirror legislation which is enacted in all States and the Commonwealth has the inevitable distinction of not becoming uniform in that all States can amend it. The template model is one where State Parliaments accept or adopt legislation which is enacted in other States. The biggest problem with this type is that it takes away much of the power of the States. In amending legislation, of course, the amendments go through the host State and not necessarily through the States which adopt it. It is important to note that all these systems take away some part of a State's autonomy. The last type of legislation remains the most uniform as it is the hardest to get out of the system. The question is whether we as a Parliament accept the price that must be paid to achieve uniformity in legislation. I agree that the Executive has the right and responsibility to identify and decide which areas of legislation we should head towards in order to obtain uniformity. Most of the legislation is obvious, such as in areas of commerce and in some areas of the criminal system. When considering which system to be involved in, we should ask the basic question: Will it benefit this State? The report states basically that once the Executive has identified an area in which the State should adopt uniform legislation, as soon as practical the Parliament should be advised of the direction the Executive is taking. The report sets out the system which, if adopted, will achieve that end.

I will not refer in depth to the statements by witnesses during the collection of evidence. However, the evidence of one group of witnesses gave me concern. I refer here to a group of people who told us that the bureaucrats who design and draft legislation were well informed about what direction the legislation was taking; that industry was very well informed and kept informed at every stage. However, the people of Australia were not consulted, and neither were members of Parliament. Indeed, it was obvious from some witnesses' evidence that it was considered a distinct disadvantage to have politicians involved because we would not be able to come up with a uniform system.

The Select Committee has thought long and hard about its recommendations. The systems set out in the report are workable. I recommend that all members in this House study the report and support it.

**DR CONSTABLE** (Floreat) [4.09 pm]: I would like to add some comments to those of the other Select Committee members. I will not take up too much of the House's time on the report. However, there are a number of issues I would like to highlight as important to me in our deliberations on the Committee. This Parliament should first take pride in being the only Parliament that has raised this issue in this way. I understand that other Parliaments and other jurisdictions will be looking to this report for their own purposes. I can see in time to come that there might be some interchange with other Parliaments.

The concerns about the Financial Institutions (Western Australia) Bill - many of which have been mentioned today - came about because of the way in which that legislation was introduced, particularly on that heady last night of the previous session. The first problem at which the committee looked was the consultative process, and the lack of consultation in the way that this legislation was prepared. As has already been said, this was an extensive process of consultation with interest groups and industry. In fact, 37 drafts of the legislation were seen by various groups. In that whole process this Parliament was bypassed, and it was not until very late in the day that members saw the final draft of that legislation. Not only this Parliament but also the State judiciary and Parliamentary Counsel to some degree were bypassed. I was particularly taken by the following comment by the Chief Justice in a letter that he wrote to the committee -

It is the established practice, if not an established convention in Western Australia, that the Executive will consult with the judiciary and invite comment on any legislative proposal which would affect the jurisdiction or operation of the court.

In this case, the legislation was set up according to the template model, and it does affect the judiciary in the State. The committee dealt with the matter very carefully and recommended to amend the legislation, and this Parliament must look at that very carefully. My second concern, and a concern of the committee, was the way this legislation was rushed through the Parliament without proper scrutiny. The committee's recommendations go a long way to addressing that problem for the future. The committee learnt from its deliberations and from taking evidence that the same legislation was not rushed through in other Parliaments. For instance, in Queensland, the host Parliament, the legislation was introduced in December of last year and the Queensland Parliament had a three month period in which members of Parliament had access to the legislation before it was passed. Western Australia did not have that situation, nor did members see the Bill. With more careful planning members could have had more time to deliberate on that legislation.

My third concern, and a problem which the committee encountered and to which the member for Ashburton alluded, was the attitude of some bureaucrats to the role of Parliament. The majority of bureaucrats the committee came across, but not all, would be quite happy for Parliament not to have any say in the legislation with which they are involved. I was quite taken aback by the comments of a number of people, not necessarily in this State but in other States, during our visit to the Eastern States. My fourth concern, and it relates to some of those I have already mentioned, was the lack of time for parliamentary scrutiny. Members did not have time to scrutinise this legislation. It was a foregone conclusion that it would be passed through this Parliament. If members had been part of the consultative process they would have had an opportunity to scrutinise the legislation. Once again, the recommendations reflect that concern. Another concern, which is related to the previous one, is that the agreement of Parliament was taken for granted; that it would let this happen. The Parliament should not be treated in that way at any time.

The member for Wagin has already mentioned the problem with amendments to the financial institutions legislation as it currently stands - that amendments will go through the Queensland Parliament and become law without our seeing them in this Parliament. That is the sort of thing we want to avoid in the future because Parliament has every reason to look at and be aware of amendments to legislation that is important to this State. The other problem to which I alluded when quoting the Chief Justice's comment to the committee is that of appeals. That has already been dealt with, but I want to put on record that I see that as a problem as well. Another issue that arose wherever the committee went was the large number of pieces of uniform legislation being looked at or that were somewhere in the pipeline. The committee came across 48 pieces of suggested legislation, or areas where there might be legislation, or where agreements have been signed. That is in no way an exhaustive number. There are probably more.



Mr D.L. Smith interjected.

Dr CONSTABLE: The proposed Standing Committee is necessary to keep an eye on those things. The next piece of uniform legislation with which this Parliament will be asked to deal will be the mutual recognition scheme. I understand that an arrangement is being made for that legislation to pass through this Parliament by 31 October. It is now almost the end of August and I have not seen it on the Notice Paper; I hope there will be time for members to consider it and to be well informed on it.

Mr Pearce: It is on the list to be dealt with.

Dr CONSTABLE: Yes, but we would like to see it well ahead of time.

Mr Pearce: That is a bit unreasonable.

Dr CONSTABLE: Not at all; we are all going to be reasonable about this.

Mr Pearce: We would not do it for the Liberal Party, but we will do it for the member for Floreat.

Dr CONSTABLE: I thank the Leader of the House. I am looking forward to seeing it, as I am sure are all other members. The mutual recognition legislation is very important. It is designed to establish a scheme for the implementation of mutual recognition principles for goods and occupations, and for the purpose of promoting the goal of freedom of movement of goods and service providers in a national market in Australia. Obviously I have not seen this legislation, but I am sure it is an area that most of us would agree requires uniform legislation. However, it is extremely important that this Parliament have a say on that legislation and is fully conversant with it before it is passed.

Mr Pearce: The member is conversant with it now, which goes to show she had no need to see it.

Dr CONSTABLE: That is a quote from the committee's report. The committee did obtain a little information about it and, in fact, has a copy of draft legislation from one of the other jurisdictions. The other important point I make which was also made by the chairman of the committee in her remarks earlier today concerns the choice of Queensland as the host State. It was clearly a very cynical exercise and a number of people told us - I think it was the Treasurer of Queensland - that Queensland was chosen because it did not have an upper House and there would be no trouble getting the legislation through.

Mr Catania: That is very practical.

Dr CONSTABLE: It was cynical and political.

The question of whether uniformity is desirable was addressed by the deputy chairman of the committee, the member for Balcatta. That is a central issue, which is dealt with in the report, about which all of us should be aware. Not all schemes that are mooted for uniformity are necessarily in the best interests of the citizens of Western Australia, and we need to look at the legislation from that point of view. We must weigh up and balance the advantages and disadvantages to make sure that we do not just follow like sheep and join uniform legislation schemes that may not be in the best interests ultimately of the citizens of the State. I join with other members in commending this report to the Parliament. It will be very important for this Parliament and for other Parliaments in the future as I understand they will be looking at the report. I also join with other members in thanking the staff who worked extremely hard over a very short period to help the committee with its work and to produce this report.

Mr Catania: Hear, hear!

Question put and passed.

[See papers Nos 317-320.]

## LOCAL GOVERNMENT AMENDMENT BILL

### *Second Reading*

**MR D.L. SMITH** (Mitchell - Minister for Local Government) [4.22 pm]: I move -  
That the Bill be now read a second time.

This Bill is to provide protection and immunities that normally apply to a Royal Commission to those persons connected with or giving evidence to an inquiry being conducted under section 683 of the Local Government Act. In addition, it gives inspectors of municipalities appointed under section 635 of the Act protection against liability when they are acting in good faith in carrying out their duties.

The lack of protection in the Act was brought to my attention by Mr Peter Kyle, the chairman of the recently appointed City of Wanneroo inquiry. The current provisions of section 683 give a person so appointed the powers of a Royal Commission but do not give the necessary protections and immunities for all involved. The amendment provides for all the provisions of the Royal Commissions Act to apply, with the exception of section 23 which makes it a requirement that all witnesses shall be paid attendance expenses by the Treasurer of the State. This mandatory requirement to pay attendance expenses in every circumstance is not considered appropriate. However, an inquiry will have the discretion to make payments for any attendance before it.

Applying the provisions of the Royal Commissions Act to section 683 inquiries will mean that the various offences and penalties relating to witnesses and evidence will also apply. This amendment is required urgently as the chairman of the Wanneroo inquiry intends conducting public hearings in the next few weeks. By giving witnesses the protection of the Royal Commissions Act persons who would otherwise be reluctant to give evidence may be encouraged to come forward with their testimony.

An inquiry is also being conducted at the Shire of Busselton with the panel members being appointed as inspectors of municipalities under section 635 of the Local Government Act. It has been discovered that the Act does not provide for any protection of inspectors and accordingly the Bill provides protection where they are acting in good faith. The Bill will be made retrospective to 1 January 1992 to cover the full period that these inquiries have been in operation.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bradshaw.

## FOREIGN OWNERSHIP OF LAND REGISTER BILL

### *Second Reading*

**MR D.L. SMITH** (Mitchell - Minister for Lands) [4.24 pm]: I move -

That the Bill be now read a second time.

Foreign ownership of land in this State is an emotive issue. When publicity is given to large investments in land by foreign companies some sectors of the public are concerned that our State is being sold off. The media reflect and fuel those concerns. If there is a problem, what is the extent of that problem? Simply stated, we do not know! The State has no worthwhile records of foreign ownership of our land. When concern is expressed by the public as to the extent and impact of foreign ownership of land we are unable to provide facts on which objective assessments of the issue can be made. This Bill will meet that need. It will enable statistical information to be compiled as to the extent of foreign ownership; the Government and the community to monitor the extent of that ownership and its impact on the State; and the Government to make informed policy decisions in relation to foreign ownership. The Bill does not attempt to control foreign ownership, merely to gather information.

In 1989 a foreign ownership of land register was established in Queensland. Work has also been proceeding in Tasmania on the introduction of a register in that State. The Queensland Act was pioneering legislation. This State is able to capitalise on the experiences in Queensland and also on the more advanced computer systems supporting our land registration and land information systems. As a result, there are a number of differences between the Queensland Act and this Bill. The Bill, with the Queensland Act, can be seen as worthwhile information bases to assist the Commonwealth Government in its administration of the Foreign Acquisitions and Takeovers Act. I draw the following issues to the attention of members.

**Definition of foreign:** One of the most difficult issues in establishing a register is to decide

who is to be foreign for the purposes of that register. Many different tests could be adopted. The Government and the public are concerned to ascertain when foreign persons own Western Australian land and benefit from a resale; control Western Australian land; can take capital or income out of Australia as a result of such ownership or control; or, have substantial money invested in land other than as mortgagees.

Both the Queensland and Commonwealth Acts have tests of which corporations and trusts are foreign that do not address all these issues. The tests that have been adopted in these Acts also treat these types of ownership inconsistently. A more complete and consistent set of tests has been adopted in this Bill for determining whether a company is incorporated in Australia or whether a trust is foreign. Shortly stated, natural persons will be considered foreign, firstly, if they are not Australian citizens and either their presence in Australia is subject to a legal limitation as to time or they are not domiciled in Australia and, secondly, if they are Australian citizens, but have been in Australia for less than 100 days in a relevant three year period. The tests for when corporations and trusts will be considered foreign can be summarised as follows: Firstly, if the corporation is formed outside Australia or if the trustee is foreign and, secondly, if the corporation or trust is under foreign control or if half of the capital or income is held by foreigners. The control test for corporations and unit trusts is based on the Queensland test which is that interests of 15 per cent, and 40 per cent in respect of aggregate interests, held by foreigners will classify the corporation or trust as foreign.

**Interests in land:** The principal interests in land covered by the Bill are freehold interests, long term leasehold interests and terms contracts. Long term leasehold interests occur where the term of the lease and all extensions is more than 25 years. Terms contracts are contracts to purchase land on terms where the purchaser is entitled to occupy the land for over three months before being registered as the owner. Like the Queensland Act, mineral interests and security interests, such as mortgages, are not included.

**Operating of register:** The operations of the foreign ownership of land register will be integrated with the register kept under the Transfer of Land Act. To that end: Foreign ownership dealings will be kept with dealings lodged under the Transfer of Land Act at the Office of Titles and the registration system will operate so that foreign ownership notifications are lodged over the counter in the same way as dealings under the Transfer of Land Act and processed in the normal way - however, if it is found that processing foreign ownership forms unduly delays completion of recording of the dealing, then processing of foreign ownership forms could be delayed to a more convenient time; transferees will be required to declare on the transfer whether or not they are foreign within the meaning of the Act; foreign acquirers will also be required to lodge separate notification forms giving details about themselves and the property; the foreign ownership data will be kept by computerised process; and, subject to some limitations, information contained in the register will be available for public search.

This system will enable validation of ownership and property details as against Office of Titles records. This will enhance the validity and currency of reports supplied from the register. Unlike Transfer of Land Act transactions, incorrectly completed forms will not normally delay recording of property transactions. Non-compliance with any requisition in relation to incorrect or incomplete forms will be dealt with as an offence.

**Notification of changes:** The register would not be complete or accurate if only notifications of acquisitions were lodged. Accordingly, the Bill provides for notifications of disposals and changes. Those changes could be in relation to the foreign entity status of an owner, between nationalities in companies and trusts, or use of the land. Substantial developments on a foreign owned property are also to be notified.

**Reports:** A variety of report formats will be available. In line with other Titles Office information, this information will be publicly available upon payment of the appropriate fee. Some of the reports that can be provided are reports in respect of each nationality by area and cost for the whole of the State, local authority areas, or other defined areas and reports on acquisitions and disposals.

**Compliance with the Act:** So that the register will be as accurate as is possible, it is essential that all foreign owners notify acquisitions and disposals. Accordingly, the Bill provides for significant monetary penalties for breaches of the Act together with the ultimate penalty of

forced sale and, in the event of failure to sell, forfeiture. The requirement for persons acquiring land to state whether or not they are foreign at the time of signing transfers will increase the accuracy of the register. It will ensure that the existence of the Act is clearly drawn to the attention of the acquirers at the time of transfer. Foreign owners, by executing the transfer and thus completing the appropriate declaration, will be unable to claim ignorance of the Act. The penalty must be high enough that foreign owners will not consider that they have an option of running the risk of paying a nominal fine instead of complying with the Act. The proposed penalties and the ultimate penalty of forced sale and forfeiture have been considered by some to be draconian. However, it should be borne in mind that the monetary penalties are maximum penalties. The courts will decide the penalty that will be fixed in each case. Once the court has ordered a sale, application may be made to the Minister to extend the time in which that sale must take place.

**Conclusion:** This Government recognises that foreign investment is beneficial to the State; creates valuable facilities that Australians may not be able to provide; provides access to new technology, management skills and overseas markets; generates wealth; and creates jobs and expenditure in the local economy. However, it is also recognised that foreign investment is perceived by some persons as having disadvantages. The register, when fully operational, will provide much needed information to enable rational discussion on the benefits and disadvantages of foreign ownership of land in this State.

Debate adjourned, on motion by Mr Bradshaw.

*House adjourned at 4.34 pm*

---

## QUESTIONS ON NOTICE

**AGRICULTURE, DEPARTMENT OF - BUDGET 1991-92**  
*Rates, Charges, Levies and Fees Details*

177. Mr HOUSE to the Minister for Agriculture:

As the 1991-92 Budget papers only contain totals of estimated receipts for departmental revenue, would the Minister provide details of all the actual rates, charges, levies and fees which are imposed?

Mr BRIDGE replied:

The information sought is tabled.

[See paper No 322.]

**SCHOOLS - FIVE YEAR OLDS**  
*Compulsory Schooling - Government Policy*

544. Mr COURT to the Minister representing the Minister for Education:

- (1) What is the Government's policy in relation to the introduction of compulsory schooling for all five year olds in Western Australia?
- (2) When will the Government be implementing this policy?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

- (1) There is no policy in relation to the introduction of compulsory schooling for all five year olds.
- (2) Not applicable.

**HOMESWEST - RENTAL ARREARS**  
*Court Actions - Eviction Proceedings*

819. Mr COURT to the Minister for Housing:

- (1) How many court actions were taken by Homeswest for recovery of rental arrears during the past three calendar years?
- (2) How many court actions were taken against tenants for eviction for the non payment of rent during the past three calendar years?

Mr McGINTY replied:

- (1) In January 1989, Homeswest began referring vacated rental arrears to Munns Collection Agency for recovery. Since that time 1 684 referrals have had court action initiated against them. This includes vacated rental arrears before 1989 and were part of a carryover process.
- (2) The following figures record the number of eviction proceedings approved by the Homeswest board of commissioners and the Minister -

1989	5
1990	12
1991	10
1992	22

Details on the breaches that gave rise to these evictions are only documented on individual files and are not subject to central data collection. However, it would be fair to say that the majority of these would have been for rental arrears.

In the case of rental arrears, Homeswest makes every effort to recover the debt before resorting to eviction. In these cases Homeswest recognises that arrangement for repayment of moneys is far preferable for low income people than forcibly removing them from the tenancy.

CENTRAL PARK DEVELOPMENT - REYNOLDS, KEVIN  
*Lack of Progress - Cost Overruns*

962. Mr KIERATH to the Minister assisting the Treasurer:

- (1) With respect to the launching of the Construction Industry Development Agency by a panel on 5 April 1992, was panellist Mr Kevin Reynolds, Secretary of the Builders Labourers' Federation, correct in his statements with reference to the lack of progress towards completion of the Central Park project, in which Mr Reynolds claimed that no productivity was being achieved due to the fact that workers had no other employment prospects after the completion of that building?
- (2) Considering that this lack of productivity has resulted in the project being approximately nine months behind schedule, what are the cost over-runs to date, and the cost overruns anticipated upon eventual completion of the project?
- (3) Is the Government Employees' Superannuation Board (i.e. the taxpayers), which has paid an exorbitant price to the original developers and is now sole owner of the building, also liable for the cost overrun?

Dr GALLOP replied:

- (1) No. Productivity is currently very good.
- (2)-(3) There are no cost overruns for the Government Employees Superannuation Board to date, nor are any expected upon completion.

AGRICULTURAL COLLEGES - DENMARK  
*Enrolments - Figures Basis*

972. Mr HOUSE to the Minister representing the Minister for Education:

In relation to answers to question on notice 794 of 1992, on what basis were the enrolment figures compiled?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

The anticipated level of applications for enrolment for 1993 was based on the actual school enrolment and expressions of interest.

CAMP QUARANUP - MANAGEMENT CHANGE  
*Decision*

978. Mr WATT to the Minister representing the Minister for Sport and Recreation:

- (1) Given apparently conflicting statements on ABC Radio 6AL in Albany recently, has a decision been made to relinquish control of Camp Quarunup?
- (2) If so, what date is it anticipated or planned to take effect?
- (3) (a) Has a successful lessee yet been selected;  
(b) if so, who is it to be?
- (4) What are the details of the proposed lease agreement?
- (5) Do the buildings have Heritage Council listing?
- (6) (a) Will the new agreement contain any provisions to protect, preserve and maintain the heritage value of buildings on the site;  
(b) if so, what are the details?
- (7) (a) Will those provisions include the old hospital; the isolation hospital; nurses quarters and morgue;  
(b) if not, why not?
- (8) (a) Will the lessee be required to maintain the old cemetery;

- (b) if so, to what standard?
- (9) Is the jetty to be maintained by the lessee?
- (10) If no to (6), (7), (8) and/or (9), who will be responsible?
- (11) Who is to be responsible for the maintenance of the access road to the camp?
- (12) What access will the public have to the leased area?
- (13) Who will be responsible for the maintenance of the camp's water supply?
- (14) Will the lessee be required to assist the Shire of Albany with the maintenance of Point Possession and Inner and Outer Brambles beaches?
- (15) What provision has been made for existing staff employed at the camp?
- (16) When the Director of Recreation said in a local radio interview that existing staff would be "looked after", what specifically does this mean?

Mr GORDON HILL replied:

(1)-(16)

Expressions of interest have been called from the public to manage Camp Quararup. It is intended that the camp remains available to its current clientele, but its use be extended. A local committee has been formed to assess the applicants before a final decision is made. The committee comprised the Town and Shire of Albany, Great Southern Development Authority and Ministry of Sport and Recreation's regional office. This committee met on 3 June 1992 and produced a short list with negotiations now being undertaken with the first choice. The concerns of the local committee are -

- asset to remain in the State ownership
- camp to remain available to current users
- fees to be in the current pricing bracket.

Other concerns -

- access to historic sites
- conservation of historic relics

have all been taken into account in the negotiations with the possible new management. It is expected that a "recommendation" regarding the future of Camp Quararup will be submitted to me in the near future.

#### RANGEVIEW REMAND CENTRE - ROOF CONTRACT

##### *Firestone Holdings Pty Ltd - Contract Withdrawal Reason*

979. Mr KIERATH to the Minister for Construction:

(1) Considering that -

- (a) Firestone Holdings Pty Ltd was the lowest tenderer on the Rangeview Remand Centre Roof contract;
- (b) as a result of that price, and after several interviews with Building Management Authority management and favourable references from BMA supervisors acquainted with the quality of work on previous sites, Firestone Holdings was awarded the contract -

why are Firestone Holdings now not completing the contract they were awarded?

- (2) (a) Did an employee of the BMA and also the Minister's advisor, in a private meeting with one of the directors of Firestone Holdings Pty Ltd, offer that company a sum of money in excess of the value of the materials on-site and work completed to date, on condition that Firestone Holdings withdrew from its contract;
- (b) if so, what was the reason for this?

- (3) (a) Was Firestone Holdings Pty Ltd directed to cease work on Monday, 22 June 1992;
- (b) was this a direct result of the telephone call from the Plumbers and Gas Fitters Employees Union office to the Minister's office advising the Troubleshooters Available were working on the site;
- (c) if so, was the presence of Troubleshooters Available contractors on-site the reason for the Minister directing work to cease?
- (4) (a) Has the Minister instructed the BMA that no further work is to be awarded to Firestone Holdings Pty Ltd;
- (b) why was Firestone Holdings, as the lowest tenderer, not awarded the contract for the Mirrabooka Community Centre roof project;
- (c) is this a restraint of trade which can be prosecuted under Sections 45 D & E of the Trade Practices Act?
- (5) Is there a note on the Mirrabooka contract file or Firestone Holdings file that indicates that no further contracts be awarded without reference to or approval from the Minister's office?
- (6) If so, why has the Minister taken this action?

Mr McGINTY replied:

- (1) Firestone Holdings are not completing the contract they were awarded because the contract was cancelled by notice dated 3 July 1992.
- (2) (a) No.
- (b) Not applicable.
- (3) (a) Yes.
- (b) No.
- (c) Not applicable.
- (4) (a) No.
- (b) Tenders are called on the basis that the lowest or any tender will not necessarily be accepted. Given the circumstances that arose at Rangeview with Firestone, the second lowest tenderer was deemed more suitable.
- (c) In my opinion, no.
- (5) Yes.
- (6) Refer to (4)(b).

**BUILDING MANAGEMENT AUTHORITY - HILLMAN PRIMARY SCHOOL**  
*Painting Specification Contract No 8260 - One Apprentice Employment Requirement*

993. Mr KIERATH to the Minister for Construction:

- (1) With respect to the Building Management Authority Specification for Hillman Primary School (external and part internal repairs and painting) of April 1992 Contract No. 8260, does the painting specification require that the contractor employ one apprentice?
- (2) Does Section 1.1 "Apprentice Requirements" state that this apprentice should "have been continuously employed by the tenderer for at least the six weeks immediately prior to the closing date of the tender, when the minimum total requirement is one (1) apprentice"?
- (3) Does the combination of (1) and (2) preclude contractors who do not employ full-time apprentices, and instead obtain apprentices on an "as required basis" from the group training scheme, from being eligible to tender?
- (4) Is this requirement standard in all BMA contracts?



- (5) Does this mean, in effect, that the BMA is favouring large firms who can afford to employ full-time apprentices to the disadvantage of small firms who use the group training scheme?
- (6) If yes, what action will the Minister take to see small firms are not disadvantaged in this way?

Mr McGINTY replied:

- (1) Yes.
- (2) Yes, in part. What is quoted is an extract only from the specification clause and refers only to the provision for the engagement of group scheme apprentices. Contractors who have indentured their own apprentices are also qualified to tender.
- (3) No. Contractors who have had a group scheme apprentice for the six weeks prior to tender are eligible to tender.
- (4) Yes.
- (5) No. The scheme is designed to favour any firm which employs the nominated level of apprentices. The levels of BMA contracts which require apprentices were set in consultation with other Government agencies and with industry. The lower threshold of \$5 000 allows access to BMA work for smaller contractors, and in this context it should be appreciated that the BMA is not the only source of painting work in the industry. In a broader context this Government is committed to the employment and training of youth. It is prepared to reward those contractors who demonstrate a similar commitment by indenturing their own apprentices or engaging group scheme apprentices for extended periods, by granting access to larger BMA works.
- (6) Not applicable.

#### AQUICULTURE - INTERDEPARTMENTAL COMMITTEE

##### *Profile*

1016. Mr McNEE to the Minister for Fisheries:

Would the Minister provide a profile of the interdepartmental committee on aquiculture?

Mr GORDON HILL replied:

The interdepartmental committee for Aquiculture was appointed by State Cabinet in 1986 to streamline and coordinate Government's consideration of aquiculture proposals. The committee comprises representatives from the following agencies and authorities -

Fisheries Department - Chair and executive support services  
 Department of Conservation and Land Management  
 Department of Planning and Urban Development  
 Department of State Development  
 Department of Land Administration  
 Department of Marine and Harbours  
 Environmental Protection Authority  
 Western Australian Water Authority

The committee may also coopt other Government agencies and authorities to consider specific applications.

#### GROUND WATER - RESEARCH ALLOCATION

##### *Water Resources Council, Allocation Requests*

1018. Mr McNEE to the Minister for Water Resources:

- (1) How much money has been allocated for ground water research in the financial years -
  - (a) 1991-92;

(b) 1992-93?

- (2) How much did the Water Resources Council request be allocated in its revised program dated July 1991?
- (3) How much did the Water Resources Council request before it was requested to revise its program?
- (4) On what in particular is it proposed that the money be spent?

Mr BRIDGE replied:

- (1) 1991-92 \$830 000 total including all ground water activities and staff costs of which \$225 000 was for ground water drilling and assessment. The 1992-93 allocation is subject to consideration as part of the 1992-93 Budget process.
- 1992-93 Approx total \$680 000 allocated of which \$190 000 is for ground water drilling and assessment - subject to Budget outcome.

NB: The level of annual funding from 1973 to 1987 for ground water drilling and assessment alone ranged from \$1.3 million to \$2.6 million.

- (2)
 

1991-92	\$1.60 million	for drilling and assessment only
1992-93	\$1.80 million	"
1993-94	\$1.40 million	"
1994-95	\$1.00 million	"
- (3) In its 1989 report "Groundwater Resources Assessment in Western Australia - A Strategy for the Future" the funding level required to meet the proposed drilling and assessment program was \$1.51 million per year - 1986-87\$ - adjusted annually for inflation. Additional funds of \$450 000 over three years were needed for uptake of existing data onto the State water resources information system. Additional human resources of one hydrogeologist and five technical officers was also sought.
- (4) The program is explained in council's report "A Recommended Programme for Groundwater Resources Assessment in Western Australia" and is divided into two parts -
 

Base-level program to undertake reconnaissance level assessment of the ground water resources of the whole State - see report for details.

Priority program to finalise the assessment of the most significant ground water resources in the Perth basin which is the major source of fresh ground water in the State.

#### KIMBERLEY PIPELINE FEASIBILITY STUDY - BUDGET TABLING

##### *Expenditure - Staff or Consultants Appointments*

1019. Mr McNEE to the Minister for Water Resources:

- (1) Would the Minister table the proposed budget for the \$3 million Kimberley Pipeline Feasibility Study?
- (2) How much money has been spent to date?
- (3) On what has this money been spent?
- (4) Have any staff or consultants been appointed?
- (5) If yes to (4) -
  - (a) what is their function;
  - (b) what is their cost?

Mr BRIDGE replied:

- (1) The information requested by the member will be contained in the Budget Statements to be tabled by the Treasurer shortly.
- (2) \$114 210.

- (3) This expenditure has met costs associated with convening meetings - five to date - of the Kimberley Pipeline Management and Advisory Board - board fees and travel; the establishment of the study office - that is, the Kimberley Water Resources Development Office; salaries and other routine expenses associated with the commencement of the feasibility study.
- (4) Yes.
- (5) (a)-(b) A chief executive officer has been appointed on a contractual basis to manage the feasibility study and to provide policy and administration support to the board and the Minister. A principal task is to advise the board in identifying specific study components that should be the subject of investigation. That position's remuneration package totals \$102 084 per annum. An officer of the State Public Service has been seconded to the study to assist the chief executive and is remunerated at the level 7 - year 1 - rate of \$52 721 per annum. The engagement of consultants to undertake specific project work as approved by the board will commence shortly. Three small external consultancies have been undertaken to assist the board as follows -
1. Dale Budd and Associates Pty Ltd: \$2 795.00  
(to prepare a paper on the study's scope of work for discussion at the first board meeting in March 1992).
  2. Crooks Michell Peacock Stewart (WA) Pty Ltd: \$800.00  
(fee for consultant to brief and update the board in May 1992 on the 1990 report by Infrastructure Development Corporation for the Water Authority of Western Australia entitled "Development of a Water Pipeline Kimberleys to Perth: Preliminary Feasibility and Economic Appraisal Study").
  3. Dale Budd and Associates Pty Ltd: \$1 600.00  
(to prepare a short information paper for public distribution by the board outlining the objectives and approach to the feasibility study).

**PEARLING INDUSTRY - FOUR PEARLING LICENCES**  
*Selection Process*

1024. Mr McNEE to the Minister for Fisheries:

With reference to the four pearling licences which are about to be released -

- (a) would the Minister outline the selection process, with dates, as it has proceeded thus far;
- (b) would the Minister list the applicants;
- (c) was a preferential option given to new entrants;
- (d) when will the successful applicants be announced;
- (e) why has the process taken so long?

Mr GORDON HILL replied:

It should be noted that the member is referring to the assessment of expressions of interest (applications) for pearling licences and/or pearl oyster quota for Zone 1 (southern sector) of the pearl oyster fishery. Under the terms of reference -

"No more than three new pearling licences will be approved."

- (a) The selection process agreed to by the Western Australian Joint Authority, comprised of the Commonwealth Minister for Primary Industries and Energy as chairman, and myself as member, involved the appointment of an independent committee which interviewed all applicants in Perth in May of this year and provided a recommendation in accordance with guidelines approved by the joint

authority for that purpose. The committee subsequently provided me with a recommendation which I considered before making a recommendation to the chairman. My recommendation was initially forwarded in June and since then I have been exchanging correspondence with the chairman in an endeavour to arrive at an agreed position with respect to the issue of new licences and pearl oyster quota.

- (b) I am not prepared to list the applicants without their prior approval.
- (c) In coming to its conclusions, the committee was to give preference to applicants in accordance with the approved guidelines. A copy of the guidelines was made available to all applicants prior to their interviews.
- (d) The names of successful applicants will be announced as soon as the joint authority has finalised deliberations over the recommendations.
- (e) While the existence of the joint authority (set up under the provisions of the offshore constitutional settlement) allows for joint management of the pearl oyster fishery, it is administratively cumbersome and final decisions of this nature need to be ratified by the Commonwealth. The delay is primarily due to the requirement for such agreement and ratification.

#### FISHING - LICENCES *Mandurah Estuary Endorsement*

1025. Mr MCNEE to the Minister for Fisheries:

- (1) How many fishing licences had a Mandurah Estuary endorsement -
  - (a) in February 1992;
  - (b) in August 1992?
- (2) If there has been an increase -
  - (a) who authorised this increase;
  - (b) for what reasons?

Mr GORDON HILL replied:

- (1) (a) 28
- (b) 28.
- (2) (a)-(b) Not applicable.

#### WATER AUTHORITY OF WESTERN AUSTRALIA - WATER RATES *Rental Value-based Charging System Review*

1028. Mr HOUSE to the Minister for Water Resources:

What steps has the Minister taken to review the existing rental value-based charging system for water rates?

Mr BRIDGE replied:

A substantial review of rental-based charging was undertaken between September 1981 and November 1982 by the Minister's working party on Water Authority rates and charges, culminating in a public information paper being published in December 1982.

The working party was made up of representatives of the Perth Chamber of Commerce, the Confederation of WA Industry, the Retail Trade Association, the Small Business Development Corporation and the WA Shopping Centre Retail Association.

A meeting of the working party was held on 28 October 1987 to review progress in implementing its recommendations. The meeting agreed that the

measures already introduced had a considerable beneficial effect on the non-residential sector, but that the charging anomalies created by basing nonresidential charges on gross rental value - GRV - had not yet been adequately addressed. The meeting also agreed that because the change in the incidence of charges that would occur with any reform would be substantial, future changes away from GRV-based charging could only be gradual. It was agreed that minimum charges should be increased to a point where a charge based on a physical dimension could be phased in with only a gradual change in the incidence of charges.

This strategy has been reviewed annually in the Water Authority's submission to Government on rates and charges and borrowing requirements.

#### FISHING - COMMERCIAL FISHING BUY BACK SCHEME

##### *Applications*

1029. Mr HOUSE to the Minister for Fisheries:

- (1) How many commercial fishermen have applied for the commercial fishing buy back scheme which closed on 31 July 1992?
- (2) Why has the Government offered this buy back scheme?
- (3) Of the above application, what are details on -
  - (a) which particular fisheries the applications have been made from;
  - (b) the number of applications per fishery?
- (4) What is the estimated cost of this buy back scheme per fishery?

Mr GORDON HILL replied:

- (1) Nine for the tender round which closed on 31 July 1992.
- (2) It is part of an ongoing buy-back program which has the joint support of Government and the Western Australian Fishing Industry Council. It is aimed at reducing fishing capacity in the wet line and inshore beach and estuarine fisheries.
- (3) Six "open west coast" licences which can operate along the entire coast; two "estuarine" licences which are restricted to operating in a particular estuary; and one "dinghy" licence which can operate along the entire coast.
- (4) The member will need to clarify if he is in fact asking for the estimated cost of the buy-back scheme per fishery since its introduction or for the nine applications currently before the Western Australian fisheries adjustment scheme committee which closed on 31 July 1992.

#### WESTERN AUSTRALIAN MEAT MARKETING CORPORATION - LAMB DELIVERIES STATISTICS

*Albany, Plantagenet, Denmark, Cranbrook, Tambellup, Gnowangerup Shires*

1030. Mr HOUSE to the Minister for Agriculture:

What are the details on the number of lamb producers who delivered to the Western Australian Meat Marketing Corporation in the past twelve months from the following shires -

- (a) Albany;
- (b) Plantagenet;
- (c) Denmark;
- (d) Cranbrook;
- (e) Tambellup;
- (f) Gnowangerup?

Mr BRIDGE replied:

The WA Meat Marketing Corporation has provided the details below for producers who delivered lambs to export abattoirs during the past 12 months. Details of lambs delivered to country abattoirs or sold at auction are unknown.

	Shire	Postcodes	No of Producers	No of Lambs
(a)	Albany	6330	42	22 856
		6328	<u>14</u>	<u>6 626</u>
			56	29 482
(b)	Plantagenet	6324	53	20 953
		6397	6	1 659
		6323	10	8 869
		6326	<u>20</u>	<u>7 370</u>
			89	38 851
(c)	Denmark	6333	1	270
(d)	Cranbrook	6321	14	7 856
		6322	6	618
		6396	<u>5</u>	<u>2 792</u>
			25	11 266
(e)	Tambellup	6320	6	3 295
(f)	Gnowangerup	6335	7	1 312
		6336	5	2 582
		6338	<u>9</u>	<u>3 496</u>
			21	7 390

**AGRICULTURE - NATIONAL REGISTRATION AUTHORITY FOR  
AGRICULTURAL AND VETERINARY CHEMICALS**  
*Impact on Western Australian Agricultural Industries*

1031. Mr HOUSE to the Minister for Agriculture:

Can the Minister outline the impact on Western Australia's agricultural industries of the Federal Government's new national registration authority for agricultural and veterinary chemicals?

Mr BRIDGE replied:

The Commonwealth's proposed national registration authority for agricultural and veterinary chemicals will provide effective and timely chemical registration without compromising safety standards. Because the administration of registration has been centralised, State Government resources can be redirected towards more effective control of use of these chemicals.

For Western Australia agricultural industries these reforms mean that -

1. Costly delays in getting new chemicals to the market will be eliminated.
2. More effective policing of the misuse of chemicals will be possible.
3. There will be increased training opportunities for chemical users.
4. Increased surveillance and monitoring for residues in agricultural produce will be possible.

**WATER AUTHORITY OF WESTERN AUSTRALIA - DOBBY DICO WATER  
METERS**  
*Complaints*

1032. Mr McNEE to the Minister for Water Resources:

- (1) How many complaints has the Water Authority of Western Australia received regarding the Dobby Dico water meters since installation was commenced?

- (2) Would the Minister provide a breakdown of these complaints?
- (3) Is it possible for the meters to continue to register once the tap has been turned off if an air bubble becomes lodged in the meter at that moment?
- (4) Will the Minister table in full the results and reports of testing carried out by Curtin University of Technology on these meters?
- (5) Have any modifications been made to the meters since they were first introduced?
- (6) Would the Minister provide the dates of any such modifications?
- (7) Did these modifications occur before or after testing by Curtin University?

Mr BRIDGE replied:

- (1)-(2) Dobbie Dico meters have been used in Western Australia for over 50 years and it is not possible to advise on complaints over such a period.
  - (3) No, although the movement indicator may oscillate slightly.
  - (4) Yes.
  - (5) Dobbie Dico meters have been produced in several versions and modifications do occur from time to time.
  - (6) Not possible to advise, see (5).
  - (7) Current Dobbie Dico meters are a different series from those tested by Curtin University but no modifications have been made as a result of the Curtin University testing.
- [See paper No 323.]

### QUESTIONS WITHOUT NOTICE

#### TRANSPERTH - WAYFARER TRANSIT SYSTEMS *Ticketing Machines Contract - Arrangements Prior to Anti-Dumping Authority Findings*

275. Mr COURT to the Minister for Transport:

Did Transperth enter into any contractual arrangements for the supply of ticketing machines with Wayfarer Transit Systems before the Federal Government's Anti-Dumping Authority released its findings?

Mrs BEGGS replied:

No. Transperth was given legal advice that it could proceed only so far prior to the final determination, and the final determination has now been made. There are two aspects to the contract; Transperth was able to proceed with the first part, but not with the second until such time as the finding had been made. We have now been advised that there is no evidence of dumping by Wayfarer Transit Systems and we can proceed with the whole contract.

#### INDUSTRIAL COMPANIES - EXCEPTIONAL PROFIT RESULTS, 1992

276. Mr CUNNINGHAM to the Premier:

Can the Premier account for the exceptional profit results reported by Western Australian industrial companies for 1992?

Dr LAWRENCE replied:

This is a message which I hope will be welcomed by all members of the House and taken note of particularly by members opposite; that is, while they are talking the economy down Western Australian businesses are doing what needs to be done to ensure that they are lean and competitive. I am sure that many would have seen a report in this morning's *The West Australian* outlining the improvement in Western Australia's economy, particularly in

relation to Western Australian industrial companies. The report focuses on the outstanding results that have been achieved by some Western Australian companies which have, quite properly, responded to the straitened economic times by adjusting their operations, reducing their costs and increasing their competitiveness, which now places them in an extremely good position not only for the domestic market for import replacement, but also for exports. I commend those firms on the fact that they have been able to take advantage of what have been difficult economic times to prepare well for the future.

I note also, as does the report, that these results were obtained in the context of the State's economy, and I quote from the report, "which is coming out of recession at a faster rate than the rest of the economy." The report, by a local stockbroking firm, notes that our economic growth rate is evident not just in one indicator but, as I said yesterday, across a range of indicators. That indicates for Western Australia very real prospects of improvement that are occurring right now, with the confidence that firms and consumers are showing. I believe it is important for all members of Parliament to recognise that, to commend the firms and organisations for the work they are doing, and to give them every support, both in terms of rhetoric - which is pretty short on the Opposition benches; they waver all around the place with their rhetoric - and in terms of the support they provide in this Parliament for the businesses of Western Australia to invest, to create employment, and to export. That is how Western Australia will go into the future.

This morning a commentator on radio described Western Australia's future in the most glowing terms, the sort of thing about which I would certainly be more cautious than the commentator; but nonetheless, it is important for us to see it in that context. I reject the jaundiced views of the Opposition. I reject the Jeremiahs opposite because I know that the only reason they speak in those pessimistic and negative terms is that they see it as being to their political advantage. However, it is not for the good of Western Australian companies and it is not for the good of Western Australia. I urge them to change their tune.

**WESTERN AUSTRALIAN MEAT MARKETING CORPORATION - WESTERN  
AUSTRALIAN MEAT COMMISSION**

*Review - Interim Report Recommendations, Minister's Acceptance*

277. Mr HOUSE to the Minister for Agriculture:

Does the Minister intend to accept the recommendations of the interim report of the review of the Western Australian Meat Marketing Corporation and the Western Australian Meat Commission?

Mr BRIDGE replied:

No, because it is an interim report.

Mr House: So you do not accept it?

Mr BRIDGE: I said no, because it is an interim report. If something is interim, it is not conclusive. Does the member follow me? I will explain it again. Something starts at one point and ends at another, and anything in between is the interim.

Mr House: Give me a serious answer.

Mr BRIDGE: An interim report has been put out so that I can offer the member and the community at large the opportunity to provide some input. After that I will make a decision upon which Cabinet can be briefed. Until that occurs, we simply must -

Mr House: How long?

Mr BRIDGE: As quickly as possible. This must be attended to quickly; I cannot say whether it will be days or weeks. However, it is important that it be done quickly. I see it being handled in that way, because that is the priority I place upon it.



**COLLIE COAL FIRED POWER STATION - DEPUTY LEADER OF THE  
OPPOSITION'S STATEMENTS TO MEDIA**

*Minister's Concern*

278. Mr READ to the Minister for Fuel and Energy:

Is the Minister concerned by statements made to the media by the Deputy Leader of the Opposition about the proposed Collie power station project?

Dr GALLOP replied:

Yes I am concerned. The Deputy Leader of the Opposition's single contribution to the power debate has been to denigrate the State's financial strength.

Mr C.J. Barnett: No; the bankers are worried.

Dr GALLOP: That is typical of the Opposition's general approach to these matters. Although members opposite give the appearance of being supporters of private sector involvement in the Collie project they are ready to abandon Collie at any politically expedient moment. The running of the debate has been left to the Leader of the National Party, the member for Merredin, who at least has had the guts to commit the National Party, and for that matter the Liberal Party as well, to the project. Commentators should note this.

Mr C.J. Barnett: Bring the legislation to this House - it has been four years!

Dr GALLOP: As usual the Liberals are sitting on the fence. They are nobodies going nowhere; they have no policy and no direction. They are apparently legless. Who can remember the last time the member for Nedlands, the Leader of the Opposition, spoke on the subject? He has nothing to say, and that is not surprising. The last time a Court got involved in the power business he saddled the taxpayers of this State with gas losses for which we are still paying at the rate of around \$80 million a year. Mr Speaker, 10 to 15 per cent of your next electricity bill will pay for the deal made by members opposite.

Several members interjected.

Dr GALLOP: On this side of the House we have a clear objective in the energy area which can be summarised in two words - lower tariffs! We will be unwavering in our commitment and will not deviate from that course. If the Leader of the Opposition has any concern for the future of this State, he would do well to advise his colleagues, especially his deputy, to stop talking down the economy.

Regarding the Collie project, Asea Brown Boveri's financiers are ready to commit funds, but the Government, through SECWA, will accept the funds only on our terms and conditions, which are in the best interests of the taxpayers of this State. As a matter of interest, the financiers' fees and margins for this project are set by overseas precedent; namely, the financial marketplace. This has nothing to do with our State debt or the Opposition's desperate attempts to keep the WA Inc debate alive.

**RACING INDUSTRY - ADDITIONAL FUNDING AMOUNT**

*Distributions to Racing Codes*

279. Mr CLARKO to the Minister for Racing and Gaming:

- (1) What was the amount of additional money recently made available to the racing industry to meet her commitment of late 1991 regarding guaranteeing the level of distribution of funds to the codes?
- (2) Specifically, from where did those funds come, and what were the individual amounts?
- (3) Was the TAB directed to cut its costs of operation and to sell off properties, as was reported in the media late last year?
- (4) If yes to (3), what was the outcome?

Mrs BEGGS replied:

(1)-(4)

I should say "Thank you Dorothy", because I suspected that that question would be asked and I have the answer well prepared.

Mr C.J. Barnett: You are not going to read the answer, are you?

Mrs BEGGS: I am; the member for Marmion read the question! Last October the Government announced it would set minimum distributions for the racing codes based on the findings of an independent financial analysis, which I had earlier commissioned. At the time the Government said it would contribute \$550 000 from the Consolidated Revenue Fund to ensure that this aim was met, and the balance of the funds were to come from the Totalisator Agency Board. The board distribution to the codes fell short and consequently it contributed \$676 000 from its general reserve fund, and the Government contributed the \$550 000 from CRF as had been agreed. The distribution to the horse racing industry was \$16.1 million, with \$8.9 million allocated to trotting.

I knew that I would be asked this question because many people have been running around the industry saying that this was a book juggling exercise.

Mr Clarko: That is why it is appropriate to ask the question.

Mrs BEGGS: I do not mind the member asking the question - I am glad he did. I assure the member, and anyone else with an interest in these matters, that the TAB received advice from the Office of the Auditor General, as I recommended it should do, before allocating the funds. It was an absolutely correct and proper way for the board to use those assets; after all, those assets are the property of the industry as the industry's reserve accounts and assets have been built up over many years. We were pleased - as I am sure were Opposition members - that the TAB and the Government were able to give those funds to the industry at a time when they were required. It was very important that we provided a guarantee of funds in the previous year so that the codes could set their stakes and plan accordingly. Members who take an interest in racing and gaming will know that in New South Wales, as a result of a Liberal Government's increasing taxes dramatically, an enormous impact has been felt in TAB turnover. The racing industry in New South Wales is up in arms because the State Government's policy will have a serious impact on the industry. I have held discussions on the taxing structure with the industry in Western Australia over a long period. I have been criticised by the industry, which is unhappy about the structure, and rightly so.

Mr Shave: They are unhappy with the Minister.

Mrs BEGGS: No, they are not unhappy with me. I have been doorknocking in the member for Melville's electorate wearing a false moustache and nobody noticed the difference! The taxation structure of the industry is being considered by the Government and some important decisions will be made in the near future to combat the impact that will occur with the introduction of combined pools. The racing industry is delighted that the New South Wales' policy may benefit the industry in Western Australia, but when viewed as a national industry which employs many people, it is unwise of the New South Wales Government to continue on its present course.

In answer to the member's question, the distributions that were made were in accordance with the Government's commitment and the rules and regulations governing the Totalisator Agency Board.

#### SWAN BREWERY SITE - POLICE ON DUTY DETAILS

280. Dr ALEXANDER to the Minister representing the Minister for Police:

Can the Minister inform the House how many police are currently involved in duties at the old Swan Brewery, from which duties these police have been diverted, and what is the total cost of the police presence to date?

The SPEAKER: The past practice of the House when questions are asked of a Minister representing a Minister in another place is that some notice of the question is given so the Minister who is not generally responsible for the portfolio can provide an answer. Has the member for Perth given notice?

Dr ALEXANDER: No.

Mr GORDON HILL replied:

I do not know the answer to the member's question, but I am happy to obtain the details from the Minister for Police and advise the member for Perth.

**LAND - LOT 65 HALE ROAD, LOT 66 ANSTEY ROAD**

*Rezoning from General Rural to General Industry - Minister for Lands Refusal*

281. Mr FRED TUBBY to the Minister for State Development:

- (1) Is the Minister aware that the Minister for Lands has refused an application for the rezoning of lot 65 Hale Road and lot 66 Anstey Road from general rural to general industry?
- (2) Is the Minister aware that these lots face the block that is owned by the Industrial Lands Development Authority for the development of the Forrestdale industrial park?
- (3) Did the Government refuse this rezoning application through fear of competition from private enterprise, or is it the Government's intention to maintain the rural zoning so that these lots can be purchased cheaply by the Government for later development as industrial sites?
- (4) Because private enterprise has been prevented from developing industrial land in the rapidly growing Armadale area, will the Government now proceed with the development of the Forrestdale industrial park as promised over four years ago prior to the 1989 election?

Mr TAYLOR replied:

(1)-(4)

I counted five questions and my answers are - no, maybe, no, I do not know; and I will give consideration to it.

**COLLIE COAL FIRED POWER STATION - ASEA BROWN BOVERI**

*Commercial Reality of Financing Package and Risk Sharing, Consultations with International Authority*

282. Dr TURNBULL to the Minister for Fuel and Energy:

I refer to the statement made by the Minister to the House a few minutes ago regarding the financing of the Collie coal fired power station and the package presented by Asea Brown Boveri to the State Energy Commission of Western Australia for that financing. Has the Minister consulted any international authority on the commercial realities of the financial package presented to SECWA by ABB and of the risk sharing that is being proposed by ABB in the light of activity in the commercial and financial sectors throughout the world?

Dr GALLOP replied:

Firstly, the State Energy Commission's negotiations with Asea Brown Boveri and, prior to that, Mitsubishi Transfield on the Collie power station project have involved advice from international financial experts on all aspects of the deal.

Dr Turnbull: Which ones?

Dr GALLOP: I think Morgan Grenfell has been employed by SECWA to provide in-depth legal and financial advice and to do some number crunching on the project.

Secondly, it is important to make a distinction between what the international marketplace may say about risks, price and the other factors involved and what the Western Australian Government and SECWA want out of the deal.

It is our desire that both sides of that equation will come together. It is very important that the member for Collie be aware of the distinction between the overall international price and conditions and the outcome that the Western Australian Government and SECWA desire for this project.

Dr Turnbull interjected.

Dr GALLOP: Of course we want international best practice from the project. However, it is important that the member for Collie understand that the State of Western Australia and SECWA have their own targets. The Government wishes to see consistency between those targets and the international marketplace figures in order to produce the best result not only for the investors -

Dr Turnbull interjected.

Dr GALLOP: I am not saying that Australia is isolated from the rest of the world. However, the Government of Western Australia has particular targets and will pursue them; it will not simply accept what other people may say.

**SWAN BREWERY SITE - FEDERAL MEMBER CAMPBELL'S ACTIONS**  
*Government Funding and Inquiry*

283. Mr LEWIS to the Premier:

I refer to my question of yesterday to the Minister for Aboriginal Affairs regarding the Federal member for Kalgoorlie, Mr Graeme Campbell, and the suggestion that Multiplex Constructions Pty Ltd paid for Aboriginal protagonists to aggravate a very volatile situation at the old Swan Brewery site.

- (1) Will the Premier advise whether this matter has been investigated and whether the State has made any payment for any travel or associated accommodation and meal costs?
- (2) Will she also seek advice from the Federal Government about whether Federal funds were involved?

Dr LAWRENCE replied:

(1)-(2)

One of the things I have found extraordinary about the debate on the brewery, apart from the peculiar position adopted by members opposite, is the Opposition's attitude towards the Aboriginal people whose aspirations have been disappointed by the project.

Several members interjected.

The SPEAKER: Order!

Dr LAWRENCE: Members opposite should be subjected to the most precise scrutiny on their attitude to Aboriginal affairs. I have noted with alarm the comments by the Liberal Party spokeswoman on Aboriginal affairs, who said the most extraordinary red-necked things about Aboriginal services and Aboriginal programs. A local newspaper recently reported that the person who has responsibility for Aboriginal affairs on the monumental front bench of the Opposition, which includes all of them except one, expressed the view that an advertisement by the Commonwealth Government asking Aboriginal people to apply for positions in the Public Service was unconscionable. Her view was that Aboriginal people did not need that assistance.

Several members interjected.

The SPEAKER: Order! People are going to start thinking that I do this deliberately. Every time I say to myself that this will be the last time I call order, the member for Melville interjects.

Mr Shave: That is the luck of the draw.

The SPEAKER: Having given the appearance of being very unkind to the member in the past, I will be very kind to him today.

Dr LAWRENCE: The matter is pertinent. The question itself implies some of the attitudes of which I am complaining. The Aboriginal people of this State are not, as members opposite want the community to believe, a single voice. They have as many points of view about issues that confront them and the general community as do people of different ethnic and racial backgrounds. To suggest that they would be unified or have the same position on this matter or on any other matter is to stereotype and insult them; something that I would never do. I recognise, unlike the Opposition's spokeswoman on Aboriginal affairs, that Aboriginal people have a right to make claims on land and to indicate the significance of land that fits in with their historical and other beliefs. It is a matter of interest to me that members opposite felt quite comfortable about Mr Arnold Franks, one of the people who was here yesterday providing another point of view about the brewery, when he opposed Mr Robert Bropho when a particular group was trying to upset the Yakabindie project. As I understand it, Mr Franks was brought here using funds from a series of donations. I assure members that those donations were not from the State Government, but from private sources. He was legitimately expressing a point of view. I regret, as does everyone in this House, that there was confrontation on the site. However, the Minister and I have said that we have no patience with an attempt to create a confrontation if that is what somebody thought he was doing. Equally, I defend the right of people to express their point of view and to express it vigorously, but not to fall over into violence and the sort of provocation that occurred on the site yesterday.

Members opposite are the same people who are attempting to denigrate the Aboriginal Legal Service by trying to suggest that somehow it is in receipt of money that it should not be. Opposition members do not think special programs should exist to assist Aboriginal people who need employment and to cater for the very acute health needs of Aboriginal people. Members Opposite treat the Aboriginal people of this State as if they had no variety and difference within their groups. They engage in the classic paternalistic attitude toward Aboriginal people that they should do what members Opposite think is right, as one. I encourage their diversity. I believe that, given the state of disadvantage that they suffer in this State, they do require special programs and assistance. The Government rejects any suggestion from Opposition members, whose policy it is to mainstream Aboriginal affairs, that they do not need this assistance and that they are not entitled to it.

#### REDUNDANCY PACKAGES - QUESTION ON NOTICE NO 180

##### *Answer Request*

284. Mr STRICKLAND to the Premier:

I draw to the attention of the Premier question on notice 180 of 31 March this year relating to the redundancy package in last year's Budget.

- (1) Will the Premier explain why the question remains unanswered, given that five months have now passed and the requested information would have been collected for Budget information purposes?
- (2) Will the Premier undertake to expedite an answer?

Dr LAWRENCE replied:

(1)-(2)

As the member for Scarborough will appreciate, the final figures were not available until the end of the financial year, which was 30 June. The question has been put into the system in the House. It was one of five questions from Opposition members in exactly the same terms. Members opposite should get their act together and stop wasting the time of officers of the Parliament and the State Government. One question is enough.

Several members interjected.

The SPEAKER: Members should take a leaf out of the book of the member for Melville, who at least after being called to order 10 or 12 times, does so.

**COLLIE COAL FIRED POWER STATION - IMPACT OF LOW AUSTRALIAN DOLLAR**

285. Mr COURT to the Minister for Fuel and Energy:

What effect does the low Australian dollar have on the overall cost of the proposed Collie coal fired power station?

Dr GALLOP replied:

That question has come from left field, as they say in baseball. I will be happy to consult the State Energy Commission of Western Australia and give the member a proper and detailed response on the issue he raises.

---