

Legislative Assembly

Tuesday, 5 June 1990

THE SPEAKER (Mr Barnett) took the Chair at 2.00 pm, and read prayers.

PETITION - CRIMINAL CODE AMENDMENT (INCITEMENT TO RACIAL HATRED) BILL

Urgent Legislation

MR DONOVAN (Morley) [2.03 pm]: I have a petition which reads as follows -

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

We, the undersigned citizens of Western Australia, humbly petition that Parliament act in a bipartisan manner, without further delay or amendments, and as a matter of extreme urgency ensure the prompt passage of the Criminal Code Amendment (Incitement to Racial Hatred) Bill to help curb the incidents of racism and discrimination in this State.

The petition bears 51 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 42.]

PETITION - MT LESUEUR

Coal Mining and Power Stations - Opposition

DR ALEXANDER (Perth) [2.04 pm]: I have a petition which reads as follows -

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 Parliament, in recognition of the immense biological diversity and importance of the Mt Lesueur area:

- 1) create a National Park with boundaries as recommended by the Environmental Protection Authority,
- 2) no coal mining or power stations be permitted within the boundaries or adjacent to the Mt Lesueur National Park

The petition bears 412 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 43.]

PETITION - WASTE SEPARATION, RECYCLING 5-SECTION SYSTEM

New Legislation

DR EDWARDS (Maylands) [2.05 pm]: I have a petition which reads as follows -

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 Parliament legislate for a 5-section waste separation/recycling system by WA town/city/shire councils.

The petition bears 790 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 44.]

PETITION - RENAL DIALYSIS UNIT

Fremantle Hospital

MR KIERATH (Riverton) [2.06 pm]: I have a petition which reads as follows -

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

We the undersigned hereby petition that a renal dialysis unit be established at Fremantle Hospital, thereby allowing patients ready access to extra life-saving medical services. The Unit centred at Shenton Park is not easily accessible to patients south of the Swan River.

The petition bears 17 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 45.]

PETITION - MT LESUEUR

Coal Mining and Power Stations - Opposition

MR KIERATH (Riverton) [2.07 pm]: I have a petition which reads as follows -

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 Parliament, in recognition of the immense biological diversity and importance of the Mt Lesueur area:

- 1) create a National Park with boundaries as recommended by the Environmental Protection Authority,
- 2) no coal mining or power stations be permitted within the boundaries or adjacent to the Mt Lesueur National Park

The petition bears 336 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 46.]

BILLS (4) - INTRODUCTION AND FIRST READING

1. State Employment and Skills Development Authority Bill

Bill introduced, on motion by Mr Troy (Minister for Productivity and Labour Relations), and read a first time.

2. Soil and Land Conservation Amendment Bill

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

3. Guardianship and Administration Bill

4. Tobacco Bill

Bills introduced, on motions by Mr Wilson (Minister for Health), and read a first time.

PARKS AND RESERVES AMENDMENT BILL

Returned

Bill returned from the Council with an amendment.

Council's Amendment: In Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mr Pearce (Leader of the House) in charge of the Bill.

The amendment made by the Council was as follows -

To delete clause 3 and substitute the following -

3. Section 5 of the Parks and Reserves Act 1895* is amended by inserting after subsection (5) the following subsections -

(5A) A lease granted under the power conferred by subsection (5) may include an option or options to renew that lease for a further term not exceeding 21 years in the aggregate.

(5B) A copy of a lease granted, whether originally or by way of an exercise of an option, shall be laid before each House of Parliament within 14 sitting days of approval.

[Reprinted as approved January 31 1979 and amended by Acts Nos 77 of 1982, 22 of 1983, 8 and 98 of 1985, and 91 and 113 of 1987.]*

Mr PEARCE: I move -

That the amendment made by the Council be agreed to.

Mr LEWIS: An extensive debate was conducted on the extension of the lease, with options, to be granted in relation to the restaurant at Kings Park. The debate went on for most of one day and the Government and the Opposition both put in a spirited effort. It is very satisfying for the Opposition, and probably disappointing from the Government's point of view, that the first Order of the Day is a message from the other place which puts in place the amendment suggested by the Opposition. The Opposition is delighted that the Government has seen the error of its way. Had the Government not been so stubborn in the first instance and had it listened to a little bit of commonsense from this side of the Chamber, the Bill would not have been delayed. I support the amendment.

Mr BLAICKIE: I support and endorse the comments of the member for Applecross. The debate regarding Kings Park went on for some time and the Opposition was so concerned about the matter that it moved to amend the legislation, which was subsequently defeated. The Legislative Council has now moved an amendment, which specifies a 21 year lease plus a 21 year option and requires that a copy of the lease granted originally, or by way of option, be laid before each House of the Parliament for approval within 14 days. That is a very important protection. The Parliament will be advised of the name of the successful lessee whereas that was not the case before the Bill was amended.

I hasten to add that in the world scene Australia is an ideal place for investment in these difficult times. Australians must have knowledge of the international companies which have control of Australian assets. The Government should be asking questions in relation to the ownership of facilities on Rottnest Island and to any change of ownership in the Burswood Island Resort Casino. The public must be completely satisfied that any change in ownership is acceptable to them. Whenever people from overseas wish to buy property in Australia they should be subject to very strict scrutiny, as is the case when Australians invest overseas. Should an Australian wish to invest in America it would be appropriate for the CIA, that country's major intelligence agency, to investigate him. I challenge the Government to ensure that, whenever an investment is made in the State of Western Australia where the State has some authority, such as ministerial control, over who shall or shall not be involved, as is the case with Rottnest Island and Kings Park, a full security evaluation is made and the services of ASIO are utilised. The Government, where necessary, should request the services of security organisations in the countries from where the investors originate, and the findings should be made available to the public. I warn the Government that failure to do this could have dire consequences. This country needs investments but it does not want unsavoury investors to be involved. The amendment is important because the Parliament will know who controls the leases; the Government will make a decision with that knowledge, as it should, and Parliament will be advised of the decision.

Mr COWAN: I move -

That the debate be adjourned.

Mr Pearce: On what basis?

Mr COWAN: It is Government legislation.

Question put and a division taken with the following result -

Ayes (23)

Mr Ainsworth	Mr Grayden	Mr Mensaros	Mr Trenorden
Mr Bradshaw	Mr Hassell	Mr Minson	Dr Turnbull
Mr Clarke	Mr House	Mr Nicholls	Mr Watt
Mr Court	Mr Kierath	Mr Omodei	Mr Wiese
Mr Cowan	Mr Lewis	Mr Shave	Mr Blaikie (<i>Teller</i>)
Mrs Edwardes	Mr MacKinnon	Mr Thompson	

Noes (27)

Mrs Beggs	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mr Bridge	Mr Graham	Mr Marlborough	Mr Thomas
Mr Carr	Mr Grill	Mr McGinty	Mr Troy
Mr Catania	Mrs Henderson	Mr Pearce	Dr Watson
Mr Cunningham	Mr Gordon Hill	Mr Read	Mr Wilson
Mr Donovan	Mr Kobelke	Mr Ripper	Mrs Watkins (<i>Teller</i>)
Dr Edwards	Dr Lawrence	Mr D.L. Smith	

Pairs

Mr McNee
Mr Strickland

Mr Taylor
Mrs Buchanan

Question thus negatived.

Debate Resumed

Mr PEARCE: When the Leader of the National Party stood I thought we might have had a repeat of the exciting and forceful speech he gave on the last occasion when this matter was before the Parliament. On that occasion he spoke very well and dressed down his Liberal colleagues for not being sufficiently supportive of private enterprise. He pointed out that they were wasting the time of the Chamber, together with a range of other things. I am not sure who has moved which side of the barrier to re-cement the unholy union which existed on the other side of the Chamber. I agree with the comments of the Leader of the National Party about the Leader of the Opposition. It seems now that the Leader of the Opposition agrees with him as well. That is fine by us. We do not mind if members opposite work in unison or singularly. Those members who sought to be smart and congratulate themselves do not recall other aspects of the debate, because members originally asked for the 21 year period not to be extended at all; they wanted the Kings Park Restaurant development to be nullified. That was the point addressed by the Leader of the National Party. If we are to have a reasonable reconstruction in Kings Park, it must be addressed on a reasonable basis, and that is what was agreed in the Legislative Council. There was an effective increase from 21 to 42 years to make a proper redevelopment possible and worthwhile. That was not something the Government was doing on its own; it was relaying to the Parliament a request by the Kings Park Board. A compromise was reached in the upper House. I have discussed the compromise with the Kings Park Board, and while it is not the board's first choice, it is acceptable to it, and on that basis I am prepared to accept this amendment. That is the way Parliament should operate. I do not mind people saying, "I told you so", but I only wish that when they say that they really had told us so in the first place.

Mr COWAN: Now that it has been determined that the will of the Chamber is to debate this matter, I am very pleased that we finally have some resolution of this somewhat sensitive subject. It appears to me that this amendment is as good a compromise as we can get; it achieves the aims of the Government and the Kings Park Board inasmuch as the lease for this property has been extended and there will be greater scope for the encouragement of private enterprise to redevelop that site and make full use of the magnificent panorama from Kings Park. Not one member, either in this Chamber or in the other place, would deny that the present facilities, while they have served very well up until now, are in need of improvement, and members support that improvement. I am sure every member will agree that any redevelopment of the site should be undertaken at no cost to the Government or to the Kings Park Board.

Mr Pearce: The Opposition did not agree with that last time.

Several members interjected.

Mr COWAN: The Leader of the House chose not to be reminded of this; he is trying to make political mileage out of past events. I do not think that will work, but we should remind the Leader of the House that this amendment has come to this place on the recommendation of the Legislative Council. Quite clearly the majority of the members of the Legislative Council have agreed to this amendment. The comments of the Leader of the House are irrelevant at this time. We are very pleased that the opportunity will be given to the Kings Park Board to redevelop that site and we will watch with interest the plans and the progress of that redevelopment. Every member has enjoyed taking visitors to this State up to Kings Park to overlook the city and show them proudly what is undoubtedly the most beautiful city in this country. We hope that the redevelopment of the restaurant will make it even better.

Mr MINSON: I did not intend to speak on this message but since so many members have alluded to the original debate, and since I led that debate for my party and took quite a bit of the brunt of the vitriol, I would like to go on record as saying that I am delighted the development will go ahead. I am pleased that a resolution has been reached and I hope the development which finally takes place will be sensible and appropriate. Instead of simply adopting a dream by an architect, I hope some intelligence and commonsense will be applied to planning what is being built there.

Question put and passed; the Council's amendment agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Council.

MOTION - JOINT SELECT COMMITTEE ON THE CONSTITUTION

Legislative Assembly Members : Appointment

MR KOBELKE (Nollamara) [2.37 pm]: I move -

That Mr Cowan, Mr Kobelke and Mr Mensaros be appointed the Legislative Assembly members on the Joint Select Committee on the Constitution.

It is with deep respect for our parliamentary system and with hope and optimism for its future that I move for the appointment of these members in order to establish this committee. The establishment of the Joint Select Committee on the Constitution was initiated by the member for Victoria Park in December 1989. It has been agreed to by this House and has received the concurrence of the Legislative Council. The committee is to be formed with three members from each House - three Government members and three from the Opposition parties. This even balance between the Houses and the political parties reflects a genuine hope that the work of this committee can proceed on a bipartisan basis. While many issues divide members on the opposite side and the Government members, we can achieve much if we build on those ideals which we hold in common. We share a common respect for the tried and proved parliamentary system which has been established in Western Australia for 100 years.

Our Constitution, its Statutes, conventions and practices are the foundation of our parliamentary system. Their preservation and reform to meet our changing needs is a goal which I hope all members will share. We witness today in eastern Europe radical political and economic change. Nation after nation is calling for democracy and political reform. This movement on the other side of the world highlights the strength and stability of the democracy which we in Western Australia enjoy. For 100 years our parliamentary system has served us well, but in such a rapidly changing world it is essential that we ensure the relevance and strength of our constitutional foundation.

Through a cooperative and positive approach by all members of this committee I would hope that it can reach a consensus on many of the matters which come within the terms of reference. That is not to make light of the many major differences which exist between the different parties; however, the terms of reference do provide a positive way of handling these areas of disagreement. I will return later to these matters.

There are several reasons why I think it is most appropriate that we should establish this Joint

Select Committee on the Constitution at this time. This year, 1990, marks the centenary of responsible government in Western Australia and several important activities are planned to celebrate this event. None of these, however, would be more important than a thorough revision of the constitutional documents of this State, and for that reason it is most appropriate that the two Houses of Parliament should be establishing this Joint Select Committee now.

In their present form our constitutional Statutes are not readily accessible to the citizens of Western Australia. To maintain the strength and vitality of our democracy we must develop a greater public understanding of all aspects of our Parliamentary system. I would like to draw from the report of the Parliamentary Standards Committee, which succinctly explains the point I wish to make; and I quote -

... the success of a system of parliamentary government in providing *peace, order and good government* for the people depends to a significant degree on the respect and affection in which the institution is regarded and the amount of accurate and timely information provided to the community about, and through, the institution.

This important requirement is taken up in the committee's term of reference (1)(c), whereby the committee is to make recommendations concerning making this body of law and practice more readily accessible by the citizens of this State.

Part of the difficulty people have in gaining an understanding of our State Constitution is that it is presently contained in two Acts, the Constitution Act 1889 and the Constitution Acts Amendment Act 1899. A single, easily readable Constitution Act is an important goal if we seriously wish to promote citizenship education. In looking to an amalgamation of these Acts it would be opportune to remove obsolete sections and to update and remove archaic language. I will quote a small part of section 59 of the Constitution Act 1889 to illustrate these matters -

59. It shall be lawful for the Legislature of the Colony, subject to the provisions of this Act, to impose and levy such duties of Customs as to it may seem fit, on the importation into the Colony of any goods whatsoever, whether the produce of or exported from the United Kingdom or any of the Colonies or Dependencies of the United Kingdom or any Foreign Country.

This section refers to the levying of customs duties, which is no longer a State responsibility, so in that respect the section is obsolete and would have no place in a modern Constitution for this State. We see also in section 59 the repeated use of the word "Colony", which is again just a little out of date. As well, there appears what some people may regard as a bit of a slur - the reference to "the United Kingdom or any Foreign Country". We have long stopped considering all other countries foreign as opposed to Great Britain, so we would need to amend the language of this section to make it more in keeping with today's needs.

Under term of reference (1)(b) it is incumbent on the Joint Select Committee to take up this matter. To paraphrase that term of reference, the committee is to give consideration to consolidating the law, practice and Statutes comprising the Constitution of Western Australia.

Also, of course, a number of major constitutional and political issues are facing the Parliament of Western Australia today. We have on the Legislative Assembly's Notice Paper the Acts Amendment (Resolution of Parliamentary Disagreements) Bill 1990, introduced by the Premier just a few weeks ago. We also have the Acts Amendment (Simultaneous Dissolution) Bill 1989, which last year was introduced into the Legislative Council by Hon Eric Charlton. Another example of a major issue that needs to be taken up can be found in the report of the Parliamentary Standards Committee, and again I quote -

The Committee recommends:

"that Section 36 of the Constitution Act be amended by repealing the proviso".

The Committee considers that such an amendment, once effected, would entitle the Western Australian Parliament to provide for any additional *privileges, immunities or powers* it considered necessary, and would place beyond doubt its ability to exercise any powers presently claimed ...

We can see in just the three examples I have given that already major issues have been brought before the Parliament which relate directly to our Constitution. For these reasons it is appropriate that the committee be formed at this stage.

However, given the difficulties experienced in achieving Federal Constitutional reform and our own record in this State of updating our State Constitution, we should not be too optimistic about achieving major reforms. These matters will be decided by the Parliament, as they properly should be, and the people of Western Australia, should there be need for a referendum; I do not consider it would be up to this committee to try to resolve such contentious issues.

The role of the committee in this area, where major reforms need to be addressed, would be properly taken up by term of reference (1)(a). Again, to paraphrase, that term of reference requires the committee to create opportunities for community discussion concerning possible areas of constitutional reform and to provide the Parliament with a reasoned summary of proposals for reform. Therefore I am suggesting that, in keeping with the terms of reference, the committee would not be hoping to come up with the big answer to these very difficult questions but would be able to provide the Parliament with a reasoned summary which could put forward the various points of view on these issues which exist within the Parliament and the community.

In conclusion, it is my hope that this committee will establish a consensus in order to achieve some form of consolidation of the law, practice and Statutes comprising the Constitution of Western Australia and then, in the areas where there are divergent points of view, the committee can provide the Parliament with a reasoned summary of the major and competing proposals for reform. If, through the work of this committee, we can establish a better public awareness of our State Constitution we will have strengthened our democratic institutions; we will have taken a first step down the road to constitutional reform; and we will be ensuring that our parliamentary system can change to meet the demands of the twenty-first century.

MR MENSAROS (Florear) [2.48 pm]: The Opposition supports the motion. Members might recall that when it first came to this House we expressed a view that we would have preferred a committee on the Constitution comprising members of this House only, but we accept the majority view and are quite happy to go along with the intention of the motion.

I do not want to compete with the member for Nollamara's very commendable, well prepared thesis on the matter, except perhaps to say that the problem with constitutional laws arises always when they are written. In any country like the United Kingdom - and there are others as well - where there is common law-type development on constitutional matters instead of a written constitution, the community's changing demand is much easier followed than with a written constitution, the amendment of which must follow rigid rules.

As the member for Nollamara said, the following of demands is very much easier because things change from time to time, albeit a bit tardily. That perhaps has some advantages because constitutional provisions do not ossify as a result of the formalities of changes and amendments to the written Constitution, which have already been referred to in connection with the Constitution of the Commonwealth of Australia.

The Opposition very much hopes that this Select Committee will be able to work on a genuine bipartisan basis. If it cannot, its whole purpose will be superfluous. I think it can work on a bipartisan basis. As an example I refer to an existing Select Committee on which I have the honour to serve - the Joint Standing Committee on Delegated Legislation. That is a committee of both Houses, where I have not experienced any matters on which a decision has been made without bipartisan agreement. In fact, it went so far that the chairman of that committee, being of course a Labor Party member, differed from his Minister because he truthfully and properly expressed the unanimous view of the committee. It is a pleasure to work with such a committee, not only because one can express one's views freely but also because one may, if one wishes, express one's views philosophically with inductive argumentation. This is almost exactly the opposite of what we do in Parliament, where we have goals and where we argue in order to support the aims or the call. Of course that is the deductive method of argumentation. I am sure that if the willingness of the member for Nollamara is anything to go by, matters will be discussed by this committee in an objective non party political way. If that happens, hopefully the committee will make some advances and might even be successful.

I particularly agree with the member for Nollamara regarding the publicising of the laws, customs and conventions upon which the Constitution is built. Members would know the difference between the situation in Australia and the United States. In the latter country, every school child, right down to the youngest pupil, has an amazing knowledge of the Constitution of the United States and the Constitution of their own State. They know who is involved and who makes the legislative and administrative decisions. However, the situation in this country is very much the opposite. It is all very well to invite school classes to visit Parliament House but we all know that as soon as the first question is asked it will be about what the white button under the tables is for or in relation to some other physical feature of the building, instead of being related to the rules and conventions regarding not only the governing of the State but also its legal and peaceful existence.

The Opposition supports the motion and hopes its endeavour will be successful.

Question put and passed, and a message accordingly returned to the Council.

LOTTERIES COMMISSION BILL

Withdrawn

On motion by Mrs Beggs (Minister for Racing and Gaming), resolved -

That the Bill be withdrawn.

WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL

Second Reading

Debate resumed from 8 May.

MR KIERATH (Riverton) [2.55 pm]: The Minister indicated in his second reading speech that a major initiative of this Bill was to reduce both the suffering of injured workers and the cost to employers. The Opposition agrees with and supports both those aims. Another interesting point raised in the second reading speech was that the premium pool in Western Australia was in the vicinity of \$323 million a year and has become a major component of labour-on costs. Those costs affect all businesses and attention should be given to this area. The Minister also referred to the lack of reliable data in the system. The Opposition supports the establishment of a comprehensive information database, which can do nothing but good for all sectors of industry. Another area of concern is that we tend to respond to a worker's injury by the payment of compensation rather than by returning the injured worker to gainful employment; in other words, rehabilitation, which the Opposition also supports. Another area of concern is the barrier to more active participation by employers in this process, particularly in respect of their insurance cover and claims management. Again, the Opposition sees that as a positive step, and supports the general thrust of the change. The fourth area of concern is the prolonged delay which occurs in the resolution of disputed claims. The Opposition is greatly concerned that some people can go for many months without their being identified as having more serious claims.

The SPEAKER: Order! The level of background conversation from Government members is extraordinarily high.

Mr KIERATH: In other words, the Opposition notices that the vast majority of pay-outs has been made to a small group of people. If there were some means of identifying that group of people and assisting them to get back into the work force, substantial savings could be made in the area of workers' compensation. Those savings would not come about because one has taken compensation from one person to give it to another but because all parties working together could get an injured worker back to work.

The Opposition agrees that under the current system both employees and employers lack incentive to ensure the employee returns to work as quickly as possible. We support the general thrust of providing for the rehabilitation of workers. However, our concern is that this should not cause a blow-out such as that which has occurred in other parts of Australia. I refer to Workcare and other areas where no controls have been enforced. A monster has been created in Victoria where claims once amounted to between \$2 billion and \$5 billion; presently those claims amount to between \$5 billion and \$8 billion. Some people think there is a chance that those costs may bankrupt that State. Some sectors of the community liken

the rehabilitation system to a signed, blank cheque; it enables a party to write his own pay cheque and enter the system. The Opposition agrees with some amendments contained in the Bill; one good provision in the legislation is that rehabilitation is limited. It is not indefinite but finite, and we support that.

The Opposition has also considered the claim and dispute settling procedures and information, rehabilitation and administrative procedures. A commitment has been made for an ongoing program of review of the workers' compensation system. We have also considered the claims procedures which give finite times, including three days for an employer to lodge a claim and notify the insurer, and a further 14 days for the insurer to proceed and either approve or reject the claim. As a general rule, we support the idea of time limits or restrictions in this area but we consider that some time limits are a little too tight.

Another area of concern relates to the status of commissioners. This matter will be discussed fully during the Committee stage. The status of the commissioners is of concern because some people might make a decision in a legal area which, instead of improving the situation by streamlining matters, might cause further litigation and a breakdown over legal argument. That is of great concern to the Opposition.

The Opposition fully supports a comprehensive information service. We support the general concept of reporting; that is, enabling people to be flagged. Perhaps these people will need further attention. One very important element of workers' compensation is the identification of what is considered to be short term people. I refer to the people who may be off work for less than five weeks, but generally for only a couple of days or two weeks. Most of those people return to work quickly and do not create a problem. However, problems arise when injuries are suffered, a person is off work for a much longer term and workers' compensation is paid for that long term. In that situation all sorts of things happen and people may be swayed by other people in the workers' compensation area. It has been found, over time, that the system does not seem to help the worker, or a worker does not want to help himself; therefore matters become bogged down and litigation occurs. The attitude is that the worker does not wish to return to work but wishes to receive as much payout as he can.

The second reading speech indicated that five per cent of lost time claims run for longer than six months. But those claims account for around 60 per cent of the actual costs. If some way could be introduced to indicate who are these people early in the process, some good could come out of the situation.

I turn now to partial insurance. At first the Opposition was attracted to that line of thought, but after further consideration our thinking now is that perhaps an excess or a discount on premiums rather than partial insurance should be accommodated. If employers take out partial insurance, perhaps some people will use this as a way to underinsure and not fully participate in the system. Many clauses within the Bill will need amendment to prevent that underinsurance from occurring. The Opposition also has doubts about the provision for time constraints changing to 14 days. We consider that somewhere in the vicinity of 30 days would be a realistic time frame in line with workers who are off work for around four weeks or more.

We support the concept of appeal rights but we have grave concerns and express reservations about the increase in the commission of an additional two members. The second reading speech did not justify the increase of membership by two persons other than to entrench the tripartite attitude a little further. During our briefing sessions we have attempted to find out whether shortcomings exist in the present system, or whether a certain view has not been reflected or taken into account. No evidence has been presented to us in relation to this matter. I look forward to the Committee stage in order to hear the reasons for the increase in the number of commissioners.

Another concern raised was the increase in the membership of the Workers Compensation Board. The justification has been the many cases coming before the board, and the lay members are then charged with a semi judicial responsibility. We have grave concerns about that and consider that this is the wrong way to go. Perhaps people are not working hard enough or do not have enough work to occupy them - and I do not reflect on individuals because I know the way the system works. With three board members, once the hearing is under way it is a judicial member who writes the reasons for the decision so the lay members have time for other duties. Having said that, giving those members semi judicial powers for which they are not trained is not the way to go. They do not have the background in those

areas and this situation will cause problems. It would be like my being appointed to make judgments in a legal area without the correct background; rather than assisting the process, this would cause the exact opposite. Decisions would be made which are legally wrong and in an effort to overcome that, litigation will proceed. We do not see this move as a method to improve the process; it will hinder rather than help the situation.

The philosophy of panels is a good one. If one member is unavailable a matter does not fall in a hole. We support panels. Administratively they will assist the process and make it more streamlined. If delays occur - and this is a concern, although the legal fraternity states it does not consider the delays are too excessive, being three to four months which is reasonably acceptable - the problem could be tackled by considering another method. This can be achieved by appointing an additional registrar, for example, who may assist with the resolution of disputes under the direction of the chairman. That principle has worked very effectively in the District Court and can be applied to accident compensation disputes to overcome delays.

The Opposition is very pleased to note that specific funding will be allocated for vocational rehabilitation to a maximum of seven per cent. which currently represents \$5 600 per person; we are pleased also to note that it is not a global allocation where \$5 600 is allocated to every person in the system, but is limited to each worker. It is always difficult to do the right thing by, on the one hand, helping a worker return to work and retraining where necessary and, on the other hand, preventing some of the players in the system treating workers' compensation like a large honey pot. Therefore, the Government is to be commended for setting a limit on the amount allocated for vocational rehabilitation. Everyone will be aware of the devastating effect of WorkCare in Victoria. In amending this part of the Bill the Government is trying to bring about the best of both worlds by allowing money for rehabilitation while keeping tight budgetary constraints on the amount allocated and not allowing it to be abused.

The Opposition also supports the general philosophy of appointing medical advisory panels and advisory committees. We see their establishment as a positive step towards enabling the commission to harness, or tap into, the areas of expertise that it may not otherwise have access to, which will give it a semi-formal means of receiving advice.

Another area about which the Opposition has grave concern is that of allowing payments to be made to non-legal people representing injured parties. Allowing non-legal people to charge a fee for appearing before the Workers' Compensation Board will open up a can of worms. The legal fraternity is opposed to this and the Liberal Party supports that opposition. It is important to consider the types of people who might take on this form of representation. Invariably when a worker is represented by someone non-legal it is a member of a union. Apparently not very many people take on that type of advocacy these days. Most responsible unions employ solicitors to handle their compensation work. The number of instances where unqualified people appear is very low because workers' compensation can be a legal minefield and a trap to the unwary. One needs sound legal knowledge to take on such advocacy. However, if unqualified people feel strongly enough to represent injured workers, the Opposition has no objection to that. On the other hand, to allow unqualified advocates to charge fees would be to encourage a de facto lawyer or quasi legal situation. It is rather strange that a Labor Government is attempting to introduce that clause. I thought the welfare of a worker would have been best served by representation by a solicitor rather than representation by someone who did not have the necessary experience. The person most likely to lose in that situation would be the worker or employee. As far as I am aware, all the insurance companies use qualified legal counsel during compensation disputes. Although at first glance the idea of paying an unqualified advocate may hold some attraction, the only loser would be the employee.

Much has been said by the Government about its Tripartite Labour Consultative Council and its desire to consult widely on a consensus basis. Firstly, the basic changes to the Workers' Compensation and Assistance Act have been available for the best part of two years. However, a number of the interested bodies who were originally asked for their comments were approached in, I think, late 1987.

Mr Troy: I think they were approached before that because the Bill came out in 1988 after a significant level of consultation.

Mr KIERATH: Most of the groups pointed out that they were approached on Christmas Eve and that they had until 10 January - about two weeks - to formulate a response. However,

since then the Minister has met those groups and, through negotiation, has taken much of the heat from the situation. The interested bodies said that that time of the year was a very poor time to build up a submission for a complicated issue such as workers' compensation and the time allocated was too short. Many of them felt hard done by because of that.

Mr Troy: Consultation occurred over a year or so prior to that time.

Mr KIERATH: The various bodies have unanimously said that initially time was far too tight and that much more time could have been given to enable them to prepare their submissions. In the earlier stages they had not done their submissions justice because of the time limit. Since then many groups have met the Minister and have overcome some areas of concern.

Mr Troy: I heard a story about people in glass houses, but I won't comment.

Mr KIERATH: Will the Minister not tell me that one today? I have outlined some of the concerns the Opposition has about this Bill. When the Bill reaches the Committee stage the Opposition will move relevant amendments. In relation to that, I thank the Minister for his assistance by allowing the Opposition to participate in some negotiations behind the Chair.

In summation, the Opposition has strong concerns about partial insurance. It supports the reporting time constraints, although it would like to amend those slightly. It strongly supports the principle of rehabilitation, provided that it is finite and very rigidly controlled. The Opposition is opposed to the increase in the size of the commission and believes that an amendment should be made to allow the chairman to be any member of the commission rather than that person appointed by the Minister. It supports the provision of appeal rights for insurance companies which have some disagreement over their registration. It is opposed to the increase in the number of people on the Workers' Compensation Board. The problems can be overcome by appointing registrars rather than by increasing the number of lay members on the board. The Opposition supports the limitation of funds allocated to vocational rehabilitation to seven per cent and supports the introduction of the medical advisory panels and the principle of advisory committees. It is totally opposed to non-legal advocates charging a fee and it strongly supports the reporting of rates and comparative claims after the rate for workers' compensation has been assessed. It is also opposed to lay members becoming involved in judicial functions and making decisions about legal matters.

MR COWAN (Merredin - Leader of the National Party) [3.18 pm]: I move -

That the debate be now adjourned.

Question put and a division taken with the following result -

Ayes (21)			
Mr Ainsworth	Mr Grayden	Mr Minson	Mr Watt
Mr Bradshaw	Mr House	Mr Nicholls	Mr Wiese
Mr Clarko	Mr Kierath	Mr Omodei	Mr Blaikie (<i>Teller</i>)
Mr Court	Mr Lewis	Mr Shave	
Mr Cowan	Mr MacKinnon	Mr Trenorden	
Mrs Edwardes	Mr Mensaros	Mr Fred Tubby	
Noes (28)			
Dr Alexander	Dr Edwards	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Dr Gallop	Mr Marlborough	Mr Thomas
Mr Bridge	Mr Graham	Mr McGinty	Mr Thompson
Mr Carr	Mr Grill	Mr Pearce	Mr Troy
Mr Catania	Mrs Henderson	Mr Read	Dr Watson
Mr Cunningham	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Donovan	Mr Kobelke	Mr D.L. Smith	Mrs Watkins (<i>Teller</i>)
Pairs			
Mr McNee		Mr Taylor	
Mr Strickland		Mrs Buchanan	
Mr Hassell		Dr Lawrence	

Question thus negatived.

Debate Resumed

MR THOMPSON (Darling Range) [3.22 pm]: To those in this House who believe that I have fallen out of my tree, on Sunday I did.

Mr Lewis: With a chainsaw?

Mr THOMPSON: Fortunately, no.

Mr Marlborough: Did you land on your head?

Mr THOMPSON: No, I landed on my backside and if the member could see my backside he would see that it is now bluer than the seats in this Chamber.

Mr Lewis: Spare us!

The SPEAKER: Yes, that would not be parliamentary.

Mr THOMPSON: In referring to this Bill I draw attention to the tactics we have just witnessed; I hope that the community understands that demonstrated here today is the intention of conservative members on this side of the House to stop every piece of legislation passing through this Parliament. That tactic is an absolute nonsense. If they adopt that approach they will bring themselves into disrepute. It is not acceptable and will not be accepted by the community. If they wish to pursue that course of action, it will be to their detriment. I commend the Government for introducing this legislation to the House.

Mr Blaikie: The Liberal Party will be looking at contesting the seat of Darling Range.

Mr THOMPSON: The Liberal Party used to gain a good vote in Darling Range, but that is no longer the case. If members wish to see where the voting strengths are in the Darling Range electorate, they should refer to the figures from the 1986 general election. At that election the Kalamunda Agricultural Hall was the joint polling booth for Darling Range, the seat then held by George Spriggs, and Kalamunda, and on the two party preferred basis I received 62 per cent of the vote and George Spriggs received 50.1 per cent of the vote. Therefore, if members believe that the winning of the seat of Darling Range as an independent is beyond me, they need to have a long think about it.

The legislation has come to this House after a lengthy gestation period, and I commend the Government for the approach it has adopted. The time for an "us and them" approach to matters such as workers' compensation and industrial relations is over. The correct procedure to follow is to have the various parties sit down and give mature consideration to such far sweeping legislation. The tripartite process has some critics and I recognise that the criticisms have some validity; however, given the experiences of recent times, those difficulties will be overcome and legislation such as this will have a smooth passage through the Parliament.

I was surprised not to find amendments on the Notice Paper because I imagined that the Liberal and National Parties would be endeavouring to amend the legislation to make it more palatable to them. I listened with interest to the comments of the member for Riverton and I hope that we will have adequate time to examine the amendments before we proceed with the Bill. I know that the amendments are available although they have not reached me yet.

Mr Trenorden: My amendments are available.

Mr THOMPSON: I know that the member's amendments are available.

An area of workers' compensation which requires improved performance is that of rehabilitation. I recently had some experience of this aspect. I pay tribute to some of the insurers who provide workers' compensation insurance. In particular, I refer to C.E. Heath Underwriting & Insurance (Australia) Pty Ltd, a company which handled a case that was close to my heart: This case involved my youngest daughter who was injured in a motor vehicle accident when returning home late from a part-time job which she undertook to earn some extra money while at secondary school. That company has been most cooperative with me and my daughter in her claims, and it is obviously concerned to see that her total rehabilitation takes place - that attitude has been most evident. The view held by people is that insurers are heartless and non-caring but that certainly has not been reflected in my daughter's case. Having said that, I am also aware that insurance companies do have a hard

heart at times and that occasionally they have reason to be hard. In the years that I have been a member of Parliament I have come across cases involving blatant misrepresentations of workers' compensation claims, and in some of those cases I have refused to allow the individuals to use my name and my office to pursue an invalid claim.

One of the greatest unidentified costs to the community is insurance fraud. Having spoken to a number of people in the insurance field, I am aware that insurance fraud is very much to the fore. Ultimately the insurance companies do not bear that cost; the cost is borne by the community because the insurance companies cannot afford to bear the cost of repeated claims. The insurance companies must increase the premiums of those people who have insurance cover with them. In that way it is the community which is the loser as a result of people who default the system. The backlog of workers' compensation claims is a matter of concern to me and, I am sure, to others in the community. The Government has taken steps recently to try to clear that backlog and the passage of this legislation will go a long way towards making the system work more smoothly than it now does.

I am in general support of the legislation and I will reserve any further comment relating to certain clauses of the legislation and proposed amendments for the Committee stage by which time I shall have had the opportunity at least to look at the amendments proposed by the National Party. I dare say there will be other amendments from the official Opposition.

MR TRENORDEN (Avon) [3.31 pm]: This legislation is similar to the Dog Act because amendments are made to it at almost every sitting of this Parliament and I recall speaking to those amendments on many occasions. However, it is a very important piece of legislation and history shows that workers' compensation is the second highest oncost to employment. Perhaps superannuation has taken its place and workers' compensation may now be the third highest oncost to employment. Superannuation is another issue I would like to debate, but I will wait for another day to do that.

Workers' compensation involves people who have suffered injuries and, therefore, it is a fairly emotional subject. In our capacity as members of Parliament most of us would have had people visit our offices complaining about workers' compensation claims. One of the major problems in dealing with the workers' compensation system is that the general public do not fully understand the rules applying to it. In my electorate I have found that many people, particularly new Australians, are of the opinion that workers' compensation benefits will be paid for an unlimited period. Many people incorrectly estimate what will happen to them while they are receiving workers' compensation benefits. It is important for all Western Australians to understand that unlike other States, this State does not have a workers' compensation scheme which is open-ended and that there is a definite limitation on how long claims will be paid. The person who is deemed to be an "average" worker will receive benefits for up to three and a half years. The person who receives a very high wage, for example, a shearer, may receive compensation benefits for between only one and a half years to two years. Employees on an oil rig or in the mining industry receive compensation benefits for approximately one year. Most people understand that workers' compensation benefits will not cover them *ad infinitum*.

Despite what I said about the parent Act being amended frequently, the National Party supports the thrust of this Bill. It has noted for some time that premiums have been held at a set rate under difficult circumstances for business and that point is important to remember. It is also important to consider the oncosts to business and what that means for this State's productivity. Of further importance is the fact that we must recognise other people in the system, particularly those who have claims and, of course, the insurance companies. Recently an international insurer of workers' compensation went to the wall at a cost of \$5 million to this State. It is pleasing to note that this State's workers' compensation system has a fund set aside to meet those costs and therefore Western Australian workers and taxpayers will not have to worry about that loss.

Western Australia's workers' compensation system is a very good system. I know members opposite, including the member for Kenwick, have argued about that in the past and have said that it is not as good as it could be. The member for Kenwick has often spoken about an open-ended workers' compensation scheme like the Victorian scheme.

Dr Watson: You will hear what I have to say about it in a minute.

Mr TRENORDEN: That will be interesting.

Western Australia is well served when one considers the single insurer system which operates in other States. I am sure the taxpayers of Victoria will be shaking in their boots as the estimated blow-out figure of \$5 billion continues to increase. I read in the Press only the other day that the State of Victoria has raised workers' compensation premiums to cover some of that blow-out. It will be difficult for that State to reach a reasonable resolution to its problems.

Western Australia has a multiple insurer system which has worked well under pressure. As the other States have gone to a single insurer scheme the size of the insurance cake has been reduced; that is, the premium base has been reduced. This State has withstood that onslaught fairly well and its system is holding up well and will continue to do so.

I thank the Minister for allowing members of his staff to provide information to me and to other members on this side of the House. They were very helpful and several long meetings were held with them which enabled us to understand the thrust of the Bill and have helped us to reach a position on it.

This Bill seeks to reduce the major claims areas. Like all sections of insurance it takes only a very small percentage of those claims to reduce the majority of available funds. I know it does not make very much sense, but in this case some five or six per cent of claimants take up between 60 to 80 per cent of the moneys available. The Bill refers to the mechanisms which will be put in place and which will allow the State Government Insurance Commission and other insurance companies to signal the high expense costs at an early stage in order that they can be kept under surveillance. At the same time it should be recognised that even though rehabilitation has the potential to reduce claims the cost of it has a tendency to blow out and that is the area on which the National Party questioned the departmental staff. It is essential that the commission keep a tight rein over the area of rehabilitation. I have no doubt that rehabilitation is the direction this legislation should take. The National Party recognises rehabilitation as an area of concern and one which involves the majority of claims.

Western Australia is lucky because it is behind some of the other States in respect of the implementation of this legislation. In New South Wales, because of the private enterprise forces of supply and demand, many of the rehabilitation providers have fallen by the wayside. The number one thing which will keep this Bill on course is that the 1 500 to 3 000 claims a year which are made will provide activity for only a certain number of rehabilitation providers. We need to ensure that the registration of those providers is tightly controlled. The National Party will be moving an amendment to ensure that there is no over-servicing of claimants by rehabilitation providers, because if there are any blow-outs in this legislation, this is where they will occur. We agree that the commission will have an interest in making sure that there are no dramatic blow-outs, but we have been told that many times in relation to other pieces of legislation, only to find that Government departments and semi government organisations have been lax and have allowed blow-outs.

We have been told that this legislation is the result of tripartite agreement. However, we in the National Party find that to be a bit on the nose. The Confederation of Western Australian Industry would be lucky to represent more than 20 per cent of the industry. The Government is constantly saying, quite correctly, that 70 per cent of employers in the State are small businesses, but small business has not been given any say in this legislation.

Mr Troy: Who are the other employer groups on the Trades and Labor Council of WA? They were part of the consideration, but you have overlooked them.

Mr TRENORDEN: I do not consider the Confederation of Western Australian Industry or the Chamber of Commerce and Industry to be supporters of small business.

Mr Troy: I think their members would be quite shocked by your comments.

Mr TRENORDEN: No, they would not, because I have told both of those organisations that many times in the past. I am currently a member of the Chamber of Commerce and Industry. For many years I was president of the Northam branch of the Chamber of Commerce and Industry. I am well attuned to the Chamber of Commerce and Industry's system. The Chamber of Commerce and Industry is driven by the larger companies.

Mr Shave: A number of small businesses would agree entirely with what you are saying; that is why they invariably represent themselves in industrial matters.

Mr TRENORDEN: Yes. The National Party will not be seeking to amend the wording in this legislation that the second person on the commission must be a representative of private enterprise, but we would very much like that person to be a small business operator in the retail trade, or someone from some other organisation, such as the Small Business Association, who can actually say he represents small business, which is the major employer in this State.

Mr Troy: Are you saying the Confederation of Western Australian Industry and the Chamber of Commerce and Industry do not adequately represent small business?

Mr TRENORDEN: Definitely; I will stand by that statement at any time and in any place. We are saying the same thing about the other side of the fence, the unions. The unions claim that they now represent 40 per cent of employees in the State. However, that figure is decreasing, and we will be seeking to amend this legislation so that the representative on the commission will not actually have to be affiliated with the union movement but he will represent employees. This Bill will, hopefully, be around for some time, and who knows what will happen in this part of the world? The trade union movement is not the only group which represents employees. I am constantly annoyed when this Government tells us about tripartite agreements which involve only big business, big unions and big government, and then has the hypocrisy to tell us it is concerned about small business. We do not even have a Minister for Small Business.

Mr Troy: We do so. Get your facts right.

Mr TRENORDEN: The Government was damned on radio three weeks ago by its own Federal Minister for Small Business, who said that Western Australia is one of the few States which does not have a Minister for Small Business. The Minister can go to the ABC and check that out.

Mr Troy: He is wrong.

Mr TRENORDEN: He is absolutely correct.

Mr Troy: We will give you a schedule of ministerial responsibilities if you are not aware of them.

Mr TRENORDEN: It is important that the people who employ workers in Western Australia have a say about this legislation. Small business should be represented.

Mr Donovan: Look at the front page of *Hansard*, which has a list of Ministers.

Mr TRENORDEN: There is no Minister for Small Business in Western Australia.

Mr Carr: I beg your pardon! That person is me.

Mr TRENORDEN: The Minister should talk to his Federal counterpart about what he said on radio.

Mr Carr: I do not need to argue about it with anyone. I am telling you that I am the Minister for Small Business.

Mr TRENORDEN: The Government's performance in respect of small business has been not inspiring but abysmal. Government members would not recognise a small business if they fell over one.

Point of Order

Mr TROY: Mr Deputy Speaker, this debate seems to have gone right away from the Bill under discussion.

The DEPUTY CHAIRMAN: I believe the Standing Orders relating to relevance may be relevant here. The matter of whether there is or is not a Minister for Small Business should be pursued in another debate, and I suggest that the member check the record. I suggest more seriously that he direct his remarks to the legislation before the Chair.

Debate Resumed

Mr TRENORDEN: I apologise for hitting a raw nerve with the Government. This Bill seeks

to do a number of things, and I will outline them briefly because there is no need to go into detail. First, it is pleasing to see that data collection has been provided for and that the data can be in an electronic form. Second, claim notifications to the commission will require an estimate of whether the worker will be off work for more than four weeks, and employers, who are primarily responsible for getting people back to work, will be required to signal whether claimants require rehabilitation. That is a positive move. Third, I do not have any argument about the 14 day reporting system because that will give insurance companies the option of saying yes, no or maybe; and that "maybe" is very important. As long as that "maybe" is there the Minister will have no argument from me, and I have had a long association with the insurance industry. As long as an insurance company can say, "We have doubts about this claim" and it can be followed up at a future time, there will be no argument; but quick reporting is essential if we are to get the system rolling.

The emphasis on the payment of compensation to a returning worker is the second item identified by the Tripartite Labour Consultative Council, and I agree that that emphasis should be changed and that we should put more pressure on the employer. The unions have made a contribution to the system in this regard, and I imagine that would have caused some arguments in the union branches, but it is important that people recognise that those workers looking to long term payments may need to consider a change of occupation and rehabilitation in other areas and that they should do so quickly.

The third point identified by the tripartite council, more active participation by employers in their insurance cover, is very important and I support the part insurance amendments to the Bill. The insurance industry is a very strong private enterprise organisation and I believe that, when it looks at the opportunities for part insurance, it will find novel ways of attracting business, but also it will involve employers in schemes to reduce costs. Anything that enables employers to reduce their costs and encourages competition between insurance companies to try to steal each other's clients by offering better premiums on part insurance is a positive step. I was concerned when I first saw this proposed amendment to the Bill as I thought that if it were applied to the lower levels of small business it would be very difficult for insurance companies to work out premiums for very small businesses. However, after talking to the Minister's staff I understand he is referring to middle sized companies and this is an incentive for the insurance companies to compete for business, and for businesses to examine ways of cutting their own costs; therefore it is a definite benefit.

Prolonged delays in the resolution of disputed claims has been a problem with workers' compensation for a long time. We had first one board and then two, and the procedures to speed up those claims are welcomed by the National Party. Indeed, the majority of the amendments proposed to the Bill are welcomed by the National Party as we see them as being only beneficial. However, we do disagree with the Government in this regard: In delivering legal advice to individuals these days, lawyers are getting very close to pricing themselves out of the market. We see no reason why specialist people should not be able to represent individuals and workers before the panels or boards and be paid for their efforts. I know the Law Society of Western Australia will have a fit when I say that - and I saw a representative of the Law Society in the gallery a few moments ago - but it is a very important point. If the legal fraternity in this State is to consider how it delivers services to people, it should also look at costs. We see no reason why an individual with a free choice who decides to find an individual to represent him before a panel or a board should not do so, and should not pay him at a rate lower than or the same as he would pay a lawyer. We can see limitations to that, and one would have to be blind not to see them, but on the other hand the costs are a major limitation to some people.

Mr Troy: Did you say you disagreed on this point with the Government, or with your Opposition colleagues?

Mr TRENORDEN: We are the National Party; we are happy to have our own point of view, and this is it: We disagree with both the Minister and our Liberal colleagues, because we believe that some people have great difficulty being represented before these panels and boards due to the costs involved. If specialist advocates who have appeared before such panels in the past, whether from the Confederation of Western Australian Industry or from the unions - and what better role could the unions play; they played it in the past -

Dr Watson: But if there was only one insurance company you would not need them.

Mr TRENORDEN: I am saying they should be allowed before the system.

Dr Watson: You are also saying there should be a lot of insurers.

Mr TRENORDEN: If insurance companies are told to pay the bills, they will. That is part of the legislation. The member should speak on this when next she rises, because she should promote this idea. If a good advocate knows what he is doing, why should he not represent workers before a panel for a lower remuneration? I can see what the argument of the Law Society would be as to why he should not, but not every lawyer who has come before the panel has been a good operator. Not even the Law Society could disagree with that, so why not break down the system and bring a bit of justice to the people? We are in this position and will remain so until the legal fraternity can tell us how it can deliver legal advice to individuals at a much lower rate. Surely the whole thrust of this legislation is about bringing down costs and making it a faster system, but the legal fraternity have not helped in that. Therefore we make no apology to the Minister that the National Party stands alone in saying that changes should be made to that area.

The fifth point identified by the tripartite council was the lack of incentive for all parties to minimise the number and duration of claims. That is what the Bill is all about, but we have a couple of concerns outside the Bill. We could have brought forward amendments relating to these points, and I would ask the Minister to take some notice of them. One area of deep concern relates to the way in which directors of companies are required to insure. To give an example which happens regularly, many farmers and small businessmen operate companies and pay themselves a director's fee as well as receiving the rest of their income from self exertion. That director's fee might be minor or substantial, but cases exist where, under the legislation, people are forced to declare the premiums and pay a rate related to their activities. This happens particularly in the farming community or to anyone who does manual work. The commissioner says, "Because you are a farmer we will not accept that you are giving administrative advice to your company. You are actually doing physical work, so you need to pay a rate of 10 per cent rather than one per cent." I know those figures are not exactly right, but they are not far out. The individual must pay a higher premium because the commissioner says he is doing physical work which is of a high risk nature. However, when such an individual makes a claim he is paid at the farmhand rate. Therefore, he is paying a high premium on one hand but receiving a low benefit on the other. In many cases, especially in small businesses outside farming, the same individuals have their own insurance which is well above the benefits workers' compensation would pay them, because many of them cannot survive. They are one-man bands who, if they get sick or injured, need a constant level of income. Then their insurance companies will offset the workers' compensation premium against that benefit, or the other way around, so in many cases these people are paying twice for benefits, and well over what they need to pay. The Minister should note that I am not talking only about farmers.

We should consider whether the directors have volunteered to opt out of the system on a legal basis or whether it is an impelled working out of premiums in terms of salary, administration or paid-up services, rather than premiums at a higher rate. We should also ask what is the benefit at the other end. If a farmer is being paid as a director his rate is far greater than that of the farmhand. Businessmen will argue - if they are handling the selling, the administration, or the building up of a company - that their rate is much higher than the arbitrary figure of payment. That is a side issue; it is a very obscure argument and needs to be focused upon.

Mr Troy: The improved database may help.

Mr TRENORDEN: We will not pursue that argument now, as long as a serious undertaking is given to deal with the matter urgently.

Mr Troy: I indicate that undertaking now. The matter is before the Trades and Labor Council presently.

Mr TRENORDEN: We will be happy to have some input.

Mr Troy: I would be grateful for that.

Mr TRENORDEN: The matter is of much interest to our constituency.

Mr Troy: I give that undertaking.

Mr TRENORDEN: In conclusion, we support the general thrust of the Bill. The matters I have raised are important; small business should have a say. Input should not be limited to the unions and employers.

DR WATSON (Kenwick) [4.01 pm]: While the thrust of debate this afternoon has been addressed to costs, I wish to focus on the issue of rehabilitation and to consider what happens to people as they progress through the system. Before I start, though, it is worthwhile looking at the costs relating to workers' compensation.

I cite a report of the Advisory Committee on Prices and Incomes published in 1986. The costs of compensation are dependent on three main categories of issues. One is whether the system is oriented towards prevention of accidents and to rehabilitation or whether it is based on the payment of compensation. Is it compensation versus prevention and rehabilitation? I think our system operates like that. Another category is whether employers have the incentive to reduce premium costs by improving health and safety and therefore reduce the number of claims and working days lost. Increasingly, employers are addressing those kinds of strategies to reduce the number of claims. Secondly, compensation costs are determined on how premiums are determined; whether the compensation system operates on a funded basis where premiums are paid up front or on an unfunded basis. These sorts of issues will be debated during the Committee stage.

In a way, the reason I am standing here today is because of workers' compensation. I carried out a four-year research project on 40 people who had been injured at work. I followed them through from the time of injury until the time they either returned to work or recognised themselves that they would never return to work. I was tied up then and have been since with many people who have been let down by the workers' compensation system; people whose work-related injury has indeed thrust them from being often happy family people with futures and children to look forward to, into miserable people whose marriages, lives and futures have been lost, and poverty imposed upon them. They have had to revise and restructure their lives because they have become victims of chronic pain. One thing which struck me at the time of my research was how uncoordinated are workers' compensation systems. Every State in Australia has a different piece of legislation; every worker in Australia with the same injury - whether or not employed by an Australian company - will undergo a different experience with different weekly wages and a different lump sum payment being available to her or to him.

Members on this side of the House have an emotional response to 11 November 1975. Mine is a double-whammy because on that day the Senate should have debated and passed the Woodhouse proposal for a national workers' compensation scheme. Whether we will reach that stage again, one can only speculate. In my view, until we have a national workers' compensation scheme that is linked into the national health scheme and into the national social security system, we will always have an adversarial compensation scheme that is run by insurers - and insurers exist to make profits. I find it unpalatable that insurance companies make enormous profits out of workers' compensation business.

I am very pleased to support the Bill, which emphasises rehabilitation, because while we can see that many of the costs and much of the time lost are taken up by back injuries and injuries to the neck, and it seems that enormous payments are made as a portion of workers' compensation costs, we must also recognise that most costs could be prevented even after a person is injured. In my view, if the treatment for low back pain especially - and increasingly I am coming to think, too, pain due to overuse injury - was appropriate at the time of reporting pain much of the cost and certainly much of the misery would be prevented.

In the beginning, pain is a symptom of the injury, but pain becomes the illness. Anybody who has claimed workers' compensation for pain-related injury has to constantly negotiate that genuine versus bludger person; they are judged and condemned; their condition is always minimised. They are often abandoned by those who are treating and caring for them. They are told only they must learn to live with pain on a day-to-day basis, not knowing whether they will have a good or a bad day; their misery is palpable.

It is most important that members in this House - especially from comments made today - should understand the extent of that disability, that the pain does not end with a lump sum redemption. They are lost to the system but their pain does not go away. We must also link

the workers' compensation system to the health care system. It is important that one of the things we must approach in the management of rehabilitation is how the organisation of the politics of workers' compensation affects what happens in that individual doctor/patient, lawyer/client, employer/worker relationship.

We know that the type of injury people receive reflects the type of work they do. So often people who have a back injury sustain it because they are engaged in some kind of manual work. That work might be done by nurses in hospitals or by migrant workers in the construction industry. It is inappropriate to say to someone who may have come to Australia from Italy or Yugoslavia 28 years ago and who has sustained a back injury in either the private or the public sector, that his pain might stop him from working in that industry but that he is fit for light work and it is about time he went back to work. Some of the advice given in this regard is totally inappropriate. One of the things which must be done to minimise the cost of claims is to prevent injuries from occurring. We must examine the factors in the workplace which contribute to injuries resulting in low back pain, such as heavy physical work and static work posture. We can look at the kind of work that demands frequent twisting and bending.

A study was carried out in Canada on a truck driver with a confectionery company. This company was keen to ensure that the boxes in which the sweets were packed did not exceed 20 pounds. The study found that the driver, who unloaded the boxes by hand, unloaded 3.5 tonnes of sweets a day. Work has also been done in hospital geriatric units which showed that nurses often shifted more than four tonnes of human flesh in an eight hour day. Those sorts of expectations can contribute to a minor injury having major consequences. Some work has been done by Mr Troup, an orthopaedic surgeon in Great Britain, who determined that the people most likely to have recurring pain were not those who had incurred an injury by lifting something or somebody but those who had either slipped and tripped on wet floors or had fallen down a single step on a slippery floor. Mr Troup's findings have implications not just for workplace safety but for an alert medical practitioner, who will determine how this injury was sustained, and will order the treatment course that is appropriate. One of the obstacles to rehabilitation is the adversarial approach of the compensation system. This causes significant delays, especially when people have received contradictory specialist opinions. The futility of a cause based system is emphasised by the kinds of injuries suffered by people; there might not be one single cause. A worker may have been on night shift for three years and have shifted tonnes of flesh, but a simple slip or twist might be the factor that tips the worker over into the workers' compensation system, with a doctor who will minimise the cause of the injury.

Intervention is needed before people lose their jobs and before pain and insecurity in everyday activities are established. Another factor that compounds delay is the uncoordinated provision of services, which I will illustrate by a woman's case history. She is typical of what happens to people when services are not coordinated. Psycho-social barriers are huge obstacles to rehabilitation and they include depression, dependence and despondency. These problems set in not only in response to the pain that is suffered but in response to the hostility that people face because they are claiming workers' compensation for a pain related illness.

When I carried out my research I examined what happened to people in terms of their career. I looked at the time and the organisational dimension of their career from the time of their injury, and at the work they did when they were injured, right through to the time when they either left work or were able to resume some sort of work. Most of the reference points or benchmarks in their careers were imposed by insurers, occasionally by doctors, and sometimes by lawyers. These benchmarks have no order, and some careers might be marked by many and others by few. Generally the longer the career the more are the benchmarks that will interrupt it. We can predict the progress of these people through the system and the time of intervention by those who are interested in providing rehabilitation services. Most benchmarks relate to income; income is ceased either because liability for their injury is denied or the worker is ignorant of his entitlement; it is reduced either because he is certified as partially fit for work or he misses out on over award payments; it is recommenced after a period of disputed liability; it can become erratic or irregular; or it can be adjudicated on by the Workers' Compensation Board. When people have been without income for even a short period of time and that income is resumed either weekly or in the form of a lump sum

settlement, it is often used to pay debts. We know that a large part of the money that people have received as a result of negotiations on their behalf, without their full knowledge and support, unfortunately, goes to pay debts.

Mr Shave: What do you think of the fact that people who are waiting for a settlement may receive funds within 18 months or two years and when a settlement is made those funds are invariably taken off the settlement?

Dr WATSON: That is something we must look at.

Mr Shave: Were the Government prepared to look at that area I suspect that some of the insurance companies would settle a lot of these claims more quickly. Many people have their cases drawn out and end up with enough money to repay the compensation they have received over the period, and their lawyers' fees, but nothing is left for them.

Dr WATSON: The member for Melville will be aware that I am talking about people with chronic pain.

Mr Trenorden: They should be told of the implications when they begin receiving workers' compensation; many of them believe they can continue receiving workers' compensation forever.

Dr WATSON: People with chronic back pain have to negotiate with their employers - sometimes every payday.

Mr Trenorden: I am talking about workers in general and I suggest that when it is found that they will be off work for a week or two weeks they should be advised of the limitations of their workers' compensation benefits. What the member for Kenwick is saying is correct. The attitude of workers must be that they will go back to work or they will change their occupation.

Dr WATSON: I will not continue in that vein because those issues will be debated in the Committee stage.

One category of benchmarks is related to employment. A person may be certified fit for work when he is not, he may be certified for light work which is unavailable, he may be sacked, he may resign, he may look for the same or different work with his old employer, or he may seek work with another employer. His capacity for work is in the category of benchmarks, especially where there is conflicting medical opinion. The advocates of the worker and the advocates of the insurer may send the person concerned to different medical specialists for an opinion, those opinions may conflict and the person involved is absolutely confused about what is going on, and he must negotiate his entitlement to claim with everyone he meets. This brings insurance spies out of the woodwork, and members may have read the reports by Senator Jenkins about what has happened to people with chronic pain - for example, overuse injury. While she is referring to something that did happen and was not addressed, nevertheless people in pain are vulnerable to a whole range of strategies which insurers will use because the prime concern of insurers is to make profit and they do certain things by reducing, denying and delaying liability.

Mr Trenorden: That is not true and it is most unreasonable.

Dr WATSON: It is true. I would like to illustrate what I have been saying by giving members the case history of a woman whom I met about 10 days after she sustained a back injury while cleaning floors at a hospital. She had no idea that the injury was anything other than a slight hiccup in her life and that she would not be back at work the following day or the following week. She was impatient to go back to work because her family was saving for a holiday to England and she did not want to use her sick leave. It was unreasonable to think that this person would never work again. As it has transpired she did not return to work and is a different person now. She saw eight doctors in five weeks. The woman worked in a city hospital but lived in the northern suburbs and when she injured her back she drove to her doctor's surgery. Members in this House who have suffered from a bad back would be able to empathise with her when they hear that she could not get out of her car when she arrived. Her doctor was not at the surgery and she was attended to by a locum who gave her two days off work and prescribed Dencorub and Aspirin. She consulted a different locum on three occasions and on her fourth visit she was examined by her doctor who sent her to a specialist who was so rude to her that she asked to be referred to someone else. She was referred to a

neurosurgeon. In a five week period she saw eight doctors and she has a doctor's letter which she showed me and which diagnoses her complaint as back ache.

A Government member: Did she go to a chiropractor?

Dr WATSON: No, not at that stage. In two years she had 24 connections with doctors, physiotherapists, lawyers and trade union representatives and she has made very little progress. She saw her marriage falling apart - when women who are house workers as well as paid workers suffer from chronic pain they are confronted and challenged in their depression by the fact that they cannot even do their housework and their lives fall apart around them.

One of the interesting findings of the research I undertook - I could talk about this for a long time - is that doctors have a different cure for men's depression caused by chronic pain and for women's depression caused by chronic pain. Doctors say to men who have chronic pain that, "It will be better if you go back to work; that is what you need to do", but they say to women, "Forget about this business about wanting to go back to work - your kids, your husband and you will be better off if you stay at home." The goals of people who rehabilitate injured workers must be clarified. Members of Parliament should listen to people who seek their help in the area of workers' compensation claims.

Mr Strickland: I do not think that is the norm.

Dr WATSON: I will talk to the member afterwards.

Mr Trenorden: What is the point of your story?

Dr WATSON: If we are looking at rehabilitation and the prevention of depression we are looking at working with an injured worker as early in his career as possible to achieve a goal towards which everyone is working.

Mr Trenorden: How does your story about eight doctors fit into that?

Dr WATSON: It illustrates the uncoordinated activity in this area.

Mr Trenorden: In future it will be no different.

Dr WATSON: I am suggesting it will be different because the need for rehabilitation will be diagnosed much earlier.

Mr Trenorden: The individual will still have a choice regarding doctors.

Dr WATSON: I hope there will be a choice. That says more about the medical system.

Mr Trenorden: She made a bad choice.

Dr WATSON: If general practitioners would work as they should there would be no problem with a person needing to go to a locum who does not know his medical history, but that is a different issue.

Mr Strickland: Did she go to a chiropractor?

Dr WATSON: She went to an acupuncturist. The point I am making is that a relatively simple work-related injury can plunge a worker and his or her family into poverty, despair and misery.

Mr Trenorden: What is the alternative?

Dr WATSON: The real alternative to workers' compensation is a sole insurer and I will tell members the benefit of that. In the beginning the benefits of a sole insurer would be seen in a minimisation of adversarial procedures. Staff proficiency and effectiveness would increase and most people would know exactly the forms of work with which they were dealing. During my research I worked at the State Government Insurance Commission and I have a very good idea about what is happening with the forms and the judgments insurers make. It would be very beneficial if statistical records and a database were centralised. Information exchanges between a centralised unit and the Department of Occupational Health, Safety and Welfare would then be possible. As a result there would be an increase in medical and vocational rehabilitation, but my dream for everyone concerning workers' compensation is a system based on community responsibility. For instance, in New Zealand workers' compensation is only one part of a system that compensates people for an injury no matter where they are injured and no matter what time of the day or working week it is. In that way

safety is promoted and rehabilitation is vigorous because the whole community has an interest in ensuring people go back to work, to sport or to their domestic obligations. Only then will we have an equitable compensation system.

Mr Trenorden interjected.

Dr WATSON: One reason is that the doctors who treat them will treat them appropriately from the beginning. People who have a lower back injury are immediately labelled by the system, and they have to negotiate that label with every new face whom they meet during the course of their injury.

I refer now to communication differences between workers and their doctors and lawyers. Workers say they are not good with words, and that their pre-injury experiences of dealing with doctors, for example, are confirmed. One claimant told me, "The words just go over your head if you are a working person. You have to be highly educated otherwise they think it is quicker to do it for you". That is the experience which people have with their doctors, solicitors, and employers, and certainly with their insurers. Until those people can participate in their own rehabilitation, until they can set goals for themselves, together with their doctors, physiotherapists and nurses, and until their pain is accepted as something that can disrupt their lives and their family lives and plunge them into poverty, we will not make any difference. I believe this Bill will start to make a difference.

MRS EDWARDES (Kingsley) [4.33 pm]: I welcome the Government's initiative in amending the workers' compensation legislation to provide rehabilitation for injured workers and to reduce the cost to employers. That initiative will be welcomed also by employers, employees and insurance companies. My approach today will be similar to the one followed by the member for Kenwick, but with a different philosophical base. I believe that rehabilitation can be promoted without a sole insurer, and definitely without adopting the New Zealand approach, because those examples do not reduce the cost to the employer in insurance premiums, which is passed on to the community.

Rehabilitation of injured workers is essential, and the people who are involved in rehabilitation at present are doing a tremendous job. I have had a lot of involvement with people undergoing rehabilitation because I offer my office to the Whitfords section to anyone who is seeking rehabilitation and wants to become involved with secretarial work. I also participated in rehabilitation schemes when I was practising as a solicitor. I found that people who are injured suffer a great shock to their system. It is a shock to them, regardless of whether they have been working for three years or 20 years, to find that they cannot go back to their profession. It is an even greater shock to find that they will not receive the same amount of money per week while in receipt of workers' compensation benefits as they did when earning a wage. Many unskilled workers rely on over award allowances or overtime payments to provide for their motor vehicle expenses or holidays, and sometimes even for more essential items. We must realise what it is like for those people to be in receipt of workers' compensation benefits. Many of the injuries which are suffered by workers occur through no fault of theirs. The effect of an injury on a person can be catastrophic, and cause not only financial loss but also psychological effects.

I will now give an example of the effects on one such person. He is male, and was the sole breadwinner of the family. He had five children, and his wife was pregnant with their sixth child. He was earning in excess of \$1 000 a week as a machine operator, and was used to working quite long hours. His family arrangements and his mortgage payments were built totally around his wage. His injury occurred as a result of a freak accident. He was on a site where he was digging holes in the ground. All of a sudden another worker went to start up the machine which was used to dredge out the water in the holes so that they could lay down the pipes. A spark caused everything to catch alight, and this man was told to jump. He jumped in the hole. He did not get burnt, which members may think will be the outcome of my story, but he did jar his knee. He went to the doctor, and expected that he would be able to get back to work quickly. However, four weeks went by, and by this time he felt like tearing out his hair. He wanted to get back to work. The finance company was asking why he could not make his mortgage payments, and he had electricity and telephone bills which he could not pay. He went into hospital for three operations, none of which was successful. So nine months down the track, he was still not back at work. He has just about lost his home because the final demand is about to be made on that. His wife is about to leave him,

and there is no longer any communication between them. He goes out and gets drunk, and feels that he has nowhere to go but to commit suicide. He has no-one to hold his hand.

Most people who have been injured and cannot work find that the only person who can hold their hand is their solicitor. I found when I was practising as a solicitor that a workers' compensation client is a person who is regularly on the telephone because he has no-one else to turn to. His employer usually shuns him. Therefore, the education process about which the member for Avon spoke is very important because employers must understand what it means to be in receipt of workers' compensation benefits. These people are in a state of crisis. They may have chronic pain, but no-one can diagnose its cause. They often go from doctor to doctor to try to find out what it is, and undergo test after test, but no-one can help them. They suffer not only from severe financial and family problems but also from their not being able to get back to work, when they are anxious to do so. In some instances the accident has occurred through no fault of their own, but nobody believes them. These people are human beings and the majority of them want to go back to work, and that is why I commend the Government for emphasising rehabilitation in this Bill.

At the moment time delays are not occurring at the Workers' Compensation Board; the case management there is working very well. The delays are occurring in getting rehabilitation. The injured employee says to the solicitor, "It is nine months since I was injured. When can I go back to work?" The solicitor replies that the employee's case is being managed very well, because it is - it is working very well within the time frame. The employee contacts his doctor, who says the injuries have not yet settled or stabilised so they cannot do any more for him at the moment and he will have to wait. In the meantime, of course, the insurance company is having the injured worker followed. That is another factor which illustrates to the worker that he is not being believed in terms of the injuries he is suffering, and this leads to absolute frustration on his part.

I say that the majority of people do want to get back to work, but an example was related to me last year of an insurance company following an employee who was on workers' compensation. This employee was complaining of a bad back, and it is this kind of employee who gives a bad name to the majority of injured workers, who do want to return to work. The solicitor for this employee was going to court for the pre-trial conference and the solicitor for the insurance company said, "I think you had better watch this film that I have." The employee's solicitor agreed to do so before he went to the pre-trial conference, and in the film he saw his client walking up and down steps carrying a rubbish bin. That makes it difficult when the injury the worker complains of supposedly prevents him carrying a rubbish bin. These people are in the minority and it is very important that that is recognised in the community if we are to ensure that rehabilitation is available to assist those workers who wish to go back to work.

The management of the claim must be between the employee, his doctor and the employer, and it is very important that the employer fully understands what is going on, especially if he is a small business employer who employs only six or eight people, where the absence of one skilled person can be a great loss to that firm. In that case the employer can be equally frustrated. He does not know whether the employee will return to work. What is he to do? Should he sack the employee and replace him? If he does that, the employee becomes upset because not only can he now no longer go back to work in the position he had before, but also he no longer has a job. He is on workers' compensation and fears he will become one of those statistics whom nobody believes when he says he really has something wrong with him.

The education aspect is extremely important, as the member for Avon said, and the management of each claim - between the employee, the employer and the doctor - must be very clear. I have acted for insurance companies on workers' compensation claims - and for the employee and the insurer, as well as for the employer, from time to time - and I know insurance companies want to get claims off their books as quickly as possible. At 30 June every year they must make some sort of accrual for each claim and they do not want to have claims hanging around unnecessarily. Therefore, if there is any chance of getting a claim settled, they do so.

That brings me to another point about the importance of education in the field of workers' compensation. Most workers' compensation employees read in the newspapers about the

huge payments which are made to victims of motor vehicle accidents and they believe they will be compensated for their pain and suffering, but they will not. They will receive compensation under the Workers' Compensation and Assistance Act only for their wages or salary, except in those cases where the loss of a limb has occurred. Therefore I reiterate that, in terms of the education process, it is important that the employee knows exactly what is expected of him and for him so that he does not spend a year or so believing he will receive \$30 000 or \$40 000 in a lump sum and then learn that all he has is no job, the prospect of retraining and a huge number of bills which have mounted up because he has not received any compensation at all. As well, he finds he has lost the overtime payments and other over award allowances which he has been used to receiving and around which he has based his lifestyle.

The Minister's second reading speech indicates that there has previously been a lack of incentive to all parties to minimise the duration and number of claims. I repeat that the employee wishes to get back to work and, as I pointed out in the example, incentives will not always prevent an accident from happening. So while there are incentives to get a case managed forward, I caution, because if the employer and the employee know exactly what is expected of them and for the employee it is very important that that case be managed so that the employee is rehabilitated from as early a stage as possible. However, some things cannot be done for that employee until such time as his doctor says his condition has improved to a point where he is fit enough to enable him to participate in the work force. That point can vary from one person to another and it is no good generalising by saying that in the past there has been a lack of incentive for all parties to settle their claims. The majority of people go back to work within a couple of months, but those few who do not go back so soon really need to be looked after and cared for. They must be told what will happen to them in the future. Someone must hold their hands until it is time for their rehabilitation to start. At present complaints are being received from workers' compensation employees who say, "It has taken me six months to get to this rehabilitation trial period. I do not understand the delay." They believe they could have started rehabilitation six months earlier. Often the reason they could not is that their physical condition did not permit them to do so. That is another reason the Minister should make very clear the link between the employer, the employee and the doctor in the management of these cases. The employee must know exactly how his claim is proceeding, and when he will be able to get back to work.

The amendments the Opposition will be seeking to this legislation have been adverted to by the member for Riverton. I believe rehabilitation must be the primary focus, as the Minister has clearly identified in his second reading speech; but it is not necessarily the fault of the system that that is not happening at present. It is the fact that clear management links have not been established between all those people who are very important to the employee. The member for Avon highlighted the importance of the education aspect.

Mr Troy: I mentioned the advisory services branch in the commission in the latter part of my second reading speech.

Mrs EDWARDES: Yes, I agree that the Minister did. These things must happen as soon as the person is injured. We should not wait, because often the injury is the primary focus of the worker and it becomes the primary focus of his family. They need somebody to hold their hands while they are going through this very traumatic time. We should put ourselves in their position in order to understand what they are going through.

I commend the Government for its emphasis on rehabilitation in this legislation, because it is the only way to ensure there are reduced costs to the employers and the community, and that the emphasis will be on the injured worker in future.

MR NICHOLLS (Mandurah) [4.50 pm]: I do not profess to be an expert in the area of workers' compensation. I have found the amendments in this Bill confusing, as I presume lay people would find it. I want to raise a few matters today and hopefully the Minister may help me to understand and grasp the intention behind this amendment Bill.

First, I commend the Government for looking at ways and means of reducing the workers' compensation premiums which will be faced not only by insurance companies but also by every Western Australian in the future. I believe that no Western Australian would like this State to be faced with the problems Victoria is now facing in respect of Workcare. I have been told that these amendments and the direction of this Bill are not open ended. That must

be reinforced as we go through the legislation, and any further amendments to it, to ensure Western Australia does not end up with a liability it cannot control. However, I am concerned in particular about the partial insurance area. The Minister may be able to correct me but I understand that one of the intentions of this legislation is that some companies may find they will be offered the possibility of carrying some of the costs of the premium, whether the amount be five per cent or 20 per cent, or whatever. The arrangement is that this would offset the actual amount paid into the pool. It concerns me that apparently only large corporations and large premium payers will be able to enjoy such a provision. For example, when one looks at a small business that employs two or three people, one finds it is unlikely that such a business will be offered the incentive, bearing in mind that its premiums will not be considered large enough by the insurers. Secondly it will be an incentive for larger premium payers to carry a lot of the initial costs of what is thought at the beginning to be a trivial or low cost injury without reporting that injury to the system or at least going through the motions by making sure the injury is recorded and documented. That concerns me greatly. When one looks at human nature, it is obvious that if a person can utilise holes within legislation, the system will be open to use and misuse. I believe we need to consider the area of partial insurance carefully. If we do so, in the event we find that the situation has become a nightmare and people are abusing the system, we should be able to well and truly control what goes on.

I am also concerned about the matter of transient employees, particularly in the building industry. In the building industry such employees can be employed for up to 16 weeks by, for example, a bricklayer. I believe that an option should be made available to workers in such an industry to enable them to be defined as subcontractors; they will therefore carry their own accident insurance rather than be covered by the Workers' Compensation and Assistance Act as employees, as the situation presently exists. It appears that the Government is trying to force employers within the building industry to take transient workers on as employees and cover them for compensation and the associated costs a normal employee incurs. The employers would find that after 16 weeks, for example, the work for those employees would be finished and they would be paid out and move on to another employer on another site. An incentive should be offered to allow workers to maintain their autonomy if they wish to be subcontractors. I believe that ensuring workers look after themselves would benefit Western Australia; the workers would also have an added interest in not becoming a burden to prospective employers. That might result in a more cost efficient industry, although I could not comment on that.

Another matter covered in this legislation is the area of reporting. I support the move to ensure that claims are put forward to insurers for assessment within three days and that a decision should be made within 14 days. I also believe that the sooner an injured worker is given a direction of rehabilitation, the better. However, I have some concerns in respect of the bureaucracy which might arise from some changes in the rehabilitation area, although I have been assured by many people who are more expert than I that this will not happen. I am referring to care givers and accredited people who have actually started to become part of a middle industry. I might be saying that without cause, but it is something which needs to be monitored. I have been assured that those mechanisms will be in place and that anyone who tries to milk the system will be flagged within 12 months and dealt with. That concern should be taken into consideration.

Another concern I have may not be related to the direction this legislation takes, and I may be reading into it more than I should. However, I gather there is an understanding that compensation claims will increase within Western Australia on the basis that Western Australia has more industry and more workers. I wonder about areas such as long term claims - for example, in relation to claims for repetition strain injury and ailments that could be attributed to working conditions. We need to scrutinise rehabilitation practices closely in order to make sure that every person who has a sore back is not directed to become a telephonist or a computer operator, or that someone who may have skills as a machinist is not given a clerical job because they can no longer use their hands or has a similar problem. I have started to look at the direction rehabilitation could take.

This is a matter of concern when considering the changes in technology which are likely to take place in the future. When workers have become incapacitated with some injury, they may find that the rehabilitation options open to them are not options that they would consider

to be desirable. Therefore, it may be that they do not want to be rehabilitated in that area. This is a dilemma to which I have not been able to find an answer in reading through the Bill or in speaking to people on this matter. I wish to know whether the parameters of rehabilitation are wide enough to provide suitable options. Is it the case that people will be told, "If you do not wish to take the option we offer, we will pay you out and you can sit at home and watch television for the rest of your life because we have nothing else to offer"? What are the alternatives for a person who is injured and does not like the options offered to him? Could the Minister indicate the extent and range of these options, and could he correct me if I am wrong in my understanding of the Bill so that I can participate in the Committee greater knowledge of this matter?

MR CATANIA (Balcatta) [5.01 pm]: My address will be directed to the situation with migrant workers, and more particularly to non-English speaking workers. The provisions in this Bill are significant because they aim to rehabilitate injured workers as quickly as possible; that is significant to all workers, but it is especially so to migrant workers. The Bill proposes to establish public and private rehabilitation bodies, some of which I sincerely hope will specialise in the problems faced by non-English speaking workers. The changes are significant because this Government recognises that successful reform of the scheme is vitally dependent on increasing the awareness of all parties of their rights and responsibilities under the Act. The establishment of advisory service branches through the Workers' Compensation Rehabilitation Commission will more effectively distribute information to workers and service providers. This will enable non-English speaking workers to gain access to the processes of compensation and rehabilitation. I will deal with these significant points later in my address.

I preface my remarks by offering some important facts regarding the problems that workers born overseas face in the workers' compensation system. Historically, they have provided the bulk of labour in the Australian economy - that is particularly the case with female workers. Migrants from a non-English speaking background tend to work in industries and in occupations that have a high rate of employment-related injuries. A survey conducted in 1986 indicated that non-English speaking migrants from Italian, Yugoslav and Greek backgrounds who were handicapped had become handicapped through work accidents. It also showed that many migrant workers, particularly women, do not make compensation claims because they often fear they will lose their jobs. Frequently these people continue to work, and in most cases they jeopardise their recovery. The injured workers are not informed of their right to claim. The claim forms are generally very difficult to complete, and this is made more difficult when a person has an incomplete understanding of the English language. Often non-English speaking migrant workers are frightened of the long term legal process and the costs involved with that process.

The survey also indicated that the real impediment to workers' compensation claims - workers on compo, as it is known - is that it invites expressions of cynicism and disbelief from friends and workmates. If a person has no knowledge of the language these expressions will be intensified as this perception frightens the worker into believing that his colleagues will think less of him. Threats of sexual intimidation to female workers by their bosses was a process used by employers to keep women in line and at work. Also, importantly, the popular and derogatory stereotyping of the malingering migrant worker often caused people to hide their injuries for fear of being branded a bludger, a whinger or a weakling. Often these workers have had to experience private and public abuse. I am sure that members have heard of the expressions "Mediterranean back", the "golden wrist", the "Paki back", the "wog back" and an interesting one I read about recently - the "Irish knee". Public statements such as the one made by the then Victorian Returned Services League President, Bruce Ruxton - the bigot of all bigots - as reported in the *Daily Telegraph* on 2 July 1987 do not help the situation. He stated -

You've only to look at what's going on in the tribunals in Melbourne and just ask the bosses... about workers' compensation and how it's being worked to death... People who can't even speak English know the Workers' Compensation Act backwards and forwards and I believe they know it before they come to Australia... They are able to work the Act for payments that are incredible, yet they offer nothing to Australia.

That statement is typical of people who are prejudiced and bigoted; such statements contribute to the stereotyping to which I previously referred. We have a system which

demoralises people, destroys their hope and disrupts their family life by creating premature and chronic invalids.

I turn once again to the female non-English speaking migrant worker because her plight is even more precarious and disturbing. As I mentioned previously, these women are often subjected to physical harassment and are made to suffer in silence. In most cases the employer provides the harassment. The woman often suffers in silence because of her traditional beliefs or customs about the status of women and her role in the family. This causes them not to report their injuries or to claim compensation. As members of Parliament, many members would have come across, or heard of, the plight of non-English speaking migrant workers. In most instances the women regard their job as a secondary support role to the family income. When a woman is injured at work, she is frightened that she will not be able to supply the support role to the family unit, and she keeps quiet. Also, she is frightened that she will not be able to continue in her main role, which she believes is to take care of the family and home; therefore, her reaction will be to not report the injury or to seek compensation. Should a migrant female worker take up workers' compensation she continues to perform her household duties. I found in my research that the non-English speaking female migrant worker has a problem when she wants to be part of the workers' compensation scheme and I refer to a publication about migrant women in the work force which states -

- (iii) they cannot communicate with their doctor because of language barriers.
- (iv) they are frightened of being sacked.
- (v) they do not know their rights.
- (vi) the employment market is so limited that they cannot change to another job if they suspect their pain is work-related.
- (vii) they are told that they are malingering or that they have Workers' Compensation neurosis.
- (viii) they ... do not know what help their union can offer - because migrant women often work in the dirtiest, hardest industries that are least well organised, have least union involvement, and no written material available in their own language. . .

The reaction by migrant women workers, especially non-English speaking migrant women workers, is to keep quiet.

In many cases a non-English speaking migrant woman worker who becomes part of the workers' compensation system still performs her duties of taking care of her home and her family. It has been reported many times that an enthusiastic insurance assessor will photograph women like that who are performing their household duties which they strongly believe they have to do even though they are in pain and should be resting. The activities of insurance assessors have caused great distress to these women. Horrendous stories have been told by people who have been photographed, followed and telephoned at all hours of the night when attempts have been made to trick them into doing things the injuries they claim prevent them doing.

I refer now to the male migrant worker who views his job as a measure of his ability to provide his family with the very things he migrated to Australia to achieve. A male migrant worker, if injured, may suffer in silence because he does not want to lose his job. If he reports his injury he may feel it is a sign that he is not strong enough for the job. The migrant worker, because of this physical make-up, does not always report an accident and he does not want to be regarded as being physically weak. He worries about his ability to support his family and his head of household status is threatened especially if his wife is working. He is often the victim of the same enthusiastic photographic investigator who will see him in his vegetable patch, which he considers is his duty to take care of, but the investigator considers the work should not be performed by someone who has been injured. The lack of access to information has resulted in a misunderstanding by many migrant workers and in many cases they have failed to return to work and have been unable to maintain their dignity, status and standard of living.

It is very important when considering rehabilitation, which is general to all workers not only to migrant workers, to look at all aspects of a person's life; that is, the physical, the

psychological, the social and the financial. In the case of the migrant worker we can also add to that list their background and customs. In considering the rehabilitation of migrant workers we must consider those six aspects. One very important problem with the migrant and non-English speaking migrant worker is that he is non-fluent in the English language. Unions have promoted, "English on the Job" training which is a vital and powerful ingredient to allow those workers the ability to access information, especially in the workers' compensation area. Not only will people be less likely to be prone to injury because they understand the safety instructions, but they will be more productive because they can be pointed in the right direction. The rehabilitation process is made easier if people understand instruction and can claim their rights. Ignorance caused by a lack of understanding of the language has played a vital part in migrant workers being lost to the work force and permanently damaged both physically and mentally.

I return to the three sections of the Bill which apply to the migrant and the non-English speaking migrant. The first is early rehabilitation. In most cases the migrant worker would welcome with open arms the provision for the four-day advice. The anxiety of workers to return to work is well known and documented. The public and private rehabilitation bodies to be created by the legislation will take up the challenge to provide the required services to migrant workers who have a problem with the English language. The advisory services branch will officially distribute information which will help the non-English speaking migrant workers. The main problem in the past has been the lack of understanding and multilingual information about the workplace, the hazards and how to detect and prevent them, the law and where to find help, and how to use existing support structures and facilities. It is hoped this Bill will provide information to disadvantaged workers and help them to obtain the help they deserve.

The problem with workers' compensation for migrant workers has been well documented in a number of publications around Australia. The central theme in those publications revolves around three main problems, including the lack of knowledge of the English language which has prevented them from obtaining access to information relating to the workers' compensation scheme. It is hoped that the push by responsible unions and the Government to continue the "English on the Job" training will complement the services intended in this legislation. I sincerely hope this Bill will be one of the first initiatives taken by the service providers to consider the problems which have been experienced in the past by non-English speaking migrant workers and that those problems will subside as a result of the information provided by the commission.

The changes proposed to this legislation will be welcomed by all migrant workers, especially non-English speaking migrant workers. I hope those changes will be enforced immediately. Hopefully the agencies will arrange for the information to be available in a number of languages which will help migrant workers access information on workers' compensation, especially the non-English speaking female work force. They should not have to suffer in silence and consider their jobs as secondary. Also, they should not have to suffer the embarrassment of going to doctors or solicitors they do not understand and of proving to them that they have an injury and cannot continue work. Such a woman should no longer be embarrassed about carrying out the household duties while she is injured because, after all, those duties have been instilled in her and are part of her background and upbringing. I am sure that almost all workers from a non-English speaking background will welcome these changes and will look forward to their implementation as soon as possible.

MR TROY (Swan Hills - Minister for Productivity and Labour Relations) [5.21 pm]: I thank members opposite and on my side of the House for their strong support of the main principles of this amendment Bill. It is clear there is a substantial raft of support from all parties for what we are attempting to do in respect of workers' compensation and assistance. I acknowledge the human face which the members for Kenwick, Kingsley and Balcatta presented to the debate. It is often overlooked, when considering the costs involved with workers' compensation, that the human element of this problem is immeasurable in terms of the suffering incurred by injured persons and their families.

I wish to reassure the speakers opposite about a number of issues. First, as was mentioned at the commencement of this debate, the Government has reached agreement with the Opposition about giving it the opportunity to provide some amendments. I will certainly be giving some advice about that because if we examine the timetable we have followed in

pursuing this debate we find that considerable time has elapsed and consultation taken place. This debate commenced in September 1987, when Cabinet approved a review by the Tripartite Labour Consultative Council of the workers' compensation legislation in Western Australia. I remind the House that this Bill was debated extensively in this House on a previous occasion. On 22 February 1987, Cabinet approved the drafting of a Bill to amend the Workers' Compensation and Assistance Act, and final approval for the printing of that Bill was given in June that year. That Bill was introduced in this House two days later, on 23 June, with the clear intention - contrary to the member for Riverton's suggestion earlier today - of leaving the Bill on the floor of the Chamber at the end of that parliamentary session to allow for a range of debate and consideration of the proposed Bill at that stage.

On 10 November notice was given in the Legislative Assembly of a bracket of amendments which arose from that extended period of consultation. The Bill was not proceeded with prior to Christmas, and Parliament was then prorogued, so the Bill slipped off the Notice Paper. The more recent amendments now being debated arose from an action in September 1989 when Cabinet further approved refinements to the Bill arising from the tripartite council's extended consideration of this legislation. That Bill was introduced in 1989, in the spring session of Parliament, but was not dealt with because the Bill, along with others, was not able to be proceeded with on that occasion. This year the Bill has been resubmitted.

So we are really looking at an extended period of debate from September 1987 to date, and there is no question that the amendments which have arisen have been worthwhile. The people who have been involved with workers' compensation would accept that fact. I am sure Opposition members will recognise that there must be an end to debate, and that it is impossible to get each party involved in the broad spectrum of workers' compensation to reach unanimous agreement about it.

I remind the House that the reforms which have been pushed by the Government have been supported by the tripartite process. People can say what they like about that process, but it has been an effective means of getting clear input from all parties. The tripartite council is fairly representative of employers, and includes the Confederation of Western Australian Industry, which was mentioned by the member for Avon, the Western Australian Chamber of Commerce and Industry, and the Australian Mines and Metals Association. Had we waited for all employers to unite on a particular point of view we would have been waiting for a long time. The tripartite process has addressed these reforms and, as members may recall from the second reading speech, particular attention was directed to claims and disputes procedures, and to the information processes, which will certainly assist in any enhanced workers' compensation scheme. Major attention was given to rehabilitation, which has received almost unanimous support in this Chamber, judging by the comments that were made, and to providing a more effective system of control and administration.

Mr Speaker, I now seek leave to incorporate in *Hansard* two sets of information. The first is the industrial disability statistics for moneys paid for compensation and other statutory employers' liability during the year 1988-89. This document summarises 11 categories of payments: By weekly payments; redemptions; payments for specific injuries under the second schedule; fatal accidents; doctors' expenses; hospital expenses; rehabilitation expenses; all other medical expenses; miscellaneous costs, which include transport and maintenance; common law and other Acts; and legal expenses. It is interesting to note the combination of doctors' and hospital expenses is in the order of \$28 million, or 13 per cent of the overall costs in Western Australia. Legal expenses comprise a further \$11.5 million, or 5.46 per cent. The progressive figures I have for this financial year indicate that those patterns are still clearly evident, which shows what we are trying to do to reduce the costs of insurance premiums while, at the same time, allowing a greater share of that to go to the workers who have suffered the injuries.

The second set of information is headed "The Need for Rehabilitation". That comprises a table of the percentage of total claims over the duration of claims. I mentioned in my second reading speech that in excess of 60 per cent of the cost of claims is associated with less than 6 per cent of the particular claims made, but that 6 per cent is linked to areas of extended length of claims.

[The material in appendix A was incorporated by leave of the House.]

[See p No 1802.]

[Questions without notice taken.]

Sitting suspended from 6.00 to 7.30 pm

Mr TROY: Support from the Opposition for the legislation has been substantial. The Opposition understands that this process emerged from considerable consultations between the various parties from the latter part of 1987 to the present time. While the term "tripartite" offends some people on the other side, clearly there has been a very successful cooperative relationship during the discussions which brought forward the amendments. I appreciate the support from Opposition speakers for the rehabilitation principles.

Some speakers opposite questioned a likely blow-out in the process. The member for Avon identified that as being restrained by the provision of seven per cent of the prescribed amount, being the ceiling under which the vocational rehabilitation as distinct from other forms of rehabilitation - it has been more narrowly defined under the change in definitions - can be funded. The prescribed amount is currently \$80 783 subject to indexation. That seven per cent equates to \$5 600 at present so there is simply no blank cheque allowing a blow-out to occur. Even more significant is the very early flagging of the likely high cost claimants as part of that process of moving towards rehabilitation - in fact, four weeks rather than 12 weeks under the current provisions.

As the member for Riverton identified, there is a commitment by the Government to an ongoing review in this area. We see that as part and parcel of the future considerations being given to workers' compensation. I think we can be fairly proud in this State that we have not been subject to the pitfalls that other States have fallen into with their workers' compensation schemes. That is one of the benefits we have gained from the tripartite or fully consultative process.

Again, I draw the attention of parties on the other side of the House to the significant benefits from the process which have emerged from the success of that tripartite situation.

The member for Riverton acknowledged the need for time limits on certain requirements for action to be taken in a workers' compensation process. He was concerned, however, that some of those limits may be a little tight. I suggest that he examine the graph that has been included in *Hansard*. From that he will recognise why those time frames have been scheduled in the way they have.

Mr Kierath: I only queried one of the time frames, not all of them.

Mr TROY: Right; the 14 days remaining in the event of a self insurer.

Mr Kierath: No, I am happy with that. The one where you notified the purchase went on for longer than four weeks.

Mr TROY: Okay. I will have discussions with the member on that.

Overall, those time constraints have been cautiously approached and there is clear evidence that there needs to be an impetus to make sure that some response is made to the workers' compensation steps rather than leaving it open-ended to the extent that it was. Of course, psychological problems which occur as a result of non-attention in that area have been referred to by a number of speakers on the other side.

The query was also raised about the role of the lay commissioners and what they would be involved in. They will not hinder the legal process. The lay commissioners will specifically address areas of dispute about rehabilitation generally, medical expenses, travel and other similar expenses, in which area there needs to be some threshold breakthrough. The lay commissioners would perform an effective role in that regard without intruding into the legal aspects of it.

Some members opposite raised questions about the area of partial insurance. I acknowledge the concerns that exist on the other side. However, those concerns were expressed without an understanding that the second reading speech covered this area.

Mr Kierath: Was that run through the tripartite council?

Mr TROY: To my knowledge, it certainly was. I will check that. All of these matters were run through that process.

Mr Kierath: I understood it was not.

Mr TROY: That would surprise me because it is linked closely with this aspect. Page 325 of *Hansard* indicates that the tripartite council identified the primary areas of concern in the current workers' compensation system and that there were barriers to more active participation by employees in their insurance cover and claims management. The Bill provides the opportunity for the employees to be closely involved in this. There may be points for and against that, but clearly it will involve employees more in the management of the workers' compensation system than exists at present. Furthermore, it will provide employers with greater safety incentives to be involved because they can save themselves considerable amounts of money. There is also the possibility of administrative savings in the scheme, with a consequent lowering of premium rates.

Mr Kierath: It could be done by regulation rather than by changing the Act.

Mr TROY: At the moment the Act contains no provision for partial insurance, and if it is to be offered to employers and they are to be involved in it, it will be necessary to change the Act. The regulations can still be developed in this area. Arguments against partial insurance include the possibility that employers will not report all claims to insurers, and workers may have difficulty in establishing recurrent claims. It is also possible that a shortfall will arise in the information reported by insurers to the commission, and that could adversely affect the accident database which is an important plank in this issue. Again, those elements can be effectively covered by regulation in that area.

Mr Kierath: If you had done it by regulation -

Mr TROY: I ask the member for Riverton to sit back and to listen to my comments, as I listened to his, and it may be that his concerns will be addressed in my response.

In addition, partial insurance will have a bearing on the general fund, inasmuch as the contributions will be lower, and a clear link in the reduction of overall cost in partial insurance must be married against the otherwise general fund premium that would be struck. The Government believes that the data available much more readily in this system will allow that to be managed quite effectively. Partial insurance is very much linked to an incentive to various employees to be more involved in their own insurance cover. I am sure the overall cost will be lower as a result of the scrutiny of claims management, and the effective levels of compensation and assistance available should rise with a lessening of this leakage to other areas in the workers' compensation system. That is the argument of partial insurers, and I believe it can be adequately covered by a regulatory mechanism.

Another matter about which the member for Riverton was particularly concerned was the size of the membership of the commission. Members may be aware that currently the commission comprises a chairman, the executive director as a member of the commission, and five other persons. One of those members represents employers and commerce, one represents unions, one is an insurance representative from the non-Government area, and the other is from the Government area of insurance. Currently, while the remaining member of the board is a medico, under the existing legislation that medico must be from the Government area. That provision has been widened and the medico may now come from either area. Bearing in mind that the prime focus and beneficiaries of workers' compensation are not only the employees involved, but also those people paying the premium - the employers - the current membership does not give appropriate recognition to their prime roles in the workers' compensation scheme. Therefore, it is proposed to add one further employer representative and one further union representative to the existing members of the panel. That will certainly give due recognition to those groups. I am sure that members opposite, who claimed prior to the dinner suspension that they represented small business in this area, will recognise the demands for employers to have stronger representation than the current two representatives from the insurance industry.

Mr Kierath: Is that the only reason for expanding it?

Mr TROY: I find this concern quite strange. We hear about deregulation, open markets, consumer choice and being judged on performance, yet a move is made to ensure that protective mechanisms are in place for one particular professional group. Insurers are currently strongly helped with their representation rather than a balance being struck with the user element - industry, employer and employee. I find that hard to understand. The Government is encouraging competence, efficiency, and certainly reduced cost and increased benefit in the whole system by more effective management.

I pass to the remarks made by the member for Darling Range. Of course, he has a wealth of experience in the legislative process and he will recall that a number of amendments which passed through this House over a number of years were considered rather ad hoc. It is unfortunate he is not in the Chamber at the moment, but I will still respond to his comments. The Government recognised in the large-scale review of compensation which it undertook in 1987, that the review of the total workers' compensation scheme would take a lengthy period. I am not suggesting that is finished as yet, because other avenues are currently being examined under the tripartite process and they will continue, with subsequent amendments being introduced in this House. The member for Darling Range referred to the backlog of cases, and that is part of the reason for the lay membership and commissioner process of trying to expedite the situation. With one board looking after the overall operations, the delay in reviewing cases was close to 12 months. That is totally ineffective and unacceptable in terms of workers' compensation and the resolution of dispute areas. That underlines very strongly why the initiatives for increased roles for lay members and the commission have been supported by the industry partners.

In the past financial year premiums collected for workers' compensation in this State amounted to \$323 million. That represents a significant oncost and any attention towards reducing this amount will certainly be welcomed by the major players. The member for Avon raised a number of concerns, but he gave appropriate recognition to the success achieved in recent years in holding down the premiums in this area. That is a great contribution, and the process by which the management board has been so successful in recent years is certainly worthy of commendation. Since 1983 the level of increase in premiums has been maintained at a low level. Prior to that time substantial increases took place; for example, in 1983 an increase of 26.7 per cent followed an increase of 37 per cent in 1982. Altogether, that represented an increase of more than 60 per cent from 1981 to 1983. That is a horrifying increase in oncosts; such increases have now been significantly turned around. In 1984 premium rates decreased by 5.5 per cent; in 1985 a small increase of 2.9 per cent occurred; in 1986 the rates again decreased by 5.6 per cent, followed in 1987 by a further decrease of 2.2 per cent. No change in rates was recorded in 1988, and in 1989 a further three per cent reduction occurred. It certainly is a great credit to the people managing the system who have been able to effect those changes.

The member for Avon referred to the blow-out, but he recognised that the seven per cent had put a ceiling on that blow-out. He spoke at some length about small business not being represented in the input to this process. Both the Federation of Western Australian Industry and the Western Australian Chamber of Commerce and Industry would be somewhat offended by that remark. From my experience as Minister for Small Business two or three years ago I recognise it is very difficult to obtain a unanimous opinion in that sector. That comment is not meant to be derogatory, but these people are very individualistic and do not share a great deal of commonality of views. I do not know which would be the appropriate representing body for small business in decisions such as this, but if the member draws this difficulty to my attention again, the Government would be prepared to look at a more effective way of performing this function. I shall discuss it with my colleague, the Minister for Small Business, who is apparently not known to exist by the member for Avon.

The member for Avon touched on the stark contrast between his party and the Liberal Party in that one can have specialist representatives rather than professional lawyers acting in this area of workers' compensation. He also suggested special advocates had a role in this process, and I do not think the Government would disagree with that. In fact this Bill reflects those aspects and I would welcome any comment from the member for Avon on that point.

I have indicated to the member that I shall be happy to accept the representation of the National Party on the issue of working directors. I assured him that that matter has been placed before the Tripartite Labour Consultative Council. Two or three options appear to exist as to how to work it. Working directors may be required to pay, or they may be taken completely out of the system, or perhaps, with the availability of a better database, we may be able to recognise some of the time they spend on the administrative side and on implied work. This applies particularly in the farming community where one minute people are managers and the next farmhands. That does not apply only to farming but also to a whole range of small businesses. I am open to suggestion, but one thing we would have to watch very closely is whether we can accurately identify the respective periods during which

people would be performing either of those roles. It would be a difficult aspect to consider administratively, but there may be a solution.

I will not dwell too long on the speech of the member for Kenwick, but I was very pleased to hear her refreshing comments in relation to the human aspects of workers' compensation. It puts clearly on the record the fact that this matter is not solely about costs and benefits to people; it is about human suffering and how that can be minimised. I was grateful for her comments, as I was for those of the member for Kingsley and the member for Balcatta, who also covered those aspects very effectively.

It is rather unfortunate that Senator Jenkins was reported in the newspaper recently as describing the Western Australian workers' compensation provisions as somewhat inferior to those of other States. Any person who has an involvement with workers' compensation would know that that is untrue. I am not saying that we are without fault; in fact a lady telephoned me over the weekend and we are following up the representation she made following Saturday's newspaper article. Certainly there are anomalies in the system, but Senator Jenkins would have been much better equipped if she had done a little more research on workers' compensation on a State by State basis rather than make the remarks she did.

The member for Avon and the member for Kingsley dealt with the question of education. I draw members' attention to my second reading speech, where I referred to the creation of an advisory services branch in the Workers' Compensation and Rehabilitation Commission to be charged with the responsibility of improving education in this area. This is a very important point. Pamphlets on multi language programs have been issued. The commission controls regular information seminars and special seminars to which doctors and solicitors can send their patients or clients. The workers' compensation advisory group gives information in that area. This body is growing in importance and emphasis and I am sure it will serve a very useful role in the future.

In responding to the points raised by the member for Mandurah, I have already covered the partial insurance question. We must leave some incentive for the companies to be more closely involved with workers' compensation than they have been. To date they have been able to look at this as an insurance aspect and leave it to a third party to deal with. This is the focus of attention on what we are doing here.

The second point referred to transient employees. I am not sure of the member's concerns there, but if he cares to raise them with me before we reach the Committee stage I shall address them. In the construction industry, that is the nature of the game. One may be in it for so many weeks, and then out of it for a period before going back with another employer. That aspect must be covered by a workers' compensation scheme. While a person is active, premiums must be applied to cover the risk in that working environment. If the member comes back to me on that aspect I shall be happy to address those options.

He raised the question of the parameters of rehabilitation and how the system worked if certain people accepted a group of rehabilitation agencies which would be listed in this legislation. May I suggest that this will not be restricted to one form of rehabilitation agent. All those who are carrying out a meaningful and effective rehabilitation process, whether they are physiotherapists, chiropractors, other medical people, or any of those undertaking that sort of role, or advisory services in the rehabilitation scene, have a role to play. I would not see any restriction being placed on the skills of those who may advance into the rehabilitation scheme from one sector or another. The ability to enter the process is there; whether a person remains as a registered party depends on his performance. That area will need to be watched very closely.

The commission will - and already has - a rehabilitation service with a group of advisory people using the private sector for skilled areas of service but with overall control in that rehabilitation area and a focus on looking after their clients rather than those clients being mixed with so many other situations which one can readily find in a strictly medical area or allied medical services. In addition to the commission's role in rehabilitation services - one could describe it as a shop front - strong encouragement is given to people in the private sector to move into this rehabilitation scene. It has captured a lot of interest, and I am confident that it will be successful.

The member for Balcatta's speech touched on the information system which was so important for migrant workers. I mentioned that a range of pamphlets had been made

available for migrants during the last 12 months. However, there is no doubt that a lot of work is still needed in this area and the Government will continue with that work. I am delighted to see that the Workers' Compensation and Rehabilitation Commission has changed its budgeting significantly and over the past two years has directed funding towards preventive care. In fact, two years ago the Workers' Compensation and Rehabilitation Commission was not spending one dollar on preventive care. At my request, that situation has substantially improved and few people disagree with that change in direction. To be able to make such a request is one of the powers I enjoy as the Minister. The question of education is certainly an important one and the Government will continue to pursue it.

In summary, the Government is prepared to rearrange its business to allow the Opposition time to consider amendments to the Bill. The Government is happy to consider any amendments of merit provided I have the time to consider them. I understand they will be with me by Thursday this week so that they can be exhaustively examined during the recess period, next week. This will enable the Bill to be reintroduced at the Committee stage early during the resumption of Parliament in two weeks' time. I am prepared to work within that time frame. This action again highlights the extensive consultations that have taken place about the Bill. I use that as a sort of guiding light to the Opposition. Were it of the view that it could be all things to all parties on this issue it would be disappointed. The Government has tried very hard to fulfil that role within reason and found it quite impossible. Some very narrow interest groups have made suggestions about workers' compensation. It is impossible to satisfy every one of those groups, despite coming a long way towards achieving that.

When framing its amendments, the Opposition should bear in mind that the industry partners have been involved extensively and exhaustive consultations have taken place. However, the parties have not been able to reach a unanimous decision. That is quite understandable. While we have been able to satisfy some of the objections to the Bill, whether from the legal profession, medical profession or insurers, we have not been able to satisfy all of them and their objections remain despite the extensive period of consultation. It is not in the interests of those narrow interest groups to see the broader picture. I can understand their position but at the bottom line all groups cannot be satisfied. The Opposition should examine that reality very closely. The Government will examine any amendments that it considers worthwhile, acknowledging that it has used the tripartite process. Next week's time frame will allow the Government to examine whatever amendments are forthcoming in the next couple of days.

Finally, workers' compensation is intended to provide compensation and assistance to injured workers at an affordable cost to employers. That is one of the fundamental if not the single most important feature of the amendments. From that productivity will increase and on-costs will be limited. I refer to the complication that people suggest exists with the tripartite process and will try to put it into a different light. I have been fortunate to obtain a copy of a letter provided by the Insurance Council of Australia Ltd to Opposition parties which draws attention to three areas of note: The first is about the time allowed within the Workers' Compensation and Rehabilitation Commission for discussions. Secondly, support has been given by the majority of members within the Workers' Compensation and Rehabilitation Commission where that Insurance Council has been represented. Thirdly, a significant amount of direct consultation has occurred between the parties, and the Tripartite Labour Consultative Council, through its tripartite representation, strongly supported the amendments which the Government brought to the floor of this Chamber. The Opposition parties should bear those points in mind and I look forward to resuming the debate during the Committee stage in a fortnight's time.

Question put and passed.

Bill read a second time.

ACTS AMENDMENT (RESOLUTION OF PARLIAMENTARY DISAGREEMENTS) BILL

Second Reading

Debate resumed from 3 May.

MR MENSAROS (Floreat) [8.07 pm]: Having studied this Bill, the first comment which came to mind was that both the short and long titles of the Bill do not represent the

provisions of the Bill. To say that the Bill deals with resolutions of parliamentary disagreements is more than exaggerated. It would be much more appropriate if the title were something like "Degradation of Parliament's Second Chamber", or even "The First Step to Abolish the Legislative Council". The provisions of the Bill reduce the Legislative Council to a debating society which can talk about various subjects but cannot make any decision of any value or any consequence and cannot make any decision which can be implemented. The Legislative Council's role and choice, according to this Bill, will be to either ape the Legislative Assembly's decisions or decide differently knowing that such a different decision has no value or no consequence whatsoever.

This Bill will change the characteristics and substance of the parliamentary system we have now, through stripping the Legislative Council of its powers and responsibilities. During debate on one of the amendments to the Address-in-Reply, the Premier - I am very sorry that she does not honour the House by being present during the debate on her own Bill - stated that the Legislative Assembly elects the Government and the Legislative Council does not matter at all. She said that, in any event, the Legislative Council is an undemocratic House. Quite apart from my humble interpretation that such comment defies Standing Orders, the Premier, who is highly educated, went on to say why it is an undemocratic House; because Labor has never had a majority. I see no philosophical cause and effect connection between Labor's never having had a majority and the Legislative Council being undemocratic.

Mrs Henderson: Do you not see it as undemocratic even if Labor clearly wins an election?

Mr MENSAROS: Whether it is or not does not have any bearing on the statement about the Legislative Council being undemocratic.

The SPEAKER: Order! If members want to have a discussion they can have it somewhere else.

Mr MENSAROS: To consider that statement we need to go backwards because until 1965 the Legislative Council was a property franchise house when elections were voluntary. I can remember having participated in organising some of those elections. Of course, the interesting point was that it was a Liberal member of the Legislative Council, a well known gentleman, Dr Gordon Hislop, who introduced a Bill against his own Government which created a general franchise and compulsory voting. It brought the elections of the Legislative Council in tandem with the Legislative Assembly, having half the members elected every three years.

Members from the Government side tend to forget that at that time the Labor Party was very appreciative of that move. It praised that move. It said that finally it had got rid of the system which had prevailed in the past and that it was a good thing. The praise did not last very long. As it turned out, after the 15 provinces were created, with two members each, the non-Labor parties had a larger majority than before.

With incomprehensible reasoning, the criticism was then made regarding there being no one-vote-one-value system. If we had that system, everything would be all right with one-vote-one-value. Whoever deals with electoral matters would realise that the one-vote-one-value system has nothing to do with the equitable result of elections.

I have stated many times in the past, and I will repeat it because it is appropriate, that only 10 years ago Western Australia had 10 Federal seats, all based on one-vote-one-value; out of the 10 Federal seats the Liberal Party had nine, the Labor Party had one. The Liberal Party had 90 per cent of the seats, and the best result was when we received 56 per cent of the vote. If that is equity as it relates to the one-vote-one-value system I cannot understand it.

Turning to the Federal election, it is precisely what the Minister mentioned in relation to the upper House. The Coalition parties in the House of Representatives received a popular majority both in the primary and in the preferred votes but they could not achieve a majority of members in Parliament. That represents the same injustice with the one-vote-one-value. That was the second criticism made.

Then the Labor Party in Government introduced a new system which created proportional representation; that is, it created six regions instead of 15 provinces. It was said that was the proper way to go. However, because the Labor Party did not receive the majority of votes after the newly created Legislative Council regions, the Premier says that the Legislative

Council is still undemocratic. Surely, the Premier - if she were here - would concede that if it is undemocratic the Labor Party created that situation. Did the Government not propose the Bill?

Dr Alexander: It was not a Labor Party preferred option.

Mr MENSAROS: The Government proposed something and did not believe it.

Dr Alexander: It was as close as we could get with the problems in the upper House.

Mr MENSAROS: So the Government created an undemocratic House. Either it is undemocratic and created by the Government or alternatively it is not undemocratic, in which case the Premier was wrong.

I have digressed somewhat. I am saying that the substance of Parliament has been changed through stripping the Legislative Council of its powers and responsibilities. I can describe the Bill in no other way. If we consider the provisions of the Bill briefly, members will realise that I am right. I will consider the provisions of the Bill without the extensive notes which the Premier promised in her second reading speech. That was a minor promise so we are not surprised it has not been kept - just like the major ones such as accountability of Government. This does not disturb us so much now, as we are used to promises not being kept.

Dr Gallop: Would the member like them now? I can get them now.

Mr MENSAROS: The second reading speech mentioned that members would be provided with notes. It also stated that the second and third readings of this Bill must be passed with an absolute majority.

The provisions of the Bill negate and curtail the Legislative Council powers in two ways. The first way relates to pure money Bills catering for the ordinary annual services of Government which as the Premier rightly said are the two Budgets and the Supply Bill. The second category covers all other Bills.

In the first category, it takes away all decision making powers or at least automatically cancels the validity of a possible negative decision by the Legislative Council by saying that if the Legislative Council does not agree with the Legislative Assembly its decision is void; it should be ignored; it should not have any effect. In this category, the Legislative Council becomes a debating society, after which the Assembly's will prevails via Mr Speaker's certificate - that is a provision of the Bill - and via the Governor's assent.

The interesting detail here when we consider the contents of the Bill, and the second reading speech, is that it represents contempt for the Speaker.

Mr Court: Is this the Premier's Bill?

Mr MENSAROS: Yes, but the Minister for Parliamentary and Electoral Reform is handling the Bill now. This is an interesting contradictory provision. One provision states that the Speaker shall endorse the certificate stating that the Bill is a Bill only appropriating revenue for the ordinary annual services of the Government. The Premier also made that statement in the second reading speech stating that it was necessary and that nothing should be "tacked on" to the Bill. A smart Government should not include other provisions; this is a pure money Bill and provides those ordinary annual services. Therefore it should be passed without the concurrence of the Legislative Council.

At the same time the Bill states that if the Bill becomes an Act - and it can become an Act only after the Speaker makes certification - it is sent to the Governor for assent. The Bill further states, however, that -

(5) If the Bill becomes an Act under this section, any provision in the Act dealing with a matter other than the appropriation of revenue or moneys for the ordinary annual services of the Government is of no effect.

Mr Speaker, I would take exception to that; it is a reflection on your authority. Once the Speaker has certified that the Bill is a pure money Bill, another provision should not say that in case something is left in it that is not related only to the ordinary annual services of Government then it becomes void. I do not know what is the philosophy behind this. However, the Minister might explain it when she replies to the debate.

Other Bills which are not money Bills are included in the second category. In those cases the Council's decision prevails. However, if the Council's decision is negative and if the negative decision is repeated within three months, two scenarios occur. The first is that we live in times when the Government is popular. If the Government is popular, the Legislative Council's negative decision has no validity whatsoever because the Legislative Council, together with the Legislative Assembly, is sacked and is told to go to an election and, if then there is disagreement, a joint sitting makes the decision.

If, on the other hand, the recurring of the negative decision is within three months of the negative decision being made and the Government is unpopular, the Government has to say: The decision has been made and it must cop that decision because no Government of any political persuasion would go to the people with a double dissolution if it were unpopular and if it would not win the election.

It is interesting that such provisions have been introduced simultaneously by the same Premier who tells us that a possible delay to the Supply Bill caused by the Legislative Council is politically motivated. I wonder what explanation the Premier or the Minister to whom she has delegated the handling of this Bill would give on how a decision on a double dissolution would be initiated without it being based on political considerations. To my mind - I am speaking objectively - there cannot be any other motive than a political consideration. That is the reason the word "may" has been used. If the word "shall" had been used it would be different; then there would have to be a double dissolution in both cases. The word "may" indicates that only if the Government is popular would the Legislative Council's negative decision be void.

Other machinery provisions are included in the Bill. These provisions refer to the term of the Assembly so that elections will remain in tandem after the double dissolution; the term of the Council; the rights of individual members regarding superannuation; and Presiding Officers' terms. These are all consequential amendments. The provisions of the Bill are very well thought out consequential amendments supporting the main principle, which, however, the Opposition does not support.

I think I have shown fairly conclusively that my initial statement that this Bill seeks to change the substance of Parliament is justified. However, this proof would be superfluous if we take into consideration two statements made by the Premier in her second reading speech. She said -

It is appropriate that this proposal be put before the electorate at a special centenary referendum.

At the end of her speech she said -

Parliament should . . . give this Bill bipartisan support and ask the electors for their approval at a referendum on these excellent proposals . . .

The Premier's twice referring to the fact that this Bill and all of its provisions should go to a referendum is an admission that the Bill attempts not to "clarify the system that ought to govern relationships between two Houses", and not to resolve the disagreements between the two Houses, but that the provisions of the Bill set out to destroy our bicameral parliamentary system and to change the concept as enshrined in section 2(2) of the Constitution Act which states -

The Parliament of Western Australia consists of the Queen and the Legislative Council and the Legislative Assembly.

If the Bill were passed and assented to, the Parliament of Western Australia would consist of the Queen and the Legislative Assembly and, at times when the Government is unpopular, in non pure money Bills, the Legislative Council would come into consideration.

Were I wrong, the Government would not have to admit that this Bill ought to go to a referendum. The conditions which provide for a Bill going to a referendum are set out in section 73 of the Constitution Act as amended. All changes described in that section pertain to the substance of Parliament and Her Majesty's representative, the Governor. Such provisions include the Constitution of the Parliament to which I just referred including the Queen, the Legislative Council and the Legislative Assembly; the passage of all legislation through the two Chambers and the need for Royal assent; the Governor's right to call

together or prorogue the Houses of Parliament and dissolve the Legislative Assembly; the provision for one session every year; the provision requiring the State to have a Governor; and the provisions requiring that certain Bills be passed with an absolute majority. Before any of these provisions can be changed, a referendum would have to be held. Hence, the Government admits that this Bill seeks basic, drastic changes in our one hundred year old, well-working system; otherwise it would not say that the Bill needs to go to a referendum.

The Opposition and, I am satisfied, the National Party see no need for these drastic changes. The bicameral system provides checks and balances generally. Only where the second Chamber is not directly elected by the electorate has it lesser powers. Such is the case, of course, in the House of Lords in the mother of Parliaments at Westminster. However, it is interesting to observe that, even in the House of Lords, if it dissents from a Bill which was passed by the House of Commons, ultimately if the majority of the Commons concurs, the House of Lords' decision is respected by the House of Commons. I know of only two occasions when the House of Commons definitely went against the Lords. In most cases, despite the fact that the Lords does not have the power, its view is respected.

The Premier referred to section 5A of the Constitution of New South Wales which prevents the negation of pure money Bills by the Legislative Council. First of all, the members of that Council were elected for 12 years and secondly they were not elected directly by the people. There are other examples of second Houses which are not elected by the people, but which are either elected by the lower House or, in the case of West Germany's federal upper house they are elected by the constituent State Parliaments. In these cases, there appears to be some justification for the second Chamber having fewer rights in pure money Bills.

The Government could also argue that the Bill introduced last session by the National Party in the Legislative Council for simultaneous dissolution equally changes the substance of this Parliament. However, the enormous difference is that the provisions of that Bill make the Legislative Council accountable only to the electorate if its action causes an election. That is all it does. It does not appear to be unfair and it does not change the mere concept of the system of our Parliament. That Bill did not provide that simultaneous dissolution occurred only when the Government was popular because it was always a shell and applied in cases where the Legislative Council had created a situation in which an election would be held. It stated that the Legislative Council shall be dissolved with the Legislative Assembly, irrespective of whether the Government were popular or unpopular. It also did not alter the situation with any other legislation.

I have briefly tried to explain why the Opposition vehemently opposes this Bill. If the Bill is passed by this House, I trust that the Legislative Council will be a very useful tool to the Government because, hopefully it will protect the Government from the embarrassment of going to the people and being defeated by them by throwing out this Bill in a referendum. The Opposition emphatically opposes this Bill.

MR COWAN (Merredin - Leader of the National Party) [8.32 pm]: I am very pleased to hear from the member for Floreat that the Liberal Party is strongly opposed to this legislation. The principles he espoused are the same as those accepted by the National Party as reasons for opposing this legislation. Members opposite may wonder why I did not seek to adjourn this debate; the National Party is strongly opposed to this legislation and has no intention of supporting it, and it would have been ridiculous to seek to adjourn a Bill for which it finds no favour. The member for Floreat has very clearly outlined the reasons for the Liberal Party's opposition to the legislation, and because the National Party has the same position, it will be impossible for me to avoid repetition in my remarks. I hope that the repetition is not tedious.

The SPEAKER: I cannot imagine a time when you could be tediously repetitious!

Mr COWAN: It has been stated that this is the first step by a party which has for a long time espoused either the abolition of the bicameral system of Parliament or, if not its abolition, some method of rendering the second Chamber of this bicameral system completely useless. I do not think anyone, after reading the Bill and the second reading speech, could not form the opinion that this is but the first step by the Labor Party to ensure that the Legislative Council becomes nothing more - as the member for Floreat so aptly described it - than a debating Chamber.

Mr Court: That is what they want.

Mr COWAN: Of course it is.

Mrs Henderson interjected.

Mr COWAN: And that has been abused. Can the Minister recall any time at all during the course of our history when a Prime Minister has used the parliamentary deadlock provisions in the Australian Constitution to go to the people based on those Bills which have been rejected twice by the Senate?

Mrs Henderson interjected.

Mr COWAN: The answer is no.

Dr Gallop: In 1974 there was an election -

Mr COWAN: It was not based on either of the Bills which triggered the double dissolution.

Dr Gallop: It was partly. Also, this particular legislation overcomes that problem by making it necessary for the election to be held within a certain time period of the deadlock. There is a link between the election and the deadlock. We have tried to deal with that question. That is a big difference from the situation in the Senate.

Mr COWAN: The Minister is not usually prepared to accommodate interjections when he is speaking. Perhaps it is because he adheres to the Standing Orders which state that interjections are highly disorderly! However, he tends to ignore them because he prefers to sit back and read prepared speeches rather than be answerable to other members of this place. I wonder whether he can validate what he said by quoting those Bills which were rejected by the Senate and which triggered the double dissolution in 1974.

Dr Gallop: In 1974 there were 21 Bills -

Mr COWAN: What are the names of a couple of them?

Dr Gallop: I cannot remember.

Mr COWAN: It is no wonder because the answer is very simple. Those Bills which have been cited as the reasons for the double dissolution have never been used in the course of an election campaign; in other words, the Prime Minister stacked up some unpalatable legislation to trigger the double dissolution provision. When the time was ripe - when it was most likely that the Government would win a further term in office - it used the double dissolution provisions to call another election. On only two occasions to my knowledge has a joint sitting taken place after a double dissolution.

It is not appropriate for members of the Government to say that it is modelling this provision for amending the Constitution on what occurs federally. Certainly, some gaps exist in the Federal provisions for a double dissolution. By way of interjection the Minister said that the Government had catered in this legislation for one of the major arguments of the Opposition; that is, it is very rare in the Federal Parliament for a double dissolution to occur and for those matters which have triggered the double dissolution to be the subject of an election campaign. I acknowledge that the Government has provided in this legislation that an election must be called within a prescribed time. That is a decided advantage, but one cannot get away from the basic principle that this Government is attempting to neuter the other Chamber of a bicameral system by building into the Constitution a provision which will destroy the power of that Chamber.

Mrs Henderson: That is nonsense. Are you going to say it is better to leave it so that there is no procedure to resolve differences?

Mr COWAN: I am not going to say that at all.

Mrs Henderson: That is what you are saying.

Mr COWAN: That is not what I am saying. That is how the Minister is interpreting what I am saying. I am saying that just because there may be a problem in the other place, that is no reason to totally destroy it, which is what the Government is seeking to do.

Mrs Henderson: We are not seeking to destroy it.

Mr COWAN: Has the Minister read the Bill, and is she saying that is not being done?

Mrs Henderson: It is a way of resolving disagreements.

Mr COWAN: Has the Minister read the Constitution?

Mrs Henderson: I have not read all of it.

Mr COWAN: Has the Minister read those parts of the Constitution which give power to the Legislative Council?

Mrs Henderson: To do what - to reject legislation?

Mr COWAN: Yes. The Minister cannot tell me that this legislation does not attempt to take away from the Legislative Council some of its powers. Of course it does. Can the Minister deny that this legislation is seeking to remove one of the powers which has been conferred on the Legislative Council by the Constitution?

Mrs Henderson: It provides the opportunity of resolving disputes.

Dr Gallop: I would put it in a better way. I would say it makes explicit what is implicit.

Mr COWAN: Exactly. It does even more than that because were one to ask the Minister for his interpretation of what is implicit in the Constitution, he would say that the Legislative Council has no real power, or should have no authority, to act in a manner which would allow it to deny or block the passage of a Supply Bill. However, unfortunately for the Minister, the Legislative Council does have that power under the Constitution, and there is no way that members of the National Party will support the withdrawal of that power.

Mrs Henderson: Do you think the powers of the Legislative Council should be superior to the powers of the House of Lords?

Mr COWAN: The House of Lords has nothing to do with our upper House.

Mr Court: The House of Lords is not an elected House.

Mrs Henderson: I know that. There is no reason why our upper House should have more power than the House of Lords.

Mr COWAN: I do not know why we should model the powers that are given to the other place on the powers that are given to the House of Lords. I remind the Minister of a time during a debate when she was running down the British system of Parliament and saying it should not apply to Western Australia. I remind the Minister that she is now saying, because it is convenient to her, that we should remove the power that was removed from the House of Lords some years ago.

Mrs Henderson: Should the upper House be more powerful than the lower House?

Mr COWAN: The upper House is not more powerful than the lower House.

Mrs Henderson: Of course it is, if there is no method of resolving deadlocks.

Mr COWAN: How can it be?

Mrs Henderson: Legislation has to go to both Chambers. You know that.

Mr COWAN: That does not make it more powerful.

Mrs Henderson: Of course it does. The upper House can block legislation if there is no mechanism for resolving deadlocks.

Mr COWAN: The Minister has demonstrated, through her interjections, the fundamental philosophy that will always set apart the Labor Party from the National Party. There is no assumption on the part of the National Party that the Legislative Council should be a lesser Chamber, nor that it should have fewer powers than the Legislative Assembly, other than perhaps those constraints which are already provided for in the Constitution; that is, the inability of the Legislative Council to amend money Bills. The National Party will have no part in any constitutional amendments which will, in any way, shape or form, withdraw from the Legislative Council some of the powers conferred on it by our Constitution. For that reason, we are strongly opposed to this legislation.

There is another matter which I want to raise. I cannot find it now -

Mr Gordon Hill: It can't be very important.

Mr COWAN: It was very important. In fact, the Minister's Government saw fit to include it

in some legislation to amend the Constitution. I would have said the Government saw it as being important as well.

Mr Gordon Hill: I was only joking.

Mr COWAN: I know that, but I regard any proposal to amend the Constitution as a very serious issue.

Mrs Henderson: Do you think the people who framed the Constitution had supreme wisdom?

Mr COWAN: I do not know whether they had supreme wisdom but it can be said that they showed a substantial amount of foresight. We have a system which has worked effectively for about 90 years.

Mrs Henderson: One hundred years.

Mr COWAN: The Constitution was established in 1899. I was reminded of that by the Minister some time ago.

Dr Gallop: You have changed your view on this question.

Mr COWAN: I was anticipating that somewhere along the line, someone would make some reference to the comments I made to Professor Edwards about Supply, and matters of that nature. I have changed my view.

The other matter I want to raise is that one of the points which could be argued - not from our point of view because our principles would prevent us from doing that - so that we could support this legislation is that because of the system of proportional representation, through which the upper House members are now elected, it is most unlikely that either of the major parties would ever win an absolute majority in the Legislative Council; for that reason, the parties which have the most to lose in maintaining the powers that are now conferred upon the Legislative Council through the Constitution are the major parties. I can understand the Government's wishing to reduce the powers of the Legislative Council because the Government has never enjoyed a majority in its own right in that Chamber. The other point - and this is one of the reasons that I am pleased the Liberal Party does have some principles on this issue - is that the Liberal Party could have easily taken the most politically expedient course and said that one day the wheel will turn and we might enjoy Government, and if we are in Government it may be that we will see that the powers which will be taken away from the Legislative Council will work to our advantage. I am pleased that the Liberal Party has not taken that expedient course of action and that it wants to ensure that the Legislative Council retains those powers which it already has.

Mrs Henderson: Is the National Party supporting it on that basis, because you hold the balance of power?

Mr COWAN: We did not have the balance of power from 1983 to 1986, and I can assure the Minister that while it is something we are always aware of, it does not change our principles either.

If the Government had wanted to be honest about what it was trying to do, it would have said that this legislation would be the first step towards either completely removing the Legislative Council or withdrawing all of its powers and, as the member for Floreat said, turning it into a debating Chamber. Alternatively, the Government could have introduced legislation into this place to remove the power of the Council to reject the Supply Bill. That would have been more honest, but instead of that the Government has given the Council one month to debate it and has said that if it is not passed by then the Government will just go around the Council and seek the approval of the Governor.

Mrs Henderson: That is not so unusual.

Mr COWAN: I tell the Minister that it will not happen in Western Australia.

Mrs Henderson: Why should we be so different?

Mr COWAN: This Government is going to be different; we will see to that.

Mrs Henderson: Is that because you have the balance of power?

Mr COWAN: I do not think it is.

Mrs Henderson: That is your argument.

Mr COWAN: I ask the Minister: When both the Labor Party and the Liberal Party are on the right of the President's Chair in a vote, who has the balance of power?

Mrs Henderson: That does not happen very often up there.

Mr COWAN: The Minister should answer the question.

Mrs Henderson: That does not happen very often.

Mr COWAN: The Minister cannot answer the question, or she will not.

Mrs Henderson: What is the point of using a hypothetical example?

Mr COWAN: It is not a hypothetical example, because it does happen.

Mrs Henderson: That is not really the balance of power.

Mr COWAN: Is that not the balance of power?

Mrs Henderson: How can it be, if there is such a major difference? If the two major parties are on one side and a small group is on the other, you can hardly call it the balance of power.

Mr COWAN: That is the very point I am making.

The point I make and reinforce very strongly is that the National Party does not support this legislation at all. Some time ago we introduced a Bill in the other place to deal with the question of the Legislative Council's using the power it has to reject the Supply Bill and, if it does that, to face the consequences of that action. We do not walk away from that principle, and members of this place will have noticed that we have sought to reintroduce that legislation in another place. We want to make it very clear that, while we believe the Legislative Council should retain the power in relation to Supply, it should also accept the responsibility that must be attendant on that; that is, of course, that if the passage of Supply is blocked and as a consequence the Government is prevented from governing, the people who made that decision should also face the responsibility that goes with it. That is, if an election is called by the denying of Supply to any Government, the Legislative Council which made that decision should also face the people. We have no difficulty at all with that proposition.

Mrs Henderson: Are you going to ensure that that would always occur?

Mr COWAN: If the Government supports our legislation, that is what it will get. Is the Minister going to? It is in her hands. If she wants to ensure it happens, can she give me an undertaking that her party will support it?

Mrs Henderson: And if Supply comes up before your Bill?

Mr COWAN: The Government can defer Supply or hasten our Bill; it is in the Government's hands.

Mrs Henderson: We might not be in a position to defer Supply.

Mr COWAN: No, the Government might not be.

The SPEAKER: Order! There is a bit of a problem. The interchange is quite good and it is important, but it is also important that it go on the record, and the Hansard reporter is having difficulty hearing it all.

Mr COWAN: You are right, Mr Speaker. I was saying to the Minister for Housing that we have already in another place a Bill which provides for a double dissolution should Supply be denied to any Government. We are quite prepared to support that, and if the Minister raises the question about that issue I can point out to her that it is in her Government's hands, both to see that that legislation is passed in the Legislative Council and this place and becomes enacted, and to see that that legislation is given the priority that allows it to be dealt with before the Supply question is raised. That is entirely up to the Government; it has very little to do with us. We will do as much as we can to hasten its passage through both the upper House and this place, but that is as far as we are prepared to go. We are not prepared to support some constitutional means by which the Legislative Council can have its powers reduced and be bypassed in relation to the question of Supply.

We also believe that it is most inappropriate now for this Bill to include any provisions which deal with the denial of the Government's other legislative program. I am quite sure

that everybody is aware that Governments can govern - perhaps not to their own satisfaction, but they can nevertheless govern - without any legislation being passed other than the Supply Bill. As long as they get the Supply Bill they can govern for as long as they have Supply. I do not see that it is appropriate at this time to deal with the question of resolution of those Bills which are deadlocked - I think that is the word that has been used - in this legislation, but I do agree that the time will come when the Parliament must deal with the resolution of parliamentary deadlocks.

Dr Lawrence: Why not now? What is wrong with now?

Mr COWAN: The Government has tied this legislation into provisions which reduce the powers of the Legislative Council, and there is no way we will support the loss of those powers to that other place; that is why. I do not think I can be any more explicit than that.

We acknowledge the need for the Legislative Council to retain its powers; we acknowledge that there will be some place for the resolution of parliamentary deadlocks in a manner which is better than the one which exists, because quite often that has not proved to be satisfactory. Nevertheless, under no circumstances are we prepared to support any legislation which will neuter the Legislative Council.

I did not expect this legislation to be introduced quite so quickly, but only tonight I have indicated to the Clerk that it is my intention to seek to amend this legislation to bring it back to a position where it really reflects the National Party's point of view; that, of course, is to provide for a dissolution of both Houses of Parliament where the upper House has denied the passage of Supply through that House. I have no doubt that, because the Government is very concerned about the question of Supply, it will support the amendments that I move in the knowledge that the Bill will then have a very speedy passage through the Parliament. However, unless the Government supports our amendments it has no chance of success. The legislation might pass through this place but it will languish in another place.

DR GALLOP (Victoria Park - Minister for Parliamentary and Electoral Reform) [9.00 pm]: It would appear that the National Party has strayed somewhat in recent times. Perhaps the fencing on the farm is falling into disrepair; certainly if the straying continues the identity of the National Party is about to be swamped by that of the Liberal Party. It is with some concern that I note the extent to which the Leader of the National Party has moved on this issue; the prospect or temptation of some changed circumstance would appear to have influenced him.

The legislation deals with efforts to resolve parliamentary disagreements. The origins of the legislation go back to a report presented to Government by Professor Eric Edwards, an Emeritus Professor of Law at the University of Western Australia. He looked carefully at the whole question of deadlocks between the Houses in respect of Supply Bills and ordinary non Supply legislation.

This legislation basically embodies the ideas presented by Professor Edwards in his report. Two very important issues in Government and the parliamentary system are addressed. The first is: What is the correct relationship that should exist between the upper House of Parliament and the Government in respect of the right of Government to continue in office until the next election? The second issue of course is: What ought to be the role of the upper House in respect of ordinary legislation that goes through Parliament from day to day and which is indeed the basic activity of Parliament? When we talk about Supply legislation we refer to three Bills - the two Appropriation Bills, called the Budget at the end of the year, and the Supply Bill that goes through this time every year to allow the Government to spend money until the Budget is passed.

The big issue that has been addressed in this Bill and which is being debated in the community is what is the meaning of responsible government when we have two Houses of Parliament. To whom is our Government responsible?

Mr Cowan: The people!

Dr GALLOP: To whom is it responsible directly? Is it responsible to the Legislative Assembly? Obviously, the answer is yes. I believe that all of us in this place, from whatever side and whatever party, agree that the Government is directly responsible for its continuance to the Legislative Assembly. Is it also responsible in some sense to the Legislative Council? That is the nub of the disagreement between the National Party and the Liberal Party, and the Labor Party on this occasion.

Let me start with the existing law, which law I am very disappointed to say the Leader of the National Party wanted to change in 1984 according to his evidence to the Royal Commission. The change he proposed then was in respect of section 46, the section he now believes does not need a change. The point is that this legislation makes explicit what is implicit in our Constitution. Section 46 of the Constitution Acts Amendment Act refers to a number of things about money Bills, Bills for the ordinary annual services of Government. Three points need to be made. First, section 46(1) states that Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council. Section 46(2) states -

The Legislative Council may not amend Loan Bills, or Bills imposing taxation, or Bills appropriating revenue or moneys for the ordinary annual services of the Government.

That is, it cannot amend those Bills. But subsection (4) states that it can return those Bills to the Assembly requesting by message the omission or amendment of any item or provision therein, provided that any such request does not increase any proposed charge or burden on the people. The Legislative Assembly, may if it thinks fit, make such omissions or amendments, with or without modifications. I refer also to section 46(8) which reads -

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

The question I ask Parliament - and of course this legislation was written and passed by Parliament in 1899 - is why those words were written in that way if the understanding was to be that the Legislative Council and the Legislative Assembly were to be precisely the same Chambers in respect of powers they have. It seems to me that the words "money Bill shall originate in the Assembly" and "Bills for the ordinary annual services of Government cannot be amended by the Council", and the statement that "the Legislative Assembly may if it thinks fit make such omissions or amendments" and finally that messages to the Assembly are required for money Bills, imply but do not say that the Assembly is the predominant Chamber in respect of Government if not in respect of other legislation. Subsection (5) states -

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

In saying that it is also pointing to the differences which it seems to me we are debating especially in our Constitution that the Assembly is pre-eminent in respect of Government. Of course it does not say that precisely and convention has dictated that the Council will provide Supply to a properly elected Government. Indeed, the elected Government has never had Supply rejected in the Western Australian experience. We would all agree in this Chamber, and in this Parliament, that a Government which lost a vote of confidence in this place or a Government that lost Supply in this Chamber ought automatically to go to an election.

Mr Cowan: But it does not.

Dr GALLOP: In this Chamber that would be the automatic response. There is no question that the Westminster system implies that if the Government loses the confidence of the lower House it must go to an election.

Mr Cowan: That is not constitutionally applied.

Dr GALLOP: It is a convention, and it is agreed upon I am sure by all members of Parliament. I certainly hope so.

It is interesting to note that nowhere is that written in our Constitution. It is purely a convention of our Constitution, an unwritten law which we all agree upon.

Mr Cowan: How can something that has not been tested be claimed as a convention?

Dr GALLOP: It is tested every day. The Supply Bills come before Parliament, are passed in this Chamber, they have never been rejected. I am sure the Government would go to an election if they had been; if not, there would be outrage in the community.

Mr Cowan: There is outrage in the community now.

Dr GALLOP: There is not, in fact. I will come to that point. The problem we have is that it is perfectly understood by members of this Parliament and by members of the public that the Assembly can in fact force the Government to an election by a vote of no confidence or by rejecting Supply. It has happened many times in the Westminster system.

In respect of the upper House, let me ask a question: Would a Government automatically go to an election if the Council voted no confidence in the Government? Of course it would not. If the Legislative Council rejected Supply, would the Government automatically go to an election? No, because there is no consensus on that question. There is consensus on the issue that the Assembly does have clear powers in respect of Government. That is what we understand by the theory of responsible government. When we go to the Legislative Council there is no agreement. We have one point of view, the Liberal Party has another point of view and the National Party has another point of view. There is no agreement on that question.

No convention or agreement exists on that question, so the only way to resolve it is through a battle of wills between the two Houses. In other words, our very constitutional framework becomes the subject of party political battles. As I have said before in this Parliament, this makes our Constitution the subject rather than the arbiter of disagreements and that is a very bad and unfortunate situation. A Constitution in some sense should be above party political fights. Over a number of years I have read the arguments which occurred when the great Constitutions were created in the 18th and 19th centuries. A point which was always stressed was that constitutional rule should be above a party political conflict and that a Constitution should provide a basis for agreement over the process of politics. In Western Australia we have a framework for disagreement, disunity and conflict, and the reason for that is that our rules are ambiguous. While the National Party is moving in a particular direction and the Labor Party is moving in another direction, we all would agree that the words in our Constitution are ambiguous. The rules imply the pre-eminence of the Legislative Assembly in that the Government is formed in that Chamber. Disagreements that we have between the upper House and the lower House can only be resolved in the ordinary political processes. Such a dispute cannot be resolved in some simple constitutional mechanism; it operates on the basis that one side must give in or the Governor intervenes as happened at the Federal level in 1975, and I hope that no member would advocate that situation being repeated.

The Constitution should resolve conflict in unambiguous terms and in a manner upon which all sides can agree. The Constitution should be above party politics. That is the point of having a Constitution in the same way that football and basketball must have rules, and agreement on those rules. At the moment we are debating in our community the political rules, and it is not a good situation to have a conflict on the rules of the political system. We have a choice: We must either make those rules clear -

Mr Cowan: But you are seeking to change them; you are not seeking to make them clearer.

Dr GALLOP: I am seeking to make them clear by amending section 46 as was proposed by the Leader of the National Party in 1984.

Mr Cowan: I thought you might raise that; you might as well get it over and done with now. Just remember that it was some time ago, and that I was a member of a different political party.

Dr GALLOP: The National Party is straying from its true destiny as a centre party. It will rue the day that it took this course of action. The Liberal Party supports the National Party in the same way that a rope supports a hanged man. This course of action will destroy the National Party. I quote the Leader of the National Party from the Royal Commission into Parliamentary Deadlocks when he said the following -

The situation as I see it is that the Constitution - section 46 of the Western Australian Constitution - should indeed be examined and there should be much clearer definition of supply bills and the powers of the Council to deal with those Bills which are regarded as supply bills.

The Leader of the National Party commented that there ought to be no veto over money Bills and that he believed that clarifying the provisions of the legislation is something that can be agreed upon by all interests in our political system. He stated that the only way we could go

election so they are both accountable for decisions they have taken. It seems to me it gives a little to all sides - a little to the upper House, to the Government and to the people. It seems to me that the triangular consensus which emerges makes for good legislation and that is the reason Professor Edwards advocated it. He saw it as a way to get between the different parties; to promote consensus on the basis of the arguments they have been putting forward.

In respect of the ordinary legislation the Bill takes account of all those different points of view and in so doing it provides some consensus in the argument. Firstly, the legislation deals with the ability of the Government to stay in power without requiring the support of an upper House, an understanding which exists in most Westminster systems and in the general public. Secondly, it establishes a very good mechanism for bringing about a resolution of disagreements over ordinary legislation which takes into account the powers of the upper House as part of our legislature.

Claims have been made in this debate that this is just the first part of a long-term Labor process to get rid of the upper House. The Labor Party, in the late 1970s, made a crucial decision in respect of its views on our parliamentary system. It removed from its platform the view that there should be only one House of Parliament and put into its platform the view that there should be two Houses of Parliament. It established the way in which the two Houses should relate. In other words, it states that the Government should come from and be responsible to the lower House and the upper House should still play a role in the legislative process - that is the Labor Party's policy.

Mr Graham: Does that mean the member for Riverton misled the House when he was quoting policies?

Dr GALLOP: I do not know what policies he was quoting, but it is certainly the Labor Party's policy that there be two Houses of Parliament.

Dr Alexander: He was quoting an out of date South Australian platform.

Dr GALLOP: The Labor Party is trying to provide a framework for dealing with relations between those two Houses - one which takes into account the theory of responsible government and the theory of bicameralism. The Labor Party has no intention of destroying the upper House; it has every intention of changing the relationship between the two Houses.

If members opposite look seriously at this Bill, particularly in respect of ordinary legislation, they will find that the upper House still has a significant role to play in the legislative process. As we move towards the system of more democratic elections in our community it will play that role constructively. Unfortunately we have seen over the years, with a malapportioned upper House, that it has played the role only in one direction. Over time, with the impact of proportional representation and the inevitable introduction of one-vote-one-value - there is no question this will happen - we will see a different upper House in respect of the way it treats legislation. Not only will the Labor Party's legislation be subject to question, but also the conservative Governments of the future, if there are any, will have their legislation questioned.

The Government is not trying to get rid of the powers of the upper House, but it is trying to change those powers to bring about a system with which everyone agrees. The Opposition, in its argument, does not acknowledge the legitimacy of our position. We have made concessions to the upper House and we have made concessions to the position the Opposition presents as defenders of bicameralism, but the Opposition will not make any concessions to the Government's position. It indicates the conservative parties are not willing to respond to the changes which will inevitably come to our parliamentary system. This Bill has much to commend it; it establishes that responsible government determines that the Assembly determines who is the Government and whether that Government can stay in power between elections. It also establishes a coherent and effective mechanism for dealing with the disagreements between the two Houses of Parliament in respect of ordinary legislation.

MR STRICKLAND (Scarborough) [9.27 pm]: I did not intend to take part in this debate, but I would like to thank the Minister for Parliamentary and Electoral Reform for bringing certain matters to our attention.

When the Constitution was drafted, the situation applying to the Legislative Council was entirely different from what it is today. It is my understanding that the Council of that day was elected on a voluntary basis by the property owners only. It means that not everyone

was to make clear that the upper House cannot block Supply. That is the way the National Party wanted to move in 1984.

I shall illustrate the point that the Constitution is now becoming the subject of debate in our community. It should be a set of rules upon which we all agree, yet when we examine comments made by the general public regarding Supply we find a clear majority are in favour of the situation in which the Government has the right to govern according to the terms it set at the 1989 election. The polling indicates that most people agree with that. Talking to people one finds that they are saying a number of things which clearly illustrates the poor situation with the current Constitution. People say that it is unfair to block Supply because we had an election in 1989 which determined the Government. Therefore, the Government should have the right to govern for the next four years. The election involved two Houses and the public voted the Government in the Legislative Assembly and it chose the upper House in the Legislative Council. In a sense people were given two choices: They could choose a Government and, secondly, they could choose an upper House. People made that choice by voting for the upper House and by voting for the Government, and they wanted to see that situation continue until the next election when they shall review the performance of this Government and the performance of the upper House. Also, people believe that blocking Supply is inconvenient and disruptive and, very importantly, people are saying that this is another example of politicians playing games; they believe that this is an example of one side of the political process trying to play games with our political system by forcing the Government to an early election. One thing we all know is the degree to which people do not like the games of politicians. One of the problems of our Constitution is that it gives the temptation to the upper House to cause an early election. Normally the games we play in politics are played in the House or in the party rooms, but people are not happy to be dragged into the political processes of this State before that process is due. In so doing, the Opposition is ignoring the vote that was taken in 1989.

In summary, our Constitution lacks clarity. It is implicit in the Constitution that the Assembly is the pre-eminent Chamber in that it forms the Government. The general public will support the move to take away the temptation for the upper House to play games with our political system, which is precisely what the Opposition is doing with its present course. This would be consistent with the parliamentary system we inherited from Great Britain. Regarding ordinary legislation, one could hold two extreme positions: One could say that an upper House should have equal power with the lower House so that for any legislation to be passed it must go through this Chamber and the upper House - that is the situation we have at the present time - and the second position would be to give the Legislative Council a simple delaying power in respect of ordinary legislation. This would make the upper House a House of Review that would provide a check and suggest amendments, but in the end it could not pass or enforce those amendments. In this legislation we have tried to take a position between those two extremes - on the one hand, equal power in respect of legislation and, on the other hand, delaying power only in respect of ordinary legislation - and to provide a mechanism which comes in between those two conditions. We have built from the Commonwealth legislation which allows for a double dissolution where there is a disagreement between the two Houses, and, if the double dissolution does not provide a solution, for a joint sitting.

Members agreed with me, and I point out again, that the difference between our legislation and the Commonwealth's Constitution is that we provide a link between Bills being blocked and an election by providing a time limit within which the Government has to call an election if Bills are held up in the upper House. The time limit provides a connection between the Bills held up and an election, if it is called. It overcomes some of the difficulties members opposite raised in respect of the Senate and the House of Representatives. The Government has to weigh up the situation and ask itself how important are those Bills to its legislative program. If they are very important it can go to an election by causing a double dissolution and try to resolve the matter in that election. If it does not regard those Bills as important the upper House effectively has the power to block that legislation.

I believe it is consensus legislation in that it establishes three things: First, it gives the upper House the power to take a stand on legislation; second, it allows the Government to go to an election on the issue of blocked legislation if it so chooses - to risk its existence as a Government because that legislation has been blocked; and, third, it takes both Houses to an

had a vote and in a Constitution drafted at that time it would be a very obvious thing to give the upper House certain limited powers with regard to Supply and money Bills. However, the situation has changed and everyone has a vote and voting is compulsory. The voting system which was introduced and agreed to by this Government is in place and, therefore, we have a Legislative Council which, while it has a different system of election, really does have full representation of and responsibility to the people.

It is my understanding from the Minister's argument that if we were to amend the Constitution it should be amended in such a way that the Council has some say in money Bills, rather than deleting that power. It is a very simple and logical argument: The conditions have changed since the introduction of the Constitution and they have changed in a direction which is entirely opposite to that which the Minister proposes.

MR KOBELKE (Nollamara) [9.30 pm]: This debate is a very important one for Western Australia. I find it interesting that there seems to be a contradiction in the stand taken by members opposite. We all have to deal with contradictions, and it was suggested by one member opposite that there is a contradiction between our stand on this Bill and a proposal which was put forward during the early days of the Burke Government to try to resolve deadlocks between the two Houses. That contradiction is easily resolved when it is recognised that this Government is attempting to put in place the rules which will guide the Parliament when such deadlocks occur. That has been the guiding spirit which the Government has adopted on this second occasion when it has tried to place in our rules a way of resolving deadlocks.

Members opposite are generally regarded as the conservatives, and I think that is a title which they are happy to wear. Members opposite are generally regarded as the upholders of tradition, yet they are now attempting to bring down 100 years of tradition in the Western Australian Parliament by suggesting that Supply will be blocked. Members opposite will certainly rue the day that they attempt to carry through that threat and bring to an end the proud tradition of 100 years. The Minister has already outlined that that tradition is central to our parliamentary system. The Government is formed in the Legislative Assembly and can initiate money Bills. In that sense, the Legislative Assembly is the primary house in this Parliament.

I turn now to the tradition which members opposite are so keen to uphold. When we look at the Westminster tradition of Government we find that four of the six bicameral Parliaments in Australia have rules which govern the resolution of deadlocks between the two Houses. It is only in Tasmania and Western Australia that no such mechanism exists. In the mother of Parliaments, the British Parliament, the upper House, the House of Lords, cannot veto a Bill absolutely. It can delay a money Bill for only one month, and a Bill other than a money Bill for just over a year. So I am not sure what tradition members opposite are speaking about when they talk about upholding traditions. I suggest the Opposition is talking about breaking the traditions which have served us so well.

Mr Mensaros: You are referring to upper Houses not directly elected by the people, such as the House of Lords. Do you wish us to have a hereditary Chamber or one whose members are appointed?

Mr KOBELKE: Maybe that would enable the Government to resolve deadlocks, but I do not think that would be an appropriate way to do it. It would be one way of resolving deadlocks if the Assembly had the power, but they are the member's words, and I am not taking that up as the way we should go. It seems that in so far as we see our Parliament as acting according to the Westminster traditions, we are falling a long way behind.

Mr Trenorden: We certainly are. What about Ministers who resign?

Mr KOBELKE: We can see different systems in different Parliaments, but let us take, for example, Federal Parliament. The resignations in the Federal Parliament had nothing to do with Ministers' taking responsibility. The truth of the matter is that Andrew Peacock and Malcolm Fraser resigned from the Ministry in order to advance their leadership ambitions.

Mr Trenorden: What about Young and Brown?

Mr KOBELKE: The Labor Party perhaps takes it more seriously than does the Opposition. I was talking about two contenders for leadership on the conservative side, both of whom resigned from ministerial positions in order to position themselves in a leadership struggle

against the then leader. I do not think the argument about the resignation of Ministers has much force, but the argument comes back to what I was saying a moment ago about a major tradition of our Parliament being the passage of Supply. The conservative members are now suggesting that that tradition be done away with.

Mr Trenorden: We would like to uphold the Westminster system. That is why we want to block Supply.

Mr KOBELKE: That argument is not only contradictory but also rather convoluted. Eight attempts have been made to put in place a mechanism for resolving deadlocks, and the dates are an indication of the length of time for which this has been a matter of concern to Governments in Western Australia. There were attempts to introduce such mechanisms in 1902, 1903, 1913, 1937, 1944, 1945, 1946 and 1983, all prior to the present attempt by the Government to put in place such rules.

I refer now to some of the points made by members opposite. Firstly, last week the member for Darling Range made a very apt point that, a few years ago, when the Labor Party was in Opposition - something which is perhaps rather dim in the minds of many people here, and hopefully will remain so for many years to come - we had what was a clear indication of impropriety by the then Government about particular deals, and calls were made by Opposition members for the Government to come clean and to reveal all the undertakings which had gone on. There was no suggestion then of blocking Supply. The situation now is that the Opposition claims it would like to find out the truth about certain matters. The Opposition is in exactly the same position as was the Labor Opposition then, except for the fact that it can take advantage of its numbers in the Legislative Council. The Opposition's high sounding rhetoric really amounts to the fact that if a party has the numbers in the other place, it can call the tune.

The member for Scarborough suggested that when responsible Government was first initiated in 1890, we had a property-based franchise; we did not allow women to vote; we did not have universal suffrage in the Legislative Assembly; and that because we had that sort of archaic Parliament, as it would seem today, we cannot draw any comparison between it and the rules which should be applied today. That is the type of convoluted argument which is dragged out time and time again by conservatives, whether it be in opposition to slavery, universal franchise, or to women being allowed to vote, so that they can oppose democratic reform.

The Government is trying to clarify the rules so that when there is conflict between the Houses, those rules can be applied to resolve the situation. Members opposite seem to be frightened that such a solution would involve actually turning to the people. Where a resolution cannot be found between the two Houses they would be dissolved and the people would be given the opportunity of deciding. That is not something to which members opposite take too kindly. They like the present situation where, when they think they can be one up, they can call the tune; that is, the least representative House of all the Australian Parliaments, as far as I can see in terms of gerrymander, should have the right to call the tune about what the Legislative Assembly should do. It is often suggested that the upper House is a House of Review. However, the facts do not suggest that the upper House is a House of Review. Mr Deputy Speaker, I seek leave to incorporate in *Hansard* a table which outlines the Bills which were blocked in the Western Australian Legislative Council between 1953 and 1989.

[The material in appendix B was incorporated by leave of the House.]

[See p No 1803.]

Mr KOBELKE: This clearly shows that if we work back from the present Labor Government since 1983, a term of seven years, 22 Bills have been blocked by the conservative controlled Legislative Council, whereas during the previous nine year term of the Court-O'Connor Governments, only one Bill was blocked; that, of course, was a mistake because someone was missing from the House.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr KOBELKE: In the previous three years of the Tonkin Government 19 Bills were

blocked, whereas the 12 years of the Brand Government saw only six. If we go back to the six years of the Hawke Government, 48 Bills were blocked.

Mr Clarko: Can I give you a reason?

The DEPUTY SPEAKER: Order!

Several members interjected.

The DEPUTY SPEAKER: Order! The volume of interjection from my left is excessive. I certainly cannot hear the member on his feet speaking when the volume of interjection is at that level. Clearly there is no problem with occasional interjections, if the member wishes to field them, but when three people are interjecting at the same time I cannot blame anybody for wanting to ignore them.

Mr KOBELKE: That clearly indicates that when the Opposition does not have the force of logic its members try to use the volume of their voices. The fact remains that any sort of study of those figures gives a quite clear picture as to the role played by the upper House; that is, it is not a House of Review, but is a party political House when there is a Labor Government in the Assembly and it is simply a rubber stamp when there is a conservative Government in this place. Another analysis may wish to take up the problems which have been created by the Legislative Council's trying to amend Bills for political purposes rather than trying to ensure that they improve legislation.

Mr Clarko: You have got it upside down. All of the Legislative Councillors sit in a room and make a decision before they go to the Parliament, so it is not surprising that you get a different number of things knocked back.

Several members interjected.

The DEPUTY SPEAKER: Order members! Order, the member for Marmion!

Mr KOBELKE: I say again that the volume from members opposite is to compensate for their lack of facts and argument. The point is that our upper House really is stretching the facts when it claims to be a House of Review. I think that is a great pity because I am a firm believer in the bicameral system of Parliament, where the Assembly obviously forms the Government.

Mr Kierath: That's not what the ALP in South Australia believes.

Mr KOBELKE: If the member for Riverton is not aware, he is sitting in the Legislative Assembly of the Parliament of Western Australia and perhaps he can come down to earth and try to face some of the facts. I have a very loud voice and can speak over the member if necessary, but I would prefer it if he could carry out the discussion with some sort of logic and in a way which is not dangerous to people's eardrums.

The point I want to make about the House of Review is that this Parliament would be much better served if the Legislative Council took on the role of reviewing legislation to ensure that it was well drafted and to the benefit of the people of Western Australia.

I will dwell for a short time on a matter that was covered quite well by the Minister for Parliamentary and Electoral Reform - that is, the interplay between the two Houses of Parliament, which is so important to responsible Government in this State. He quite clearly outlined a certain primacy that belongs to the Legislative Assembly as the House in which Governments are formed and in which money Bills are initiated. The current rules do not delineate as well as we might hope the relationship between this House and the other place, and what we are seeing at the moment is an attempt by the conservative Opposition to push the power of the Legislative Council to the extreme. I would suggest that if members opposite are so brazen as to try to undo 100 years of tradition by continuing to take that stand, they may find that the end result is very much contrary to that which they are seeking to achieve. The people of Western Australia have a very clear idea of what is a fair go. The Parliament, which on the whole has served us very well as a bicameral system, has established the precedent that the money Bills, and Supply, which is initiated in this House, will see its passage through the Parliament so that the ordinary services, all the various facilities and things which are provided for the people, are there for their benefit.

If, by any chance, members opposite do wish to persist in this pigheadedness - and I call it that - I think they will unleash a whole series of forces that will see not only the destruction

of the present Opposition but also a rebound in terms of how the people will judge the other place. What we might find as a result of that, and I am certainly not saying it would be a good thing, is that the powers and some of the strengths of the Legislative Council will be wiped away by the people, irate that the conservatives should be so set on destroying a parliamentary system which has endured and served us so well for 100 years.

MR DONOVAN (Morley) [9.45 pm]: I want to pick up at the point at which the member for Nollamara left off. I say at the outset that I am very greatly disturbed by the direction this debate has taken on the other side of the House this evening. What began with the Government's, and specifically the Premier's, introduction of a Bill, as the Minister for Parliamentary and Electoral Reform put it, to make specific that which is implied in the Constitution and the Constitution Act; what began as a Bill to overcome the problems that continue to exist between these two Houses, even though they may not necessarily be used frequently in the way that is being attempted at the moment; what began as an honest, clear and responsible attempt to overcome the contradiction that has been referred to, has been taken down the path by the Leader of the National Party into a forest of constitutional controversy.

I do not want - I would not dream of attempting - to give this House a lesson in constitutional history or theory; the Minister for Parliamentary and Electoral Reform has done that adequately. I do not want to and would not dream of giving this House my version of the theory of bicameralism; that has been done most admirably. What I do want to say is that members in this place and those in another place can argue all they will within the precincts of this building, and they can use the mechanisms that are available to them in this place to bring about the sorts of ends that they are determined to bring about; but I tell the House this: None of those efforts, not one, will persuade the people in Beechboro, Bassendean, Gosnells, Kenwick, or any electorate, nor the people on the farm that the Leader of the National Party purports to defend. Nothing will change the view that Western Australian electors have that when they go to an election they elect a Government for this State.

They understand that process as one which principally involves the election of members of the Legislative Assembly. The Constitution does not say that and the Constitution Acts Amendment Act does not say that. However, the people of this State have been saying it at election after election for a hundred years. The line of argument taken by the Leader of the National Party and others supporting him says, in shorthand, to the people of Beechboro and all those other places I mentioned, that when they went to the poll in 1989 their vote did not count; that it was not important. What counts is what the Opposition thinks should happen in the Legislative Council and what people understood when they went to vote is meaningless. Apart from the fact that I find that totally unacceptable, if I found some grain of acceptability in it I would not be game to go to my electors and tell them that. I doubt whether any member in this House, including the Leader of the National Party, would be game to go to his electors and say that it did not matter what they thought on election day 1989. The Opposition will change the rules and use its strength of numbers, not to say "A pox on both your houses", but to say to a million-odd voters in Western Australia "A pox on your vote". That is the implication from the argument that has been presented in this House this afternoon.

In case some members are out of touch with their electors, the reality of parliamentary elections in this State is about Government as the people in voterland see it. I do not need to remind members that at the last three general elections they returned a Labor Government and in every by-election since 1983 they have returned Labor members.

Mr Kierath: The members for Roleystone and Dale were elected at a by-election.

Mr DONOVAN: My apologies to the member for Roleystone and the member for Dale.

Mr Pearce: The member for Dale was unopposed.

Mr DONOVAN: The understanding of the political process held by the people who keep these Houses going is important. The view shared by people who pay the salaries of the men and women who sit in this place and the other place is important. The view of men and women for whom they are voting and on what issues they are voting when they go to the polls is important. As recently as Saturday, 26 May, two electorates went to the poll in this

State. The new members, sitting just behind me, are Labor members. Not one single man or woman who cast a vote on Saturday, 26 May could have believed that the Legislative Council should play the role that the Opposition parties want it to play. We can be sure that they wanted to elect a member of the Legislative Assembly and that is what they did. We cannot escape from that simple fact. Members can have their own views up here, but to distort the view of politics in the electorate is to say to the people of this State, "A pox on your votes; we will do what we want."

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

ACTS AMENDMENT (PERTH MARKET AUTHORITY) BILL

Second Reading

Debate resumed from 21 September 1989.

MR HOUSE (Stirling) [9.57 pm]: I move -

That the debate be adjourned.

Question put and a division taken with the following result -

Ayes (21)

Mr Ainsworth	Mr House	Mr Omodei	Mr Watt
Mr Bradshaw	Mr Kierath	Mr Shave	Mr Wiese
Mr Clarko	Mr MacKinnon	Mr Strickland	Mr Blaikie (<i>Teller</i>)
Mr Court	Mr McNee	Mr Trenorden	
Mr Cowan	Mr Mensaros	Mr Fred Tubby	
Mr Grayden	Mr Minson	Dr Turnbull	

Noes (26)

Dr Alexander	Dr Edwards	Dr Lawrence	Mr P.J. Smith
Mrs Beggs	Dr Gallop	Mr Leahy	Mr Thomas
Mr Bridge	Mr Graham	Mr McGinty	Mr Troy
Mrs Buchanan	Mr Grill	Mr Pearce	Dr Watson
Mr Catania	Mrs Henderson	Mr Read	Mrs Watkins (<i>Teller</i>)
Mr Cunningham	Mr Gordon Hill	Mr Ripper	
Mr Donovan	Mr Kobelke	Mr D.L. Smith	

Pairs

Mr Nicholls	Mr Carr
Mrs Edwardes	Mr Taylor
Mr Lewis	Mr Wilson
Mr Hassell	Mr Marlborough

Question thus negatived.

Debate Resumed

MR OMODEI (Warren) [10.00 pm]: I enter this debate to indicate the importance of the Metropolitan Markets and this Bill. The relocation of the Metropolitan Markets from West Perth to Canning Vale has made this a very important time in the life of people marketing fruit and vegetables in this State. There is no doubt that fruit and vegetable traders will enjoy the magnificently improved facilities at Canning Vale with the extra room and improvements in technology; this will all be a great boost to the industry and will assist it in the marketing of its produce.

It concerns me however that the Bill suggests that changes should be made to the Metropolitan Market Trust and that it should become the Perth Market Authority. It is worth bearing in mind that the city of Perth is spreading at a fairly fast rate and there could be problems in identifying the market as the Perth Metropolitan Markets; I would prefer that they be called the Perth-Canning Vale markets because the markets are located in the Canning Vale area and as the city grows much larger the market may lose its identity in the spreading metropolis.

The first provision of the Bill will provide that local government and other rates shall be paid by the Perth Market Authority on portions of the site that are declared by the Government to be not exempt. It is appropriate that the market itself controls the modules, but at the same time, the Act is correct in determining that those people outside the selling area - the commercial properties such as the rental accommodation, the laboratories, the tavern, the cafe and the service station - should be subject to local government rates.

The second amendment to the principal Act is the clause which concerns me: Section 13(4d), (4e) and (4f) provide for the registration of forklifts used within the markets and the licensing of drivers for such forklift operation. This is a provision I intend to amend in the Committee stage because the suggestion within 13(4d) is unnecessary as it imposes a regulation on the traders and agents at Canning Vale - it is opposed by the Chamber of Fruit and Vegetable Industries Western Australia Inc, and those people who use the markets. It is probably the same as asking the people who use the parliamentary precinct to park their cars to have a separate registration for their cars when they are on the parliamentary precinct. I believe it is double dipping by the Perth Market Authority. It is unacceptable because those forklifts and their drivers are licensed under the Road Traffic Act and it is not necessary to have a separate licence under the Perth Market Authority. This provision means that if one licensed all the forklifts, why not have a separate licence for all the cars using the market area and those using the parking facilities in the area? They are not asked to be licensed separately because it would be unworkable.

At the moment there are 23 traders at the new markets and all the new modules have been bought at an exorbitant price. Many of the traders have a number of these modules which cover approximately 140 square metres each. Therefore, the occupier faces huge outlays. I know for a fact that many of them are facing financial problems; I give an example of one trader who made a profit in 1989 of \$74 000; however, in 1990, over the same period, the trader made a loss of \$155 000. This is a matter of grave concern and one which the Minister should be addressing in consultation with the Fruit and Vegetable Growers Association.

On a number of occasions producers from the country come to the markets to use the very good facilities. I reiterate that those people are used to the situation which prevailed at the old market regarding the use of forklifts. Under the new conditions of licensing of forklifts, these people will be precluded from doing the things they have done for many years. Also, they will be faced with extra fees. I will take some time to ensure that those fees are placed on the record. The amendment to section 13B appears to be a rationalisation of the sections dealing with infringement notices and modifies the penalties for infringements - this section does not concern me because those people who are illegally using the premises will have to face the new penalties.

The other main provision of the Bill regards the change of name from the Metropolitan Market Trust to the Perth Market Authority, and this reference to a name change applies to the Metropolitan Market Act and five other Acts. We must realise how important the Perth Markets complex is to trading in Western Australia. The people using this area are facing large increases in costs, particularly in rents and power charges. Also, wages have increased dramatically because the markets now operate 24 hours a day. Parking fees have increased dramatically, and, although adequate parking exists in the complex, the fees are creating a burden that is making the operation of these traders unviable. Rubbish collection charges have increased, as have the interest charges on the capital outlay.

I give some examples of the increases in rent: The modules at the Perth Markets for traders in fruit and vegetables are 140 square metres in size and the rental for one module is \$11 900. A number of these traders own several modules and some of them pay in excess of \$100 000 in rentals. An example is in the central trading area for fruit and vegetables in which the modules cost \$9 830 per module per annum; that is, \$67 per square metre. Three of the modules cost \$8 680 per module per annum, at a cost of \$62 per metre. Four of the modules are slightly less at \$8 120 per module per annum. It can be seen from the examples given that these traders are facing exorbitant rents which are causing them great concern. In the flower market alone the cost of one module is \$13 400; this is an area of 140 square metres, being 10 metres by 14 metres, which is not a big area by any means. The warehouses in the complex charge a minimum cost of \$6 000 per module and this increases to up to \$11 000 per module for the largest module. Of course, those prices are reduced to \$5 500 for a 200 square metre module, \$5 000 for a 300 square metre module, and \$4 900 for a 400 square metre module.

As I mentioned earlier, parking is creating an impost on workers at the markets. Under cover parking costs \$65 a month and parking in the open costs \$25 a month. The proposal to register forklifts will mean that every person who owns a forklift will pay \$110 comprising \$100 registration fee and \$10 for the driver's permit. Members should remember that many traders own several forklifts. They also pay a service area fee of \$10 which takes the total cost to \$120 per forklift. It is interesting to note that the rubbish fees at the Perth market are much higher than those for the Canning City Council. The Canning City Council charges approximately \$1.40 per 240 litre bin and the price at the market is \$2.25 with an added cost of \$7.15 for bulk rubbish. Added to these costs are the electricity charges and other charges payable by tenants for water, local authority rates paid by the people outside the trading area, land taxes and air-conditioning and maintenance fees.

Serious concerns have been expressed about the Perth Marketing Authority Trust. I believe also there are problems in representation. The Chamber of Fruit and Vegetable Industries of Western Australia Inc has approached me. On a number of occasions that I have been to the markets I have been informed that the chamber is very concerned that the Perth Market Trust is not representing its aims and ambitions and is seeking to have the Minister change the membership of the trust. I know that matter is not covered by the Bill. However, I believe the rest of the Bill is supported by the Opposition, apart from that clause relating to forklifts that I wish to amend.

MR HOUSE (Stirling) [10.12 pm]: This Bill was first introduced by the Minister for Agriculture on 21 September last year. That seems an extraordinarily long time ago.

Mr Pearce: Is that why you sought to adjourn it for a further period?

Mr HOUSE: I think it indicates the little emphasis that this Government places on important legislation. The Government thought it was important enough to introduce it on 21 September. I think it is important enough to have been dealt with last year or brought back to the Parliament earlier this year.

Mr Pearce: It is a bit difficult with the Opposition seeking to suspend Standing Orders to deal with all sorts of things and not deal with this sort of legislation.

Mr HOUSE: It is a bit difficult to suspend Standing Orders when the Parliament is not sitting. The Leader of the House had the opportunity to bring the Parliament back at the normal time and he chose not to.

Mr Pearce: You had plenty of opportunity to pass these Bills last year if you put your minds to it.

Mr HOUSE: That is the opinion of the Leader of the House.

Although the Bill was introduced on 21 September, the market complex has been operating for some time. Obviously, in the time it has been operating, a few minor problems have been brought to light. However, in my view and in the view of the National Party, it is a step in the right direction.

The first marketplace in this city was established officially in 1872 near the Town Hall. The markets of this city have occupied a number of sites since that time. Most latterly, and the one remembered best by most of us, was the one in Wellington Street which was established in 1929, 100 years after the first settlement of Western Australia. The markets remained there until they were shifted to the new complex in the middle of last year. The old market site in West Perth was a way of life for many people. It must hold a tremendous number of memories for many migrant families that migrated to this State just after the second World War. I remember that many of those people ran market gardens along Wanneroo Road in the area that is now completely urbanised. The area on the other side of the Charles Hotel or Dog Swamp as it is still known was almost entirely made up of market gardens in those days.

We have no objections to the new complex except to say that, while I do not want to repeat what the member for Warren said, I draw to the Minister's attention the points made by him not only about the high rents being paid by the people who have moved into that complex, but also about the power costs and other overheads that they must bear to use that facility. The last thing we need is those people going to the wall. I hope that, when the Minister replies to this debate, he will acknowledge the points raised and indicate where the Government will help to alleviate some of the problems faced by those people. Many of the rates are exorbitant and there is a real need to address that problem before it gets out of hand.

The new complex is an easy place to use. It is certainly a delight compared with the old facilities available in West Perth. The only problem is the costs associated with the facility. As one who goes past them twice a week, the road access on the southern and eastern sides needs to be looked at. Often there is a bottleneck when large trucks are seeking access to the complex.

Mr Kierath interjected.

Mr HOUSE: I acknowledge that. I guess even further down where the road actually joins the street that hooks into the main Armadale access -

Mr Kierath: Ranford Road.

The DEPUTY SPEAKER: Order! I suggest that the member return to the legislation rather than discuss road policy.

Mr HOUSE: Thank you for your advice, Mr Deputy Speaker. I am always one to take good advice and in this case I will do that. I was explaining that the access needs to be upgraded. I am sure when that bit of road is upgraded, the bit further down will also be upgraded because it will look even worse than it does now if it is not. I know the Government is aware of that because the Leader of the House travels that road every day; I have passed him. I am sure that he will acknowledge that there is a problem. However, thank you, Mr Deputy Speaker for your advice.

A point about which I am concerned is the urbanisation of horticultural land around the city that affects the use of the Perth markets. That will have to be addressed by future Governments. If it is not addressed by this Government, it will certainly have to be addressed by politicians in the future, perhaps on a bipartisan basis, because it is becoming a real problem. Prime horticultural land situated close to the city is being built on and producing horticultural produce a long way from the city and transporting it to the markets adds to the cost that consumers must pay. I am sure that the Minister will be aware of the problem and I hope he is putting in place some plans to alleviate it.

The National Party supports this Bill. I hope the Minister will address the points raised about the exorbitant rents.

MR BRIDGE (Kimberley - Minister for Agriculture) [10.20 pm]: I thank both the Liberal Party and the National Party for their support of this Bill. The member for Warren has listed an amendment on the Notice Paper, to which I will refer in a moment. As the Deputy Leader of the National Party stated, it is some time since this Bill was first introduced to the Parliament, just prior to the commencement of the operation of Market City. The Bill contains a set of administrative arrangements which were necessary to enable the changeover to take place and to set up procedural arrangements to deal with the accountability associated with the new premises. It was necessary to introduce the Bill for that reason for the consideration of Parliament.

There is no doubt that the old Metropolitan Markets occupy a very significant part in the history of Perth and Western Australia, and much has been said to support that view. I attended the official closing down function at the old Metropolitan Markets, and the large number of people who attended that event is testimony to the importance attached to the period during which they operated and the important role they played for a great number of people who benefited from them, such as growers, agents and consumers. It was a very significant institution. Like many other services to the public, when the facility was established it provided a very worthy service over a lengthy period, but the time came for change. A year or so ago it was decided that it was the appropriate time to make that change, and the markets were relocated at Canning Vale to be known as Market City.

Market City offers an outstanding facility to the industry and there is no doubt it will serve it well in the years to come. The design and construction features will provide a proper service to the people using that facility, such as growers, agents, consumers and the like. The change was inevitable but, the point having been reached at which it was necessary for the Government to make those changes, an Act of Parliament was necessary to accommodate the procedural requirements of Market City as it exists today. That is basically why the Bill is before the House. It is neither a complex nor a large Bill. It canvasses only those areas necessary.

In response to some of the points canvassed by the member for Warren and the Deputy Leader of the National Party, it is true that despite the provisions made by the Government at the time of the changeover, some agents are presently experiencing some difficulties. They have sought from me on several occasions an opportunity to discuss their concerns and to ascertain whether the Government could provide any further assistance to them. I have invited their representatives to present a proposal which I may take to Cabinet for further consideration of their situation. I cannot tell the Parliament today that I have received a proposal from this group, nor am I in a position to talk to Cabinet about addressing the difficulties being experienced. However, I have invited the representatives of the agents to make a submission, and they have acknowledged that. So far as I am concerned the discussions to date have been very positive, and if it can be demonstrated that major deficiencies exist in the current arrangements, I would like to know of them. The arrangements made were genuinely designed for efficiency and to accommodate the transfer cost and other matters associated with the change. If it is found that that has not been provided by the package put in place by the Government, I am sure the Government will be prepared to examine the situation in the context of the support offered to the establishment of the new facilities at Canning Vale. At this stage, no submission has been made to me. I am asking for details to enable me to facilitate that approach to Cabinet, and it is difficult for me to take any action until I receive that information. It is all very well for people to say they are facing hardship, but that hardship must be identified in such a way that I can respond and present a case to Cabinet. I have given an undertaking that if the representatives of the agents submit a proposal I will seriously examine the situation.

With regard to other concerns canvassed today, such as membership of the trust, it is not necessary to deal with these matters as the Bill passes through the Parliament. I need to know if concerns exist about the present membership because that issue can be dealt with by the Government. These types of concerns are administrative matters which the industry and the Government have the capacity to resolve. They can be appropriately dealt with by way of representations to me, and I will ensure that the question of membership is considered at the proper time. I am happy to give that undertaking.

In summary, this is a magnificent facility. It can be said that it has not been established without pain to some people. However, the transition from the old Metropolitan Markets to the new Market City has taken place, and it must be understood that all these factors were taken into account during the planning stage. That is what we intend to see happen. We may need to address small or large administrative difficulties, but ultimately, with the refining of those outstanding issues, I am sure we can be proud of what is now in place. In years to come it will form the basis of the image which surrounded the old Metropolitan Markets and provide a significant part of the services which this industry offers consumers in the Perth metropolitan and country areas.

Mr Omodei: It could become a white elephant if the losses continue in the way that they have.

Mr BRIDGE: Of course, but if people are going broke, it does not matter how spectacular the operation is; if it cannot be sustained, it will go down the gurgler. We would not like to see that happen. It is the last thing we want to see happen, because this facility is quite magnificent and it is intended to provide a service and be attractive for those working there.

I shall not accept tonight the amendment foreshadowed by the member for Warren, largely on the basis that I would like to have some advice on it. It may be that after I have received advice I shall be able to agree to the amendment, but as of now I am not in a position to accept it. I can assure the member for Warren that I shall be happy to examine his proposal during the next few days, take advice on the amendment, and if it has merit I shall be happy to have that change incorporated into the Bill in the other place.

Mr Blaikie: You would still expect the member to move the amendment during the Committee stage as normal?

Mr BRIDGE: That would be the normal procedure. If the member understands that and will accept my assurance, I undertake to have the matter examined further. Subject to there being a valid argument in support of that proposal, I shall be happy to signal that agreement in the other place. I thank the Opposition for its support of the Bill, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mr Bridge (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8: Section 13 amended -

Mr OMODEI: I move -

Page 4, lines 17 to 21 - To delete the following -

and substituting the following paragraph -

"(4d) Providing for the registration of forklifts used within the public market and the licensing of drivers of such forklifts;"

I wish to delete that section for a special reason; that is, I believe the new trust is double dipping. I have already spoken to this matter but I reiterate my concern that the forklifts will already be licensed under the Road Traffic Act and the drivers will also be licensed. I am concerned that the trust proposes to use internal licensing as a revenue raising method. I know that in several markets across Australia, particularly in Melbourne, there is no provision for the licensing of forklifts. The change has only recently been introduced into the Sydney markets, which have proceeded without licences for a number of years. In Brisbane there are licences for specific reasons to cover damage to market premises. However in this case I believe the insurance facilities at the market complex would cover this problem; it is an unnecessary impost on the traders. Many vehicles use that area without needing an extra licence, so if a forklift is to be licensed under a separate licence, surely all other vehicles should also be licensed. The trust will find many reasons for imposing this extra charge, and I am sure some of those will be damage to facilities. However, that damage can be covered by insurance.

As far as the identification proposal is concerned, surely there are sufficient people in the market in the form of traders and traffic inspectors to ensure that people use forklifts responsibly. The gazetted roads in the complex will still be under the control of the police and should be policed from time to time to ensure that they are being used properly. If forklifts are used irresponsibly, those who supply the markets will make sure that the responsible authorities know about it. There are not sufficient precedents to justify the licensing of forklifts at the Perth markets. The site is different in many ways from the original Metropolitan Markets where the area was very confined, the markets took place within restricted hours and there was great traffic congestion in that confined area. The new Canning Vale markets are a great contrast to that; there are large areas of open space where forklifts can move at a reasonable speed without the danger of accidents. I am not saying there will be no accidents; of course there will be. People are only human. However, I see no justification for an extra licence; I do not believe the extra licence will stop people from having accidents. I ask the Chamber to support the amendment to delete that section covering licensing of forklifts in the Canning Vale markets.

Mr BRIDGE: I have indicated previously to the House that I am quite prepared to consider this amendment and take advice on it. As the member for Warren was speaking, I was looking at the notes available with respect to this clause of the Bill, and it seems that it is intended to bring a safety factor into the control and activities of forklifts and the operators of such machines. Although it is clearly stated here that ordinarily such licences are obtainable through the other available means - that is, through the police system, the registration system, the Road Traffic Act provisions - it is the view of the authority nonetheless that this is a safety requirement that is considered appropriate in order to take account of the nature of operations within the market itself.

Mr Omodei: It is a revenue raising measure.

Mr BRIDGE: It could well be, but that is the member's view and one which is not supported by the interpretation that has been placed before me in the summary given by the people who have prepared the Bill.

What I will do is undertake an examination of the requirements of this clause of the Bill, and if the proposal put forward by the member for Warren is seen to be appropriate, I would be happy to consider seriously that this amendment be included in the Bill when it goes to another place. If the member for Warren is happy with that I will proceed down that path.

Mr Omodei: I appreciate that.

Mr BRADSHAW: I support the member for Warren's amendment. What the Minister has said is not good enough. The clause should be amended here and now so that it is not forgotten when the Bill goes to another place. I know the Minister has given a commitment that he will consider it in the meantime, but in the circumstances he should withdraw that part of the Bill now for closer examination, and if he wants to reintroduce it he should do so by way of another amendment at some time in the future. It is atrocious that people at the new markets, which is a fantastic set-up, have been hit hard by setting-up costs and very high rents, which have risen dramatically since they moved from the old market premises. It seems that these days people in authority take the attitude, "If it moves, tax it." This is another example. Those poor people at the markets are being hit again. Admittedly it is only \$100 a year, but once we set a precedent it will rise to \$115 next year, and so on. Where will it stop? The next thing will be a licence for the drivers who drive the forklifts.

Mr Pearce: Are you asking us to consider that?

Mr BRADSHAW: No, but I am sure someone will think of that soon. I ask the Minister to withdraw this clause now or back our amendment. If he wants to consider it at a future date that is all very well, but it is not good enough to leave it in now.

Mr BRIDGE: The member for Wellington's electorate is somewhere near a place called Harvey. They have a good trotting track there, I will admit that, but he does not know anything about the markets.

Mr Bradshaw: I sure do, I have been out there.

Mr BRIDGE: I thought I was being quite generous in offering that approach to this matter.

Mr Bradshaw: I do not think it is good enough.

Mr BRIDGE: I could have been ungenerous; I could have knocked it on the head. That is one option. I could say now that I oppose it outright.

Mr Shave: That is not constructive.

Mr BRIDGE: Let me explain to the Chamber the generosity of my approach. I have not been able to make a true judgment in respect of what the amendment seeks to do; therefore my immediate reaction would be to say that we will oppose it. However, rather than say that, I have said to the member for Warren that I will not accept the amendment tonight but I will give him an undertaking that if what he has said to me stands up I will direct that amendment be inserted in the Bill in another place. What could be more generous than that?

Mr Shave: The member is concerned that you will let it go to the other place and, given your busy schedule, you might overlook it.

Mr BRIDGE: No, those things do not happen. The member for Floreat will tell the member for Melville that we struck an agreement on another Bill, and that is precisely what happened. If I give that undertaking here tonight, I am bound by it. It is not dependent upon my being too busy or otherwise; it is a firm position we are agreed upon.

Mr Shave: So, either way, before it goes to another place you will consider it?

Mr BRIDGE: Yes, that is the position.

Mr Fred Tubby: Why don't you just adjourn the debate until you get the facts straight?

Mr BRIDGE: I understood we wanted to dispense with the Bill.

Several members interjected.

The CHAIRMAN: Order! One at a time, please.

Mr BRIDGE: Let us go down the path that the member for Warren and I have mutually agreed on. I cannot tell members opposite what to do, but I gave an undertaking to the member for Warren that, if his view about the amendment is appropriate, the amendment will

be included in the Bill in another place. Members opposite cannot expect any better than that.

Mr OMODEI: I appreciate the Minister's willingness to cooperate in regard to the amendment and I do not want to denigrate him in any way. However, the Bill has been on the Table for quite some time. I would like a commitment from the Minister that he will talk to the right people when he takes his advice. I know that the Chamber of Fruit and Vegetable Industries of Western Australia Inc is not happy with the new Perth Market Trust or the old Metropolitan Market Trust, now to be called the Perth Market Authority Trust, and I know a huge gulf exists between the trust and the people who use Market City, to such an extent that Market City is going broke and there seems to be no communication at all between the trust, the traders and the users of the complex.

I want the Minister to make sure that he talks to the Chamber of Fruit and Vegetable Industries, the people who use Market City, and the trading section of Market City, and to see that that advice is adhered to. I also want him to ensure that when the membership of that trust is renewed in August he takes on board the concerns of the people who use the authority and makes some hard decisions about the membership of the trust. I believe most of the problems that exist at Market City at the moment are problems of communication and facilitation by the trust. If we have the right members on the trust I can see many of the problems facing the Minister for Agriculture dissolving before his very eyes. I know that will mean some hard decision-making and it will be a test of the Minister's skills in making those decisions. I know it is good for a member of Parliament to please as many people as he can, but from time to time a Minister cannot please all of the people all of the time. This will be one of those occasions.

Mr BRADSHAW: I do not think what the Minister has offered us tonight is good enough. He should either adjourn the Bill or withdraw this part from it.

Mr Bridge: Throw it out?

Mr BRADSHAW: No, but take this clause out.

Mr Bridge: I have told you I will not do it, so why labour the point?

Mr BRADSHAW: The Minister should think about those people trying to run their businesses and having more and more impositions and costs placed on them. Some of them are on the brink of going under.

Mr Bridge: I must say that I have pleaded with the agents before to come forward with a proposal. I have said, "I will go to Cabinet tomorrow with a plea for financial assistance to help you people if you give me the paperwork and show me the problem." I have not been given that information, so the member should get his facts right. It is not good enough to say that the traders are going broke; they need to come forward to help me to go to Cabinet with information, and they have not done that.

Mr BRADSHAW: This is another cheque the traders must write each year in relation to ground rent. I do not see why the trust needs to write another rule and regulation.

Mr Omodei: It creates another set of Indians.

Mr BRADSHAW: Yes, it creates more work for the Indians and more bureaucracy. They will also want to license drivers, so I support the amendment and we should stick with it.

Mr BRIDGE: I can add nothing further. I have given an undertaking to the member for Warren and the member for Wellington, that I will look at the amendment in the context of the matters that they have brought to Parliament. If I am comfortable with the amendment put forward by the member for Warren in relation to those matters, I shall signal that to the other place.

Mr Bradshaw: The Bill will come back here anyway.

Mr BRIDGE: On the face of information available to me before the Bill goes to the other place I do not want to go along with the amendment tonight. However, I give the Chamber an undertaking that if the amendment is seen to be appropriate, I shall move that it be agreed to in the other place.

Amendment put and negatived.

[Tuesday, 5 June 1990]

1801

Clause put and passed.

Clauses 9 to 16 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

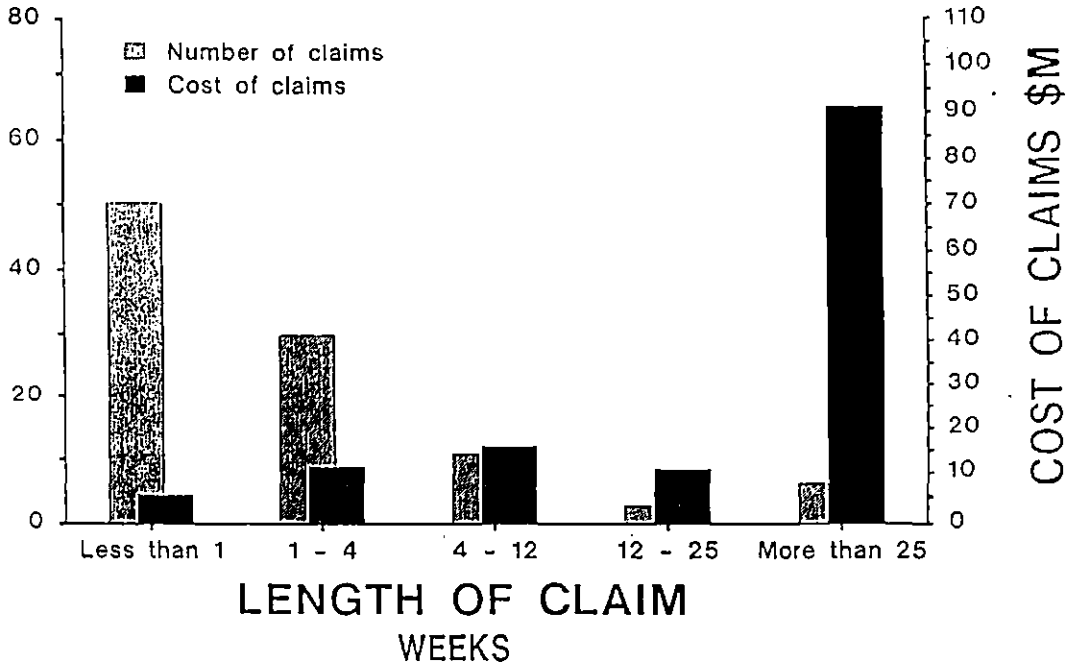
House adjourned at 10.55 pm

INDUSTRIAL DISABILITY STATISTICS

MONEYS PAID FOR COMPENSATION AND OTHER STATUTORY
EMPLOYERS' LIABILITY DURING THE YEAR 1988/89SUMMARY OF PAYMENTS

	\$	<u>PERCENTAGE OF TOTAL</u>
1. BY WEEKLY PAYMENTS	81.675	38.47
2. REDEMPTIONS	23.070	10.86
3. FOR SPECIFIC INJURIES (2ND SCHEDULE)	8.629	4.06
4. FATAL	1.018	0.48
5. DOCTOR	17.007	8.01
6. HOSPITAL EXPENSES	10.936	5.15
7. REHABILITATION EXPENSES	1.776	0.84
8. ALL OTHER MEDICAL	10.307	4.85
9. MISCELLANEOUS (E.G. TRANSPORT, MAINTENANCE)	7.652	3.6
10. COMMON LAW AND OTHER ACTS	38.677	18.22
11. LEGAL EXPENSES	11.599	5.46
	<hr/>	<hr/>
TOTAL PAYMENTS	212.345	100.0
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THE NEED FOR REHABILITATION



NUMBER OF BILLS BLOCKED BY THE
W.A. LEGISLATIVE COUNCIL 1953 - 1989
Data for period to December 1989

GOVERNMENT	TERM OF OFFICE (YEARS)	NUMBER OF BLOCKED BILLS
HAWKE	6	48
BRAND	12	6
TONKIN	3	19
COURT/O'CONNOR	9	1@
BURKE/DOWDING/LAWRENCE	7	22#

Includes 4 Private Members Bills.

@ An MLC missed a vote in 1977 but the same Bill was passed in 1978.

QUESTIONS ON NOTICE

TURNBULL, MR MALCOLM - GOVERNMENT EMPLOYMENT

206. Mr HASSELL to the Premier:

- (1) Does the Government or any of its agents employ Mr Malcolm Turnbull as a consultant?
- (2) If so, what are the details of that employment, including the remuneration being paid?
- (3) What is the basis of the consultancy and when will it end?
- (4) If he is no longer employed, when did the consultancy begin and end?
- (5) What total payments were made to him or his firm?

Dr LAWRENCE replied:

As this information covers all Government agencies it will take some time to collate and I will reply to the member in writing in due course.

BURKE, PREMIER BRIAN - LITIGATION
Government Funds

554. Mr LEWIS to the Premier:

- (1) Will the Premier, in accordance with her undertaking in answer to question without notice 26 of 1990, inquire whether any Western Australian Government funds have been used to finance in part or whole any litigation for damages initiated to benefit former Premier Hon Brian Burke?
- (2) If yes to (1), when can the findings of such an inquiry be expected to be available and will such findings be made available to the House?

Dr LAWRENCE replied:

- (1) Yes.
- (2) As soon as the information is received it will be made available.

LAND - CANNING LOCATION 1073 RESERVE No 27598
Future Use Review

584. Mr MacKINNON to the Minister representing the Minister for Lands:

- (1) Has the Government's review of policy, as referred to in answer to question 326 of 1989, yet been completed?
- (2) If not, when is it likely this review will be completed?
- (3) Is the Minister aware that Canning location 1073 reserve No 27598 still remains vacant, idle land as a consequence of this review?
- (4) Will the Minister indicate when it is likely that a decision will be made with respect to this land?
- (5) If not, why not?

Mrs BEGGS replied:

- (1) No.
- (2) Recommendations have been forwarded to Cabinet.
- (3) Yes.
- (4)-(5)

A decision about Reserve No 27593 cannot be made until the outcome of Cabinet's deliberations is known.

STRATA TITLES ACT - AMENDMENTS

590. Mr MacKINNON to the Minister representing the Minister for Lands:

- (1) Is the Government proposing to amend the Strata Titles Act?

- (2) If so, when is it likely these amendments will be presented to the Parliament for consideration?

Mrs BEGGS replied:

- (1) Yes.
 (2) Autumn session 1991 in respect of proposals released for public comment in October 1989.

SWAN BREWERY SITE - HERITAGE LISTING

594. Mr HASSELL to the Minister for Aboriginal Affairs:

- (1) Does the Government support heritage listing by the Commonwealth of the old Swan Brewery?
 (2) Do Government plans for the site conflict with the intentions of listing?
 (3) Why is the Registrar of Aboriginal Sites now advertising, as in *The West Australian* of 12 May 1990, for submissions in relation to the site?
 (4) What are the Government's present plans for the site?

Dr LAWRENCE replied:

- (1) The Government is pleased to see the proposed entry of the Swan Brewery precinct in the Register of National Estate by the Australian Heritage Commission.
 (2) The Government is not aware of any conflict.
 (3) The advertisement referred to relates to the new submission by the Government for approval of the redevelopment works under section 18(2) of the Aboriginal Heritage Act.
 (4) The Government is awaiting the outcome of the new submission under the Aboriginal Heritage legislation and the litigation presently before the Supreme Court.

DAWESVILLE CUT - COST REDUCTION PROPOSALS

630. Mr NICHOLLS to the Minister for Transport:

- (1) What are the avenues which it is suggested the cost of the Dawesville Cut may be reduced?
 (2) What will be the cost to the Government under these proposals?
 (3) (a) When will a decision be made to start the project to construct the Cut;
 (b) if this decision has already been made, when will actual work start on the project?
 (4) How long will the project take to complete and what is the forecast cost?
 (5) Who will undertake the responsibility to oversee this project?
 (6) (a) Has a suggestion to build a large marina on the ocean side of the Cut been evaluated;
 (b) if so, what were the results of an evaluation?

Mrs BEGGS replied:

- (1)-(6)
 A detailed proposal, including funding options, is presently being prepared for consideration by Cabinet. An announcement will be made once a decision is reached by Cabinet.

HOMESWEST - MANDURAH

Home Construction and Design Tenders - Builder Response

632. Mr NICHOLLS to the Minister for Housing:

- (1) How many builders responded to the offer to tender to design and construct Homeswest homes in the Mandurah area, which was open during April 1990?

- (2) How many in (1) were Mandurah builders?
- (3) Is any effort made to allocate contracts to local firms, which stimulate the local economy through employment and purchases from local businesses?
- (4) How many Homeswest buildings have been built in the Mandurah area since 1985 and how many of these were built by a local builder?
- (5) Is any consideration given to the building awards won by a building firm or the standard of work demonstrated in recent times prior to submitting a tender?

Mrs HENDERSON replied:

- (1) 10 (select and construct, April 1990).
- (2) One.
- (3) Selection is made on the basis of price, design and aesthetics. The selection panel includes a representative from the HIA and the MBA. The Government's regional tender preference scheme applies.
- (4) (i) 214 units have been completed in the six financial years 1984-85 - 1989-90;
 (ii) Commencement of 90 units in the current financial year;
 (iii) 106 of the total of 304 units have gone to local builders.
- (5) See (3) above.

DAWESVILLE CUT - LAND ZONING

641. Mr NICHOLLS to the Minister representing the Minister for Planning:

- (1) What is the current zoning of land in the immediate area of the proposed Dawesville Cut?
- (2) (a) Has the Minister agreed to any rezoning of this land since 1 January 1990;
 (b) if so, to what zoning;
 (c) on what date?
- (3) What studies were done to identify the most desirable zonings surrounding this project?

Mrs BEGGS replied:

- (1) Current zoning of the land in the immediate area of the proposed Dawesville Cut is a mixture of the following:
 Rural (within overall planning area)
 Special Rural
 Tourist
 District Recreation/Local Recreation Reserve
 Landscape Protection Area
- (2) (a) The Minister for Planning has not agreed to any rezoning of this land since 1 January 1990.
 (b) Not applicable.
 (c) Not applicable.
- (3) No studies have been done to date to identify the most desirable zonings surrounding the project. At this stage only conceptual plans have been undertaken in the general area. There is the need to prepare structure plans for the area prior to any rezoning of the land and the Department of Planning and Urban Development is to have a lead or significant role in this regard.

MOTOR VEHICLE DEALERS ACT 1973 - AMENDMENTS

660. Mr TUBBY to the Minister for Consumer Affairs:

- (1) Does the Minister intend to amend the Motor Vehicle Dealers Act 1973 this year?
- (2) If so, can the Minister please list the areas to be covered by the amendments?
- (3) If not, can the Minister please indicate when this Act is likely to be amended?

Mrs HENDERSON replied:

- (1) Yes.
- (2) No. I am currently discussing these with industry representatives and other interested parties, and final decisions have not been reached.
- (3) Not applicable.

HYMAN, KIM - CASE OUTCOME

715. Mr HASSELL to the Minister representing the Attorney General:

What is the final outcome in relation to the Kim Hyman case?

Mr D.L. SMITH replied:

The Crown appeal against the verdict of acquittal by direction was dismissed by the Court of Criminal Appeal on 29 March 1990.

SOCIAL IMPACT UNIT - GOVERNMENT BODY

726. Mr LEWIS to the Minister representing the Minister for Resources:

- (1) Is there a Government body or agency known as the Social Impact Unit (SIU)?
- (2) When was the SIU formed?
- (3) To what Ministry is the SIU responsible?
- (4) If yes to (1) how many persons are employed in the SIU?
- (5) If yes to (1) what is the budgetary allocation appropriated to such a unit?
- (6) What is the purpose and/or function of the SIU?

Mr TAYLOR replied:

- (1) Yes.
- (2) June 1989.
- (3) The Minister for Resources.
- (4) Six full-time equivalents.
- (5) 1989-90 - \$500 000.
- (6) To ensure that development projects take account of their community impact.

COURT-HOUSES - ALBANY COURT-HOUSE

Functional and Security Deficiencies

727. Mr WATT to the Minister representing the Attorney General:

- (1) Is the Minister acquainted with problems relating to functional and security deficiencies in the Albany Court house?
- (2) Does the Government have a short or long term strategy to overcome the deficiencies?
- (3) If so, will the Minister provide details of proposed improvements together with costings and timing?

Mr D.L. SMITH replied:

- (1) Yes.
- (2) Possible solutions are still being assessed. In any event, any solution will have to be considered as part of the overall works program.

- (3) Not applicable.

**COMPANIES AND SECURITIES LEGISLATION - FEDERAL ATTORNEY
GENERAL**

New National Scheme Plan

730. Mr GRAYDEN to the Minister representing the Attorney General:

- (1) Has the Federal Attorney General, Mr Duffy, made available to the State Government full details of the plan for a new national company law scheme and also the proposed relevant legislation?
- (2) If so, when is it planned to release the details and also the proposed legislation?

Mr D.L. SMITH replied:

- (1) No. Details of a proposed new national company law scheme are the subject of ongoing negotiations between the Commonwealth, the States and the Northern Territory. The next round of negotiations is currently scheduled for 28 and 29 June 1990.
- (2) Not applicable.

BURSWOOD PROPERTY TRUST - UNIT SALE

Genting (WA) Pty Ltd- Victoria Co.

732. Mr MacKINNON to the Premier:

- (1) Can the Premier confirm that a sale has already been enacted between Genting International and the Japanese-owned Victoria Company whereby Victoria Co. has acquired 40 per cent of the units in the Burswood Property Trust from Genting, leaving Genting in possession of 10 per cent of the trust?
- (2) If yes, when did this sale take place and why was it not announced?
- (3) Did the Foreign Investment Review Board and the Minister for Racing and Gaming approve the sale?
- (4) Is the Premier aware that this means that the legal limit of 40 per cent foreign ownership in the trust is still being exceeded?

Dr LAWRENCE replied:

I refer the member to the statement to the House by the Minister for Racing and Gaming on 30 May 1990.

BURSWOOD CASINO - OWNERSHIP

Victoria Co

738. Mr MacKINNON to the Premier:

- (1) Does the Premier support the sale of 50 per cent of the Burswood Casino to the Japanese-owned Victoria Company?
- (2) Does the Premier stand by her public comments that she will not allow more than 50 per cent of the Casino to be owned by overseas interests?
- (3) Is the Premier aware of claims that according to the register of unit holders, there is already greater than 50 per cent foreign ownership of the Burswood Trust?
- (4) Has the Premier investigated these claims and, if so, what was the result of the Premier's investigations?
- (5) Why was the decision taken for the original 40 per cent foreign ownership limit to be exceeded?
- (6) Who made the decision to approve such an extension and when?

Dr LAWRENCE replied:

- (1) I support the decision by the Minister for Racing and Gaming to approve the sale of 50 per cent of the units in the Burswood Property Trust to Victoria Co Ltd.

- (2) In March I gave an assurance that neither Genting nor any other overseas investor would be given Government approval to accumulate a parcel of more than 50 per cent of Burswood Property Trust Units in issue. I stand by that assurance.
- (3) Yes.
- (4) I have been advised that the register of unit holders shows that several investors other than Genting who hold small numbers of units may fall within the definition of foreign person.
- (5) See answer to question on notice 717 (3).
- (6) The Minister responsible for the administration of the Casino (Burswood Island) Agreement Act: 1 November 1985.

DAWESVILLE CUT - ESTIMATED COST

Maintenance and Compensation

739. Mr MENSAROS to the Minister for Transport:

- (1) Does the estimated cost for the Dawesville cut include subsequent maintenance of waterways, bridges and inlet and outlet confluences of the waterways?
- (2) Does the cost include reasonable compensation to the many people who will be seriously inconvenienced during the construction period and the subsequent effects of the project?

Mrs BEGGS replied:

(1)-(2)

See answer to question 630.

DAWESVILLE CUT - ESTIMATED COST

Maintenance and Compensation

740. Mr MENSAROS to the Minister for Transport:

- (1) What is the presently estimated total cost of the Dawesville cut project?
- (2) During which financial years and in which parts of the budget will allowance be made for the total or part of these costs for Parliamentary appropriation?

Mrs BEGGS replied:

(1)-(2)

See answer to question 630.

LONGMORE REMAND CENTRE - PERMACULTURE GARDEN

744. Mr HASSELL to the Minister for Community Services:

- (1) Was a permaculture garden established at Longmore last year?
- (2) If so, when was it established?
- (3) At what cost?
- (4) Who maintains it?
- (5) What is the total cost of running it?
- (6) What is the total output from the garden and where does it go?

Mr D.L. SMITH replied:

(1) Yes.

(2) Completed January 1990.

(3) A total of \$8 940.55 of which \$4 814 64 provided through the Department for Community Services and \$4 125.91 through the Education Commission. A breakdown of costs is as follows -

Tools, equipment, soils etc,	\$4 206.32
Trees, plants etc,	\$1 140.63
Fencing and security	\$1 680.00
Professional fees	<u>\$1 913.60</u>
	<u>\$8 940.55</u>

- (4) Centre staff and selected detainees.
- (5) There are no direct costs.
- (6) The garden is immature and not yet producing.

SPENT CONVICTIONS ACT - PROCLAMATION

757. Mr SHAVE to the Minister for Justice:

When will the Spent Convictions Act be proclaimed by the Government?

Mr D.L. SMITH replied:

It is the Government's intention to proclaim the Spent Convictions Act as soon as administrative matters relating to the Act have been attended to. It is anticipated this will be before the end of the year.

**ABORIGINAL AFFAIRS - WESTERN AUSTRALIAN ABORIGINAL
CONSULTATIVE GROUP**
Annual Report

784. Dr TURNBULL to the Minister for Aboriginal Affairs:

With regard to the Western Australian Aboriginal Consultative Group -

- (a) where is the last annual report published;
- (b) what is the date of the last annual report;
- (c) is this committee subjected to periodic review;
- (d) what was the date of the last review;
- (e) on what date is the next review due to be held;
- (f) what is the date of the most recent audit;
- (g) who is the current chairperson of the committee;
- (h) on what date was the current chairperson appointed?

Dr LAWRENCE replied:

There is no body known as the Western Australia Aboriginal consultative group which comes under the jurisdiction of the Minister for Aboriginal Affairs.

PARLIAMENT HOUSE - COMMUNITY LUNCHEONS
Non Labor Members

786. Mr BRADSHAW to the Premier:

Adverting to question 712 of 1990 -

- (a) have any non Labor members of Parliament ever been invited to these luncheons;
- (b) if so, who were these members;
- (c) if no to (a), does the Premier agree this is no more than a vote buying exercise for the Labor Party at the taxpayers' expense?

Dr LAWRENCE replied:

I refer the member to the answers to questions 752 of 1988 and 1512 of 1989.

VICTIMS OF CRIME - ENGLAND AND WALES CHARTER

794. Mr MENSAROS to the Minister for Justice:

- (1) Is the Minister aware that the United Kingdom Government has recently

published a charter setting out the rights and entitlements of victims of crime in England and Wales?

- (2) Would the Minister follow this example with a similar publication in Western Australia, considering the high rate of crime affecting innocent victims?

Mr D.L. SMITH replied:

- (1) Yes.
- (2) The Government is currently considering a number of measures aimed at the rights and entitlements of victims of crime. A charter of victims' rights is one of the matters under consideration.

QUESTIONS WITHOUT NOTICE

AUSTRALIAN LABOR PARTY - \$3 000 DONATION *Solicitation Allegations*

117. Mr MacKINNON to the Premier:

- (1) Is the Premier aware that allegations have been made that the \$3 000 donation alleged to have been solicited for the Australian Labor Party in return for an interview with the former Deputy Premier David Parker was part of a general system in operation whereby interviews and influence were peddled for political and financial gain by the ALP and/or members of the ALP?
- (2) Can the Premier confirm that this was in fact the case?
- (3) If not, will she ensure that this allegation is part of the reference for inquiry made by the ALP to the official Corruption Commission?
- (4) If not, why not?

Dr LAWRENCE replied:

(1)-(4)

This is part of a very serious attempt by the Opposition to smear individual members of the ALP and the ALP itself. The State Secretary of the Labor Party has tried to put an end to this speculation, allegation and innuendo by himself - since no-one on the Opposition benches or any of those who purport to have this information has done anything - referring the matter to the Corruption Commission.

Mr MacKinnon: That is not true.

Dr LAWRENCE: I beg the Leader of the Opposition's pardon. It happened this morning, or late yesterday. The State Secretary of the Australian Labor Party referred to the Corruption Commission the allegations reported in the *Daily News* covering the type of allegation the Leader of the Opposition has made. I will not confirm that that was typical of the Labor Party, and if the Leader of the Opposition has any evidence of it he should refer it to the Corruption Commission.

GOVERNMENT EXPENDITURE - MARCH FIGURE INCREASE *State and Local Government Expenditure*

118. Mr READ to the Deputy Premier:

Is the Deputy Premier aware of the claims by the Commonwealth Government that the significant increase in Government expenditure reported for the March quarter of 1990 in the Australian Bureau of Statistics' national accounts publication was primarily the result of increases in State and local government expenditure?

Mr TAYLOR replied:

Yes, I am aware of the matters raised by the member for Murray. Having looked at what some of the Commonwealth Ministers had to say in relation to

those March figures, it seems to me that it is part of the posturing in which the Commonwealth Government indulges prior to every Premiers' Conference. I want to put on the record today the situation in those national accounts figures.

The Australian national accounts publication does not support the Commonwealth's claim that State and local government spending was a main contributor to the rise in the public sector component of the GDP. The data contained in the publication indicates that when comparing the 12 months to March 1990 with the previous 12 months, Commonwealth expenditure far outstripped that of State and local government sectors, and that conclusion is crystal clear, no matter how one looks at the data. Even those on the Opposition benches could probably understand this if they looked at the data.

In nominal, non-seasonally adjusted terms, the Commonwealth Government's final consumption expenditure grew by 13.7 per cent compared to growth of just 11.6 per cent in State and local government final consumption expenditure. The Commonwealth Government's gross fixed capital expenditure by public trading enterprises, which is the largest of the Government sectors, grew by a massive 65.8 per cent over the same period compared to growth in capital expenditure by State and local government local trading enterprises of just 10 per cent. Total Commonwealth general Government disbursements grew by 8.6 per cent compared to growth in the State and local government disbursements of 7.6 per cent. Similar trends are evident when analysis is carried out for the period between the March quarter of 1989 and the March quarter of 1990.

From this it becomes clear that the strong growth in expenditure from the public sector reported in the national accounts was due more to the Commonwealth than to State and local governments and does nothing for the Commonwealth's case for cutting State funding.

DIRECTOR GENERAL OF AGRICULTURE - APPOINTMENT

119. Mr HOUSE to the Minister for Agriculture:

- (1) Has the Minister announced the decision on the appointment of a Director General of Agriculture?
- (2) If yes, when and how did the Minister make the announcement?
- (3) If yes, has that decision been signed by the Governor and Premier in Executive Council?

Mr BRIDGE replied:

(1)-(3)

The answer is no; I have not made an official announcement about this appointment. The question from the deputy leader of the National Party disturbs me because he knows only too well that I conferred with him prior to considering the ultimate recommendation which I made to Cabinet. It would be a measure of decency for him to wait for Executive Council to receive the recommendation of Cabinet and for that to be ratified in the normal and official way, and then for me to be able to follow that up by making an official announcement publicly. That is where it is at the moment and I hope to be able to make an announcement fairly soon.

BUDGET - PARLIAMENTARY SCRUTINY

Streamlining Proposal Opposition

120. Mr RIPPER to the Leader of the House:

Is the Leader of the House aware of reports that the Opposition is opposed to the Government's attempts to streamline parliamentary scrutiny of the Budget through a committee system which would avoid members being subjected to tortuous debate on the Budget in this House into the early hours of the morning? If so, what is his response?

Mr PEARCE replied:

I am aware of the Opposition's opposition to this proposal, and I am amazed by it. When the Premier responded to a question without notice last week, a number of Opposition members, including the Opposition Whip and the Leader of the Opposition, sought the credit for this proposal themselves. The Leader of the Opposition said, "Members will recall that we wanted it 10 years ago."

Mr MacKinnon: Not a joint committee; a committee of this House.

Mr PEARCE: Wait a minute! I wish the Leader of the Opposition would keep his troops in line. I was stunned to read in the country edition of *The West Australian* yesterday - 4 June 1990 - that a Government bid to streamline parliamentary scrutiny had been thrown into doubt by the Liberal Party. The report said that opposition to the move had come from the Liberal MLC, Bob Pike, who feared it would lead to an erosion of upper House powers. The article went on to say that he wanted MLCs to refuse to disband the upper House committee or sit on the Government's proposed committee.

Mr MacKinnon: He was talking about MLCs.

Mr Taylor: He wants another committee system. Why waste taxpayers' money by putting in two different systems?

Mr PEARCE: I read Mr Pike as not wanting a lower House committee to deal with the Budget at all because he is fearful that any lower House committee or any joint committee will bury the setting up of a powerful upper House Estimates committee. Members opposite should remind their upper House colleagues that Budgets originate in the lower House.

Several members interjected.

The SPEAKER: Order! The House is beginning to deteriorate.

Mr PEARCE: There is a restraint upon any upper House committee in that it would have powers to call only three Ministers before it. The other place has no power to call before one of its committees any members of this House without the agreement of this House. That is why the Government suggested that it is in the interests of everyone to give members the opportunity to scrutinise the Budget by means of a joint committee. In due course we will introduce a sessional Standing Order to give the House an opportunity to make that judgment.

If members opposite are prepared to concur with the desires of their upper House colleagues to have the inspection of the Budget undertaken in the upper House, it rather gives the game away. It is the responsibility of members of this House to scrutinise the Budget because the Budget is fundamentally a creature of the lower House. Some of the constitutional improprieties members opposite are suggesting indicate an unfortunate level of opportunism which I thought had gone out of our political processes 15 years ago.

It seems to me a touch of constitutional uncertainty is evident in the minds of members of the Opposition about the way the Westminster system of Parliament operates. This is the House which produces the Budget and the House which determines the Government. I think it would be an important duty of the Leader of the Opposition to pull his upper House colleagues into line and to convince them that his lower House Liberal Party colleagues have a role to play in the scrutiny of the Budget and that they ought not throw away the opportunity to improve on the scrutiny the Government is proposing to give them.

SAMUEL, MR ROBERT - GRAYLANDS HOSPITAL

121. Mr HASSELL to the Minister for Health:

- (1) Has the Minister received a report on the placement of Mr Robert Samuel at Graylands Hospital and his walking out of that institution?

- (2) Is it correct that Mr Samuel was ordered to be detained at the Governor's pleasure?
- (3) Why was he not detained?
- (4) What "contract" was made between Mr Samuel and the hospital which gave him access to open wards and the capacity to walk out of the hospital at will?
- (5) Will the Minister table a copy of the "contract"?
- (6) What action has the Minister taken -
 - (a) in relation to this case;
 - (b) in relation to similar cases.
- (7) How many other mentally ill persons charged with crimes of violence against the person were "detained" at Graylands on -
 - (a) 15 May 1990;
 - (b) at the commencement of last week?

Mr WILSON replied:

I thank the member for some notice of the question.

- (1) I have received a preliminary report and I am awaiting a more detailed report.
- (2) It is correct that the person referred to was ordered to be detained at the Governor's pleasure.
- (3) In my view and on the basis of the report I have so far received he was not detained due to a serious error of judgment on the part of the Graylands Hospital medical administration.

(4)-(5)

I table the document.

[See paper No 313.]

- (6) In relation to this case and similar cases I have directed that no mentally ill offender will be detained outside the current secure facilities without the expressed approval of the Commissioner of Health.
- (7) On both dates, seven other patients.

HOME AND CONTENTS INSURANCE - PERTH AND PORT HEDLAND SURVEY

122. Mr GRAHAM to the Minister for Consumer Affairs:

- (1) Has a survey been conducted to compare the cost of home and contents insurance in Perth and Port Hedland?
- (2) Can the Minister comment on the results of the survey?

Mrs HENDERSON replied:

(1)-(2)

I thank the member for the question. A number of consumers have expressed concern to me about the cost of home insurance in the north west of our State. In particular the member for Pilbara has raised this matter with me on a number of occasions. As a result, I requested the Ministry of Consumer Affairs to conduct a survey. The ministry contacted 17 insurance companies which offer both home insurance and home contents insurance across the State. Of the 17, only 12 were prepared to provide cover in the north west, and particularly in Port Hedland, unless the family was moving from Perth and had previously been a client of the company. Of the 12 which provided insurance, 11 charged a much higher premium for Port Hedland than Perth. In comparing Perth and Port Hedland recognition was made of the difference in the cost of housing - which everyone knows about - between Perth and Port Hedland.

Mr Trenorden: What about cyclones?

Mrs HENDERSON: As I mentioned, a factor was built into this comparison to take into account the differences in building costs and the difference in risk.

For home insurance the average difference between Perth and Port Hedland ranged between \$200 and \$391 more per house per annum. However, the range is interesting: CIC Insurance Ltd quoted \$32.10 more to insure in Port Hedland than in Perth, while HBF Insurance Pty Ltd quoted \$425 more to insure in Port Hedland, a difference for its customers of 328 per cent. One insurance company - National & General Insurance Co Ltd - quoted less to insure a house in Port Hedland than in Perth. A similar survey was conducted for the contents insurance of houses. The cheapest difference in the quotes provided was \$69 more in Port Hedland than Perth, provided by HBF, while the most expensive was \$696, provided by FAI General Insurance Co for the same contents - that is, \$54 000-worth of contents.

I think this shows clearly to consumers living in the north west the importance of shopping around to obtain at least three quotes from different insurance companies. There is a very big range in the premiums offered in the north west for both home insurance and home and contents insurance.

Mr Watt: Can you tell me whether they both have the same fire brigade district charges levied against them?

Mrs HENDERSON: The department looked specifically at the insurance costs; it did not consider that aspect of insurance costs.

WA INC - \$300 MILLION LIABILITY

123. Mr STRICKLAND to the Premier:

- (1) Does the Premier recall my question 17 of 2 May, wherein I asked whether she was prepared to provide information for scrutiny on details which led the Premier to total WA Inc liabilities at \$300 million and details of the announced five year financial plan to manage recovery of those losses?
- (2) Does the Premier recall indicating as part of her answer "We will give him precise information", and "It is a simple matter and I am prepared to do it"?
- (3) Is the Premier aware of my written question on notice of 10 May which is couched in similar terms?
- (4) Is the Premier aware of my further requests for information made in this House during my speech on an amendment to the Address-in-Reply on 29 May wherein I also indicated that the Premier had been quoted in *The Australian* of 19 April as saying -

Confidence in our Government can only be achieved if the Government is open and honest in its activities. People should be able to inspect and evaluate Government in operation.

- (5) As it is five weeks since I asked my original question, when will the Premier provide the information?

Dr LAWRENCE replied:

(1)-(5)

With the reminder of the date, I recall the undertaking. The information is being put together. Most of it is on the public record but the Government is doing the member the courtesy of providing a very comprehensive reply. A simple answer would have been to refer the member to the documents already in the public arena. However, the Government felt the member was owed the courtesy of a more comprehensive reply, and that will be available within the week.

LOCAL GOVERNMENT ELECTIONS - COMPULSORY VOTING

Bassendean Ratepayers Association

124. Mr DONOVAN to the Minister for Local Government:

- (1) Is the Minister aware of a letter sent to the ratepayers of Bassendean from the executive of the Bassendean Ratepayers Association, inviting their response to the question of compulsory voting in local government elections?
- (2) What is the Minister's response to this invitation?
- (3) What is his response to the BRA's concern that compulsory voting will introduce party politics to local government?

Mr GORDON HILL replied:

(1)-(3)

I thank the member for that question because it gives me the opportunity to acknowledge the interest of the Bassendean Ratepayers Association in this issue and to commend it for its action in seeking community input into the discussion paper on compulsory voting for local government. I trust the Bassendean Ratepayers Association will circulate its letter much more widely to members of the community in general rather than to just the paid up members of that association. Ultimately the feedback the association provides will be on the basis of a wide range of opinions within the community and not just a select group.

I am sure that as the member for Morley has taken a particular interest in the matter, he will be communicating with the Bassendean Ratepayers Association. I congratulate the association for seeking the views of ratepayers within the community. I support that approach, and I urge members of the public - not just within local Government - to provide submissions regarding the chapter papers which have been issued so far. Regarding the issue of compulsory voting bringing party politics into local Government, it could be said that a fair amount of party politics is already involved in some local government areas of Western Australia.

Several members interjected.

Mr GORDON HILL: It is interesting to hear the response from members opposite as I was not able to determine any single interjection from the Opposition benches; it was a gaggle of interjections. It is appropriate that members of the Opposition should feel a little sensitive about the issue because, generally speaking, surveys over the years have indicated that members of the conservative parties in Western Australia -

Mr Kierath interjected.

Mr GORDON HILL: The member for Riverton should speak! He has served on local government; did he declare his party political allegiance when he stood for local government? I dare say that none of the members opposite declared their party political allegiances when they stood for local government. If compulsory voting has the effect of exposing publicly in an honest way what has occurred in recent times - and is still occurring - I would commend the move. This issue is one of a number of issues raised by way of a series of discussion papers, one of which was released today. I congratulate the Bassendean Ratepayers Association and the other organisations which are seeking public opinion on these matters.

MT LESUEUR NATIONAL PARK - GOVERNMENT DECISION

125. Mr COWAN to the Minister for the Environment:

When will the Government make a decision on the proposed Mt Lesueur National Park, and when will this decision be made public?

Mr PEARCE replied:

The Government has set itself a time line of making all decisions regarding

Mt Lesueur in September; that involves the proposed national park, coal mine and power station.

INDUSTRIAL PARKS - CENTRAL WEST REGION

No Funding

126. Mr LEAHY to the Minister for Regional Development:

Would the Minister please explain why no funding has been made available to establish industrial parks in the central west region?

Mrs BUCHANAN replied:

I thank the member for the opportunity to clear up some of the misinformation which has been distributed by the Opposition on this matter. The Avon Development Foundation was formed by representatives of 10 municipalities in the region towards the end of last year. At the beginning of this year the Treasurer was approached by the foundation for funding to buy land for a non-residential industrial park at Meenaar near York. The Government has offered to include the site in its study of possible heavy industry locations in the Northam area. I understand that a report will be completed by August 1990. The foundation has been advised to use the data from the study to determine how much land should be bought, to identify the infrastructure costs of developing a park, to undertake a financial evaluation of the park, to obtain commitments to participating shires and to detail the tenants or industries committed to using the facilities.

I remind members opposite that in the recent local government elections, the vast majority of electors in the York Shire rejected by referendum the proposal of the shire supporting the project. If locals, who would presumably benefit from enterprise opportunities, do not want to support the project in its present form, the Government will wait for a much firmer proposal to consider before committing \$1 million of taxpayers' money to the project. Some funding was provided in the form of a feasibility study of the site, which will provide the data for the foundation to firm up its proposal for further consideration. I hope that Opposition members, particularly the member for Avon, will assist constituents in this process rather than put up obstacles in the form of extremely emotive misinformation and blatant politicking.

FRANKING MACHINES - MINISTER FOR THE ENVIRONMENT

Criminal Investigation Bureau Inquiry

127. Mr LEWIS to the Premier:

In view of the Premier's answer to my question 98 on Wednesday, 30 May to the effect that she will follow up the question as to whether the Criminal Investigation Bureau is still investigating the Minister for the Environment about the misuse of a Government franking machine in his office, I ask -

- (1) Has she followed up her undertaking to establish whether investigations are continuing?
- (2) If she has, will she advise whether the Minister is still under investigation?
- (3) If the Minister is still being investigated, will she stand him down from his ministerial duties in the interim while the investigation is being concluded?

Dr LAWRENCE replied:

(1)-(3)

I believe that is the fourth or fifth separate occasion on which -

Mr Lewis: Answer the question!

Dr LAWRENCE: I will not answer the question because it is quite improper to do so in the terms asked by the member. The implication of this question, and

others like it, is that if we say X is so, it is so. From this point of view, that is never true. If members opposite make an allegation of that kind, either about the Minister for the Environment, about a so-called bagman in the Labor Party or about former Premiers or Ministers, they are beholden to make a firm allegation and to act upon it.

Mr MacKinnon: The allegation is totally specific!

Dr LAWRENCE: My understanding is that the matter to which the member referred is still being investigated, but the Minister for the Environment is not part of those investigations. Does that answer the member's question? The question was asked and I have answered it. This question is one of many in which the Leader of the Opposition and members opposite have sought to raise -

Mr MacKinnon: You only found the answer out from the Minister for the Environment about 30 seconds ago.

Dr LAWRENCE: No, his lips did not move.

Members opposite, as they have done many times in the past, come into this House to smear members of the House, and people outside the House, by way of questions with and without notice to imply that members of this Government are corrupt, or that members of this Government have certain things to hide. I note, for instance, that a question on notice from a member opposite seeks to implicate my entire family. Before answering that question I would want the member who asked the question to supply what a definition of "my family" is. Does the member's definition include my brothers, sisters, brothers-in-law, sisters-in-law, cousins and second cousins? I will be happy to provide a dossier a foot thick if that is the case! This is typical of what is coming from the Opposition; it is smear and innuendo from improper motives on its behalf.

The SPEAKER: Order! Before I leave the Chair, I draw members' attention to a concern I have; that is that a member's family is being implicated. This can only be done by way of substantive motion in this House. I am concerned for every member's family and I have a real desire to cut out the sort of question to which I refer. I have not seen the question, but I hope to do so over the dinner suspension. If the question does what has been stated, I will strike it out.
